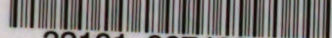

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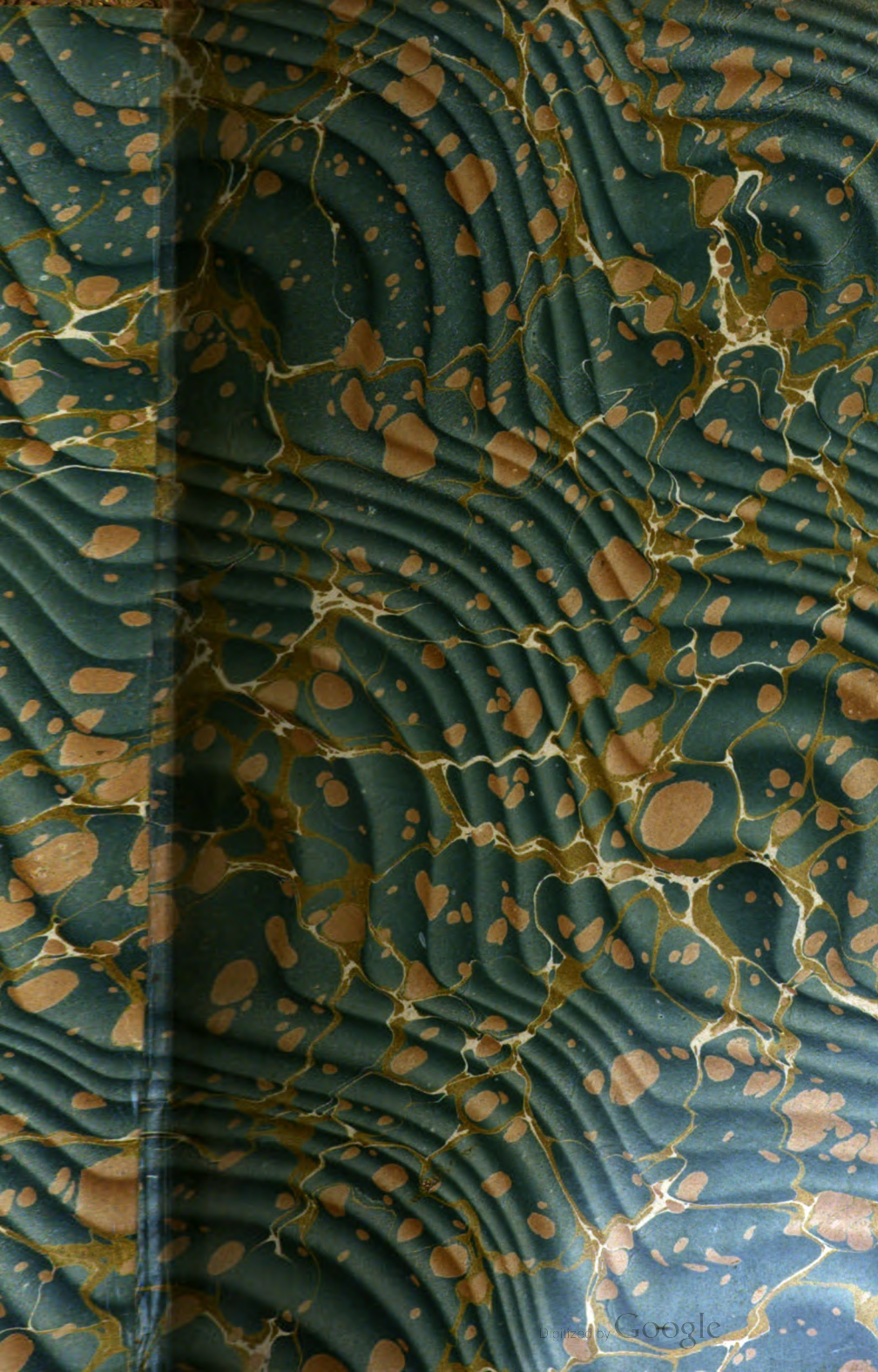


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THE LIFE
OF
LORD CHANCELLOR HARDWICKE.

VOLUME III.

Grosvenor Sq. Nov^r: 20, 1759.

Dear Sir,

The Duke of Newcastle has just now inform'd me of the very kind part, which you were pleas'd to take at the Meeting last night so agreeable to the obliging Professions, which you did me the honour to make on Sunday. I cannot delay one moment to return you my most hearty Thanks for all the Goodness you have shewn, & all Trouble you have taken on this Occasion. Be assur'd that the justest Impressions of them will ever remain upon my mind.

I am always, with the greatest
truth & respect,

Dear Sir,

Your most obliged & most
obedient humble Servant
Hardwicke

THE LIFE
OF
LORD CHANCELLOR HARDWICKE;

WITH SELECTIONS

FROM HIS

CORRESPONDENCE, DIARIES, SPEECHES, AND JUDGMENTS.

BY

GEORGE HARRIS, ESQ.,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

"If you wish to employ your abilities in writing the life of a truly great and wonderful man in our profession, take the Life of Lord Hardwicke for your object; he was, indeed, a wonderful character—he became Chief-Justice of England, and Chancellor, from his own abilities and virtues."

LORD MANSFIELD.

IN THREE VOLUMES.

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THE LIFE

OF

LORD CHANCELLOR HARDWICKE.

CHAPTER XII.

1754—1756.

HIGH POSITION OF LORD CHANCELLOR HARDWICKE—CORRESPONDENCE WITH MR. PITT—LEGAL PROMOTIONS—DEDICATION OF WARBURTON'S DIVINE LEGATION TO THE CHANCELLOR—TESTIMONIAL FROM THE CITY OF EDINBURGH—LORD HARDWICKE'S CONFERENCES WITH MR. PITT, AND PROMOTION OF MR. FOX—DONATION TO DR. LELAND—ARCHBISHOP HERRING AND THE CHANCELLOR—DEBATE ON FOREIGN TREATIES AND ON MILITIA BILL—DEATH OF LORD CHIEF JUSTICE RYDER—SUCCEEDED BY MR. MURRAY, WHO IS CREATED LORD MANSFIELD—RETIREMENT OF MR. FOX—THE CHANCELLOR'S CONFERENCES WITH MR. PITT—RESIGNATION OF LORD CHANCELLOR HARDWICKE—TESTIMONY TO HIS MERITS AS CHANCELLOR—JUDICIAL ARRANGEMENTS—JUDGMENTS OF LORD CHANCELLOR HARDWICKE IN ATT.-GEN. AND HARROW SCHOOL—MOURSE AND SHREBBEARE—JOURNAL BY LORD CHANCELLOR HARDWICKE OF HIS DELIVERING UP THE GREAT SEAL.

LORD CHANCELLOR HARDWICKE had now attained the highest position to which he could aspire, and to which his great professional renown, his extensive and unsullied reputation, and the long period of his services to the state,—the value of which his country had recently acknowledged in the new honours conferred upon him,—
4 alike contributed to raise him. Not that the earldom

added to his influence in the House of Lords, or to his authority on the bench, because these had before been rendered paramount by the exalted wisdom and profound learning which all acknowledged him to possess ; but he was now the main support on which the administration relied ; the acknowledged adviser of the prime minister in each measure of importance, and the counsellor to whom the Sovereign resorted in every case of emergency. On the Earl of Hardwicke had devolved the arduous task of reconstructing the government, on the calamitous death of Mr. Pelham ; and for a short interval the Chancellor was the only responsible and acting minister of the Crown. Lord Hardwicke's station was therefore one to which few great lawyers have ever aspired, and beyond which no great public man has ever yet reached. Revered by his Sovereign for his talents and virtues, which had also rendered his name respected throughout the world, he was no less esteemed and beloved by the nation. He was at once the presiding spirit in the councils of his country, and the statesman of most commanding influence in its first judicial and legislative assembly ; the oracle of the profession he so eminently adorned, and the admiration of that select circle of tried and attached friends, to whom alone all his private excellencies, which vied with his more popular qualities, could be fully known.

During the negotiations that were in progress respecting the carrying on the government after Mr. Pelham's death, Mr. Pitt addressed a letter to his friend Sir George Lyttelton, in which his opinion of the wisdom and abilities of Lord Chancellor Hardwicke is fully evinced, by the following passages in that letter.

“ I beg you will be so good to assure my Lord Chancellor, in my name, of my most humble services and many very grateful acknow-

ledgments for his lordship's obliging wishes for my health.
 I can safely trust to my Lord Chancellor's wisdom, authority, and firmness, in conjunction with the Duke of Newcastle's great weight and abilities, as soon as his Grace can recover into action again. I can never sufficiently express the high sense I have of the great honour of my Lord Chancellor's much too favourable opinion of his humble servant." *

The character which Mr. Pitt gives of Lord Hardwicke, in another letter to Sir George Lyttelton, is deserving of attention.

" Bath, March 24th, 1754.†

" DEAR LYTTELTON,—Being much tired with long deliberation, and writing a very long letter to the Duke of Newcastle, as well as unfit to write much to-day, from a restless night, by the late arrival of your packet, and the effect of Bath waters, I shall say but a few words. I desire you will say all you suppose I feel towards the Chancellor, as when I tell you I think him sincere in his professions, and reverence his wisdom before any man's. The Duke of Newcastle, I don't charge with insincerity intentionable, or want of good will; but I impute all that's wrong there, to an influence that overrules his mind, of which we shall discourse more largely when we meet.

" Your ever affectionate,

" W. PITT."

In the postscript to this letter, Mr. Pitt says :

" I really honour and respect the Chancellor, and think him a great resource in these times."

The following letter was addressed to the Chancellor, by Sir George Lyttelton; the date indorsed on it by Lord Hardwicke is " Mar. 23rd, 1754."

" Saturday Afternoon.‡

" MY LORD,—I waited on your lordship this morning, both to inquire after your health, and to let you know that Mr. Pitt, though otherwise well, is still so lame

* Phillimore's Life and Correspondence of Lord Lyttelton. † Ibid.

‡ Hardwicke MSS., Wimpole.

that he fears he can't be in town this week or ten days. I gave him the most faithful account that I could of what your lordship had said to me upon the sight of his letter, by an express which I sent to him this morning ; but, if your lordship had leisure to write to him yourself, and thought proper to do it upon this delay of his coming to town, I believe he would feel it as a very great favour.

“ I hear, from good hands, that Mr. Fox says he wishes to serve with and *under* Mr. Pitt ; I wish to have Mr. Pitt serve with and under your lordship. Pardon me, therefore, if, knowing as I do, that he would not be insensible to any mark of regard from your lordship, I press your writing to him upon this occasion. The Duke of Newcastle, whom I saw for a moment this morning, has promised me that he will write soon. If he sends his letter by express, perhaps your lordship may send one at the same time : but I mention it only as my own wish, and with entire submission to your lordship's judgment.

“ I am sorry to hear that the return of cold weather made your cough so troublesome to you last night. Your lordship can't take too much care of your health : the publick is always very greatly concerned in it, and can hardly be more so than at this crisis. One of the pillars of our common weal has been thrown down : I pray God to preserve and strengthen the other.

“ Permit me to repeat the expressions of gratitude and attachment to your lordship, which very sincerely broke from my heart in our last conversation ; and believe that I am, with the highest veneration,

“ My lord,

“ Your lordship's most obliged

“ And most obedient humble servant,

“ G. LYTTELTON.”

The first of the letters addressed by Mr. Pitt to Sir George Lyttelton was shown by him to the Earl of Hardwicke; on which the Chancellor, as desired, wrote to Mr. Pitt, which he did at great length, describing fully the confusion which ensued in the cabinet on Mr. Pelham's death, his own part in the negotiations that followed, the conduct of the King, the circumstances which led to the appointment of the new Premier, and Lord Hardwicke's views and wishes with regard to the great statesman he was addressing, whose commanding eloquence, and leading influence in the House of Commons, rendered his support of the ministry at this period a matter of the first importance. Lord Hardwicke's letter is as follows :—

“*Powis House, 2nd April, 1754.**”

“SIR,—After having read your letter to Sir George Lyttelton, which he was pleased to show me, I take shame to myself for having omitted so long to do myself the honour of writing to you. But I must own, (besides the pain of leaning down to write during the violence of my cough), another kind of shame has, in part, restrained me from it; for I blush even when I refer to that letter. I am penetrated with the goodness which it breathes for me; but that goodness carried you to say some things which, as I am sensible I neither do, nor ever can deserve, I dare not take to myself. Besides this, I have lived in such continual hurry ever since the day of our great misfortune, Mr. Pelham's death,—

“*Ille dies quem semper acerbum,
Semper honoratum (sic Diī voluistis,) habebo,—*”

that I have had no time for correspondence.

“The general confusion called upon somebody to step forth, and the Duke of Newcastle's overwhelming affliction and necessary confinement threw it upon me. I was a kind of minister *ab aratro*, I mean the chancery plough, and am not displeased to be returned to it, laborious as it is to hold. I never saw the King under such deep concern since the Queen's death. His Majesty seemed to be unresolved; professed to

* Hardwicke MSS., Wimpole; Phillimore's Life and Correspondence of Lord Lyttelton.

have no favourite for the important employment vacant ; and declared that he would be advised by his Cabinet Council, with the Duke of Devonshire added to them ; and yet I could plainly discern a latent prepossession in favour of a certain person, who, within a few hours after Mr. Pelham's death, had made strong advances to the Duke of Newcastle and myself. I gained no further ground for four days, and remained in a state of the utmost anxiety, as well for the King's dignity as for the event.

"To poll in a Cabinet Council for his first minister, which should only be decided in his closet, I could by no means digest ; and yet I saw danger in attempting to drive it to a *personal* determination. My great objects were to support the system of which Mr. Pelham had been in a great measure at the head ; by that means to preserve and cement the Whig party, and to secure the election of a new Parliament upon the plan he had left, though unfinished ; which I inculcated to be the *immediate* fundamental object. This I stuck close to, as I saw it carried the greatest force ; and I took advantage of the King's earnestness for a good House of Commons, to show him the necessity of fortifying his interest there, not only by numbers, but by weight and abilities.

"Under this head it might have the appearance of something which I would avoid being suspected of, if I told you all I said of particular persons. I was not wanting to do justice to true merit, nor backward to show him how real strength might be acquired. Some way I made, though not all I wished ; and I threw out intimations that, upon this occasion, openings would be made in very considerable employments, in which some of those I named should be regarded. I sincerely, and without affectation wish that it had been possible for you to have heard all that I presumed to say on this subject. I know you are so reasonable, and have so much consideration for your friends (amongst whom I am ambitious to be numbered) that you would have been convinced *some impression* was made, and that in the circumstances then existing, it could not have been pushed further without the utmost hazard.

"It would be superfluous and vain in me to say to you, what you know so much better than I, that there are certain things which ministers cannot do directly ; and that in political arrangements, prudence often dictates to submit to the *minus malum*, and to leave it to time and incidents, and perhaps to ill-judging opponents to help forward the rest. Permit me to think that has remarkably happened even in the case before us. An ill-judged demand of extraordinary powers, beyond what were at last in the royal view, has, in my opinion, helped to mend the

first plan, and to leave a greater facility to make use of opportunities still to improve it. This situation, with the Duke of Newcastle, (whose friendship and attachment to you are undoubted and avowed,) placed at the head of the treasury, and in the first rank of power, affords a much more promising prospect than the most sanguine dared to hope when the fatal blow was first given.

"It gave me much concern to find by your letter to the Duke of Newcastle, which his Grace did me the honour to communicate to me in confidence, that you are under apprehension of *some neglect on this decisive occasion*. At some part of what you say I do not wonder. I sincerely feel too much for you, not to have the strongest sensibility of it; but I give you my honour there was no *neglect*. I exerted my utmost, in concurrence with, and under the instruction of the Duke of Newcastle, whose zeal in this point is equal to your warmest wishes. That an *impression* was made to a certain degree, I think appears in the instances of some of your best friends, Sir G. Lyttelton, and Mr. G. Grenville, upon whom you generally and justly lay great weight. I agree that this falls short of the mark; but it gives encouragement. It is more than a *colour for acquiescence* in the eyes of the world; it is a demonstration of fact. No ground arises from hence to think of *retirement, rather than for courts and business*. We have all of us our hours wherein we wish for those *otia tuta*; and I have mine frequently, but I have that opinion of your wisdom, of your concern for the public, of your regard and affection for your friends, that I will not suffer myself to doubt that you will continue to take an active part. There never was a fairer field in the House of Commons for such abilities, and I flatter myself that the exertions of them will complete what is now left imperfect.

"I need only add to this my best wishes for the entire re-establishment of your health. Those wishes are as cordial as the assurances which, with the utmost sincerity and respect, I now give you, that I am always, Sir,

"Your most obedient, most faithful and most humble servant,
"HARDWICKE."

The following is Mr. Pitt's reply to Lord Chancellor Hardwicke. He avows himself very grateful for the part which the Chancellor had taken on this occasion; and pointedly alludes to the strong and fixed displeasure against him which the King was believed at this time

to entertain; and about which he expresses himself with a feeling of sensibility and disappointment, to which an observer of his general career and mode of action might have supposed him to have risen superior. The opinion which Mr. Pitt declares of the characteristic qualities and powers of the statesmen newly appointed to office, will be read with interest.

*“ Bath, April 6th, 1754.**

“ MY LORD,—No man ever felt an honour more deeply than I do that of your lordship’s letter. Your great goodness in taking the trouble to write, amidst your perpetual and important business, and the very condescending and infinitely obliging terms in which your lordship is pleased to express yourself, could not fail to make impressions of the most sensible kind. I am not only unable to find words to convey my gratitude, but I am much more distressed to find any means of deserving the smallest part of your lordship’s very kind attention and indulgence to a sensibility carried, perhaps, beyond what the cause will justify in the eye of superior and true wisdom. I venerate so sincerely that judgment, that I shall have the additional unhappiness of standing self-condemned, if my reasons already laid before your lordship continue to appear insufficient to determine me to inaction. I cannot, without much shame, so abuse your lordship’s indulgence, as to go back, but for a moment, into an unworthy subject that has already caused you too much trouble, and which must unavoidably be filled with abundance of indecent egotism. But permit me to assure your lordship, in the first place, that far from having a doubt remaining on my mind, that more might have been done in my favour on this occasion, I think myself greatly indebted to your lordship’s goodness, and will ever gratefully acknowledge the kind efforts you were pleased to make to remove impressions that have entered so deep; but I hope your lordship will not think me unreasonable if I conclude, from the inefficacy of these efforts in such a want of subjects to carry on the king’s business in parliament, and under his Majesty’s strong sense of that want, that these impressions are immovable.

“ Your lordship is pleased kindly to say that some way is made, and that some future occasion may be more favourable for me. I am not able to conceive any such occasion possible. God forbid, the wants of

* Hardwicke MSS., Wimpole; Phillimore’s *Life and Correspondence of Lord Lyttelton*.

his Majesty's government should ever become more urgent! Such an unhappy distress can only arise from an event so fatal to this country, and which must deprive me of one of the two great protectors, whose friendship constitutes the only honour of my public life, that I will not carry my views or reasonings forward to that melancholy day. I might likewise add, (I conceive not unreasonably), that every acquiescence to his Majesty's negative, (necessary as I am convinced it was to acquiesce,) must confirm and render more insurmountable the resolution taken for my perpetual exclusion.

"This, I confess, continues to be strongly my view of my situation. It is very kind and generous in your lordship to suggest a ray of distant, general hope to a man you see despairing, and to turn his view forward from the present scene to the future. But, my lord, after having set out under suggestions of this general hope ten years ago, and bearing long a load of obloquy for supporting the King's measures, and never obtaining in recompense the smallest remission of that displeasure I vainly laboured to soften, all ardour for public business is really extinguished in my mind, and I am totally deprived of all consideration by which alone I could have been of any use. The weight of irremovable royal displeasure is a load too great to move under; it must crush any man; it has sunk and broke me. I succumb, and wish for nothing but a decent and innocent retreat, wherein I may no longer, by continuing in the public stream of promotion, for ever stick fast aground, and afford to the world the ridiculous spectacle of being passed by every boat that navigates the same river. To speak without a figure, I will presume upon your lordship's great goodness to me, to tell my utmost wish:—it is, that a retreat, not void of advantage, or derogatory to the rank of the office I hold, might, as soon as practicable, be opened to me. In this view, I take the liberty to recommend myself to your lordship's friendship as I have done to the Duke of Newcastle's. Out of his Grace's immediate province accommodations of this kind rise, and to your joint protection, and to that only, I wish to owe the future satisfaction of my life.

"I see, with the greatest pleasure, the regard that has been had to Sir George Lyttelton and Mr. G. Grenville. Every good done to them will be, at all times, as done to me. I am at the same time persuaded that nothing could be more advantageous to the system. Sir G. Lyttelton has great abilities for set debates and solemn questions; Mr. Grenville is universally able in the whole business of the house, and, after Mr. Murray and Mr. Fox, is certainly one of the very best parliament-men in the house.

"I am now, my lord, to ask a thousand most humble pardons of your lordship, for the length, and, I fear, still more, for the matter, of this letter. If I am not quite unreasonable in a trying situation, your lordship's equity and candour will acquit me; if I am so unfortunate as to appear otherwise to a judgment I revere, I hope humanity and generosity will pardon failings of which I am not quite master, and that I trust do not flow from any bad principle. Sure I am they never shall shake my unalterable and warm good wishes for the quiet and security of government. I rejoice in your lordship's recovery from your late indisposition, and am, my lord, &c.

"W. PITT."

The extract which follows from a letter of the Duke of Newcastle to Mr. Pitt, dated April 2nd, 1754, shows the entire confidence which he reposed in, and the unabated regard which he had for Lord Hardwicke:—

"My Lord Chancellor, with whom I do everything, and without whom I do nothing, has had a most material hand in all these arrangements. He sees and knows the truth of what I write, and he judges as I do, that no other method but this could have been followed with any prospect of success."*

While the negotiations were in progress for the re-arrangement of the ministry, Lord Chancellor Hardwicke's old friend, Lord Chief Justice Lee, died. He was of great eminence as a lawyer, and much regretted by the profession, as well as by his personal friends. The Attorney-General, Sir Dudley Ryder, was promoted to the Chief Justiceship, and the Solicitor-General, Mr. Murray, made Attorney-General. Sir Richard Lloyd was selected as the new Solicitor-General.

Another death of a person filling a high judicial office, and who was closely connected by the ties of friendship with Lord Chancellor Hardwicke, occurred soon after that of Lord Chief Justice Lee. Sir John Strange, Master of the Rolls, died during the month of May;

* Chatham Correspondence.

and the following letter from the Duke of Newcastle to Lord Chancellor Hardwicke, relating to the anticipated professional changes consequent on this event, will be found interesting to the professional reader, from the allusions it contains to the capacities for office of the different rising men at the bar at that time, some of whom eventually attained the highest professional honours.

No copy of the Chancellor's letter to the Duke of Newcastle is among Lord Hardwicke's papers; but the contents of it may be learnt from the references made to it in that of the Duke.

*Clermont, Saturday, one o'clock.**

“MY DEAR LORD,—I have the honour of your lordship's letter, & am most truly concerned for poor S^r John Strange, whom I honoured & loved extreamly for his many excellent publick qualities, & most amiable private ones. I scarce know any man, with whom I had so little acquaintance, that I should more regret.

“I am much obliged to you for your laying your thoughts before me in so kind & full a manner. There is every consideration which can come in question upon this occasion, stated in the plainest & most impartial light. To be sure it should be offered to the Attorney-General. Common justice & proper regard require it, & therefore I hope y^r lordship will sound him upon it, *this evening*. I shall take no notice to him of it, directly or *indirectly*. It is fit that your lordship sho^d have the whole transaction of this affair, & I shall approve whatever you do in it, as he likes best; I cannot at all guess what he would do. For the King's service, it is, I think to be wished that he should remain where he is; but, as his health is not quite good, & this

* Hardwicke MSS., Wimpole.

is a very honourable station, consistent with his seat, figure, & use in the House of Commons, I cannot pretend to judge what he will do.

“ If he sho^d accept it, it will be difficult to replace him; I am free now to declare that, in my opinion, S^r Richard Lloyd’s character will not support him as Attorney-General, so that it must be either Mr. Clarke, Mr. Noel, or Mr. Henley, for Charles, to be sure, you would not think of at first. If the Attorney-General don’t take it, I should think the gradation observed in your letter extreamly right; Mr. Clarke would, I suppose, make a very good one; S^r R. Lloyd a very improper one. There can be no objection to Mr. Clarke, except as you say, that it makes no way. I own I should not dislike the scheme of Noel to be Master of the Rolls, Sir R. Lloyd Chief Justice of Chester, & Charles, Solicitor. But Sir Richard, I am afraid, would never take the Ch. Justice of Chester, as I doubt the circuits would be incompatible with his views of the chair. Upon the whole, I think you must speak to the King upon it to-morrow. I fancy the King would have no great objection to making either Noel or Henley; but in that case, a very deserving man, Mr. Clarke, is put by in a court where he is greatly before either of them. . . . In all events, I am sure you will take care that the Attorney-General should have all the respect, friendship, & affection showed to him possible; & upon that dependence I shall write nothing to him, or to anybody for him, but leave this whole affair (as it ought to be) to be conducted by yourself only. I should be glad you would send me a line hither to-morrow after court, to let me know what passes in the closet; & you would oblige me to let me have a line by the post this evening, with a short account of what shall pass with the At-

torney-General. Your lordship sees, by the contents of this letter, how much I think with you, & I am truly sensible of your constant goodness to me, by your cordial & confidential communications upon all occasions.

“ I am, my dearest lord,

“ Ever & unalterably yours,

“ HOLLES NEWCASTLE.”

As might be anticipated, the Attorney-General, Mr. Murray, refused to accept the Mastership of the Rolls, which the Solicitor-General also declined unexpectedly. The former, had, indeed, been long waiting for promotion, having, until lately, been Solicitor-General ever since November in the year 1742; and it must have been somewhat mortifying to him to see the Chief Justiceship of the King's Bench filled by his immediate superior in station, who had every prospect of holding it for a lengthened period. It was probably, therefore, now Mr. Murray's determination to wait for the Great Seal, which, from Lord Chancellor Hardwicke's advancing years, it was most likely would ere long fall to Mr. Murray's choice; and there was, indeed, no one in the profession who seemed so worthy to succeed the Earl of Hardwicke, as this very distinguished lawyer and orator. The destiny of great lawyers is, however, peculiarly dependent on the chances of events; and the wonder is, in reality, that they are generally in the end so fairly rewarded and promoted as they are, in proportion to their merits and abilities. It is an interesting fact connected with these arrangements, that had the Duke of Newcastle's proposal, of making Mr. Charles Yorke Solicitor-General in the place of Sir Richard Lloyd, who was a far less able man and an inferior lawyer, been carried out on this occasion, Mr. Yorke would not

only have held the high office in which his father was at this time presiding, but, as events happened, would, in all probability, have been his father's immediate successor.

On the 31st of May Parliament was prorogued by commission. The address of the commissioners was settled by the Lord Chancellor.

In a letter from Mr. John Yorke to his eldest brother, Lord Royston, the following account of Colonel Yorke, and an anecdote of Mr. Fox, are recorded. We also glean some intelligence of the Chancellor, from the same source :—

“He, Col. Yorke, had an audience of the K. before he set out, who commended his conduct in Holland, beyond what he had ever done before; & even said that nobody else could or would do so well. ‘You have found the way to treat with those people.’ This strong approbation, & the assurances given in a certain conversation, of which he probably told you at Wrest, have sent His Excellency off in very good humour & spirits. At present, too, he is the reigning favorite at N.* House, after having made a second visit to Claremont, picked the pockets of His Grace & all his company, of upwards of £100 for M. Parisot’s tapestry, & dared to commend Hackney school. As he was passing thro’ the drawing room, after he had had his last audience, Mr. F—x came up to him, with a most smiling countenance, & begged whenever he had anything to do in his way, he would honour him with his commands; & assured him he would not fail to put the K. in mind of him. Added to this, a thousand apologies about visiting & not visiting passed; & so they grinned, & lyed, & parted. We have been much entertained with this scene; &, as far as we

* Newcastle.

could, astonished at such modesty. It seems by his present behaviour, as if he hoped to bring about by soothing & flattery what he has found impracticable by intrigue & violence.

“The 10th of August will be the soonest that my lord’s law business will be finished, & then he always stays a few days to wind up bottoms.

“Charles has resolved to stay at home this summer, and perhaps his friends may see as little of him as if he went abroad. He talks of Weymouth.”*

Another letter, from the same to the same, contains a brief notice of the Duke of Cumberland, & the young princes, at an entertainment which was given by Lord Anson, on the occasion of a launch, which may be read with interest :—

“The launch succeeded perfectly, & L^d A. much complimented upon the elegance of the entertainment, & his politeness at court, & elsewhere. H. R. H. the Duke accompanied the princes, and showed himself a very dutiful uncle, much to the edification of y^e multitude, who thought he expressed great fondness towards them. His behaviour to the company was much spoke of; & in particular his engaging Sir Percy Brett, (who dined with them on board the yacht,) to tell the Prince of Wales the story of his engaging the Elizabeth; now & then throwing in a circumstance from his own memory, with great attention & politeness; & S^r Percy related it handsomely.”†

A singular epistle was addressed to the Lord Chancellor during June, by a cracked-brain fellow, who went by the name of “Orator Henley,” an account of some of whose

* Hardwicke MSS., Wimpole.

† Ibid.

vagaries has already been given in the earlier part of this work. It would seem that of late this versatile genius had employed his eloquence on political rather than on polemical topics, and had occasionally condescended to act the part of a government spy, for hire and reward. He tells Lord Hardwicke,—

“I most humbly ask pardon for informing your lordship that one proof of my serving His Majesty & the ministry in my advertisements and discourses, tho’ seemingly against them, is that I gain intelligence by them of the reel enemies of the court; & tho’ the late R^t Hon. *Mr. Pelham engaged it should not be known, but to y^e Royal Family, first ministers, & y^e judges*; & Mr. Pelham, some months before his death, gave me ten guineas for one piece of intelligence, about certain electors, which, with others, I could not have obtained but by such advertisements & discourses; I received sixty guineas from him in the whole, for various services of that kind, on severall occasions; & I allways invariably devoted my oratory, & do, to y^e like intention, in several shapes, & shall always be proud of every opportunity to be of any use or service to your lordship, & your noble family.”*

He therefore requested the protection of the Lord Chancellor, in case any attempts should be made to injure him on account of his “oratory.”

Lord Holderness wrote to the Lord Chancellor in the autumn, and forwarded to him two letters, which he had received from the Vice-Chancellor and Mayor of Oxford, containing some examinations they had taken in consequence of an advertisement in the Gazette, touching some treasonable verses that were found in the market-place of that city. Lord Holderness desired to know Lord

* Hardwicke MSS., Wimpole.

Hardwicke's thoughts on the matter. Several letters intercepted at the post-office, and addressed to certain persons in Oxfordshire, were also forwarded with the above.

In his reply, Lord Chancellor Hardwicke expressed his opinion that the examinations were plainly intended for the purpose of representing the publication of the libel in question to have been fraudulent and collusive, in order to cast an odium upon the University or City. He recommended that no answer be returned to the letter, and added, with respect to the treasonable verses alluded to,—

“ It certainly will be right to direct the friends of government to use their best endeavours to find out y^e truth, in order that, (if possible,) evidence may be obtained to found an indictment upon at y^e next assizes.”*

It appears that this year Lord Chancellor Hardwicke brought his “Chancery campaign” to a conclusion rather earlier than usual, as we find a letter from him to his eldest son, which was written from Wimpole, on the 19th of August. After giving some account of the various members of the family and their movements, he proceeds :—

“ As to Charles, we left him in town, telling of fortunes, as poor Sam. Mead used to call lawyers giving opinions. His scheme is to travel much at home this vacation. Derbyshire, Staffordshire, and some of those inland counties make part of it, and I suppose your honour in his way. But I learnt that he and Birch intend, in the first place, to visit the renowned archives

* Hardwicke MSS., Wimpole.

of Hatfield. We hear that there has been such a traffick of late in state papers at that place, as would give alarm to a vigilant administration. That wise Prince, King James the First, would have put a stop to it, as he did to the Society of Antiquaries at Darby-house, now the Herald's Office. The curate was seen going privately from Hatfield-house to the inn, with his cassock stuffed full of papers, to two gentlemen, with whom he kept very private till almost midnight. 'Tis an old observation, *no plot without a parson in it*. I fear Charles's expedition will increase the good people's suspicions, tho' possibly they may think he comes as one of His Majesty's Council to enquire into this odd affair. After such a dispersion, I hope we shall all meet *here* in health at the congress. Sir John Heathcoat was desirous to return our visit this summer, and I was willing to fix him and my lady to an early time; so we expect them and some of the Normanton family next Monday, I suppose for about a week. Immediately after they are gone, I fancy the Duke of Newcastle will take us in his way to Euston. He proposed it himself, but your mother has heard nothing of it yet, nor am I sure that it will take place. I have contrived these foreign visits to be as early as possible, that we might the sooner have the pleasure of our friends, who are so good as to abide by the old folkes. Lady Bell* has already named her month (*September*); and I hope it will be early in that month, that we may have the comfort of all your good companies the longer. The papers were very kind in scheming better for us than we did for ourselves; but as company is to come so soon, you will easily believe that your mother is very busy in unpacking her house.

. . . . "Tell dear Lady Bell that her grandpapa and

* Daughter of Lord Royston.

grandmamma love her very much, and hope she will thrive as much and learn her book as well in Wimple air as in Wrest air.”*

A report had been circulated in the newspapers, which caused some alarm among the Chancellor's friends, that he had been overturned in his carriage and much hurt, and obliged to call in a surgeon to his assistance. The rumour, however, seems to have been without foundation, but was the occasion of a great many letters from persons who were anxious to inquire into the truth of the story.

The precise occasion of the following letter from the Duke of Newcastle to the Lord Chancellor, which was written on the 30th of October, is not known, and was not even divulged by him to his son, as appears by a note, in Lord Royston's handwriting, at the foot of it. It is at once characteristic of the Duke's jealous, hasty temper, which so often led him into scrapes with his colleagues, and of his honourable readiness to make amends for his error, the moment that he was convinced of it. This letter serves also to exhibit, in a most forcible manner, the Duke of Newcastle's regard and esteem for the Chancellor. Lord Hardwicke had been summoned to London, to attend a cabinet meeting, a few days before.

“Newcastle House, Wednesday at night.†

“MY DEAREST LORD,—I cannot be easy 'till I have, under my hand and from the bottom of my heart, beg'd your lordship's pardon, and asked your forgiveness, for the very just cause of offence, which I, tho' undesignedly, gave you this evening. Nothing ever was further from my thoughts and intentions than the doing it, and I do declare, I did not recollect what I had done

* Hardwicke MSS., Wimpole.

† Ibid.

'till I observed you were very rightly angry with me. For God's sake, my dear lord, don't harbour a thought of my want of gratitude, or the highest respect for you, and regard and submission to your advice. Every action of my life shows the contrary. Every friend I have knows it, and every enemy I have sees it with concern; I may have faults, but want of sincerity is not one, and therefore you may believe me, when I assure you, that there is not one in the world who loves or honors you more than

My dearest lord, yours most unalterably,

“ HOLLES NEWCASTLE.”

Two more letters were about this time addressed to the Lord Chancellor by the Duke of Newcastle, on official matters. In one of them the Duke intimates that Mr. Fox was at this time the source of considerable uneasiness to him, and says of that gentleman :—

“ He has made frequent visits to Lady Yarmouth ; has had her post-chaise, and brags of it.”

The other letter narrates a conversation which the Duke had lately had with His Majesty, in which the Chancellor was alluded to.

“ The King, of himself, began the other day, by telling me that he had taken a great *liking* to S^r T. Robinson. That he was able, punctual, regular, and every thing that could be said of a man ; and then, most graciously smiling, said, *that was my Lord Chancellor's doing and mine*. To which, like a courtier, I replied, *I thought it had been your Majesty's*. No, *it was the Chancellor's proposal, and I said, that is the man I had thought of*.”*

Parliament was opened on Thursday, the 14th of No-

* Hardwicke MSS., Wimpole.

vember, by His Majesty. The speech from the throne was prepared by the Chancellor. The Duke of Newcastle, in a letter to Lord Hardwicke, a few days before, tells him, "the King was extreamly pleased with the speech, as much or more, I think, than I ever saw him. I am sure he was struck with the conclusion. This was the more remarkable, as His Majesty complained at first of the length of it and of his eyes. I will get it wrote over in a strong black hand." *

In the speech in question, His Majesty alluded to the continuance of the peace, the late measure relating to the Highlands, and the commenced reduction of the national debt. He thus concluded:—

" My Lords and Gentlemen,—It is unnecessary for me to use any arguments to press upon you unanimity and dispatch in your proceedings. I have had such ample experience of the fidelity, zeal, and good disposition of my parliaments, during the course of my reign, that I trust there is a mutual confidence established between us; the surest pledge of my own and my people's happiness."

The draughts of the motion for an address in the House of Lords, in reply to the speech from the throne, and of the address itself, are entirely in the handwriting of Lord Chancellor Hardwicke.

Lord Kames was very anxious that a greater assimilation, than what already existed in some branches only, should be effected between the laws of Scotland and those of England, a power of alteration of the laws of Scotland having been reserved by the treaty of Union.

With this view, having digested his ideas into the form

* Hardwicke MSS., Wimpole.

of separate short essays on certain branches of the law of Scotland, he was desirous of obtaining the opinion of the first judicial authority in England, on those subjects which he deemed of mutual importance to the United Kingdoms. He sent his papers to the Earl of Hardwicke, who received them with warm approbation, and entered into the views of the writer with all that interest which displayed his enlarged and liberal mind, and addressed a letter to Lord Kames on the subject, which is printed in the Life of that distinguished author and judge.*

Mr. Warburton published his "Divine Legation" towards the end of the year 1754, and dedicated it to the Earl of Hardwicke. In the dedication he stated, "Your lordship having so far approved of the good intentions of my endeavours for above twenty years past, in the cause of religion, as to confer upon me a distinguished mark of your favour, I am proud to lay hold of the first public opportunity which I have had, of desiring leave to make my most grateful acknowledgements."

In a letter to his friend Mr. Hurd, dated 10th Dec., 1754, Mr. Warburton says, "Pray tell me what people say of the Dedication to the Chancellor. I ask it because one day it will afford subject for our speculations." A note to the above letter states that "the topics in it were suggested, and the very language in which they are expressed, was in a great measure dictated by Mr. Murray, and Mr. Charles Yorke."

Parliament was prorogued in April, 1755, by a speech, which, as usual, was the composition of the Chancellor; and, as was also usual, the King immediately afterwards set out for Germany. Great apprehensions were at this time entertained for his safety, and it was feared that the

* *Vide* Memoirs of Lord Kames, by Lord Woodhouselee.

French might intercept him, either on his journey out, or on his return. In the House of Lords, a motion for an address to His Majesty, to prevent his going abroad, had been proposed by Earl Paulet, but it met with no support. Lord Chesterfield, according to Horace Walpole, in a letter to Mr. Bentley, "said the motion was improper, and moved to adjourn. T'other earl said, 'Then pray, my lords, what is to become of my motion?' The house burst out a laughing; he divided it, but was single. He then advertised his papers as lost. Legge, in his punning style, said, 'My lord has had a stroke of an apoplexy; he lost both his speech and motion!'"

The Earl of Hardwicke was again appointed one of the Lords Justices for the government of the kingdom during His Majesty's absence. Some misgivings were entertained as to the unanimity and cordiality in co-operation which was likely to prevail between the members of the regency on this occasion, among whom were the Duke of Cumberland, Lord Granville, and Mr. Fox. The King arrived safely at his beloved Hanover, on the 2nd of May.

The following allusion to Mr. Charles Yorke is contained in one of Col. Yorke's letters to his sister, Lady Anson:—

"I rejoyce that Charles is going to be married at last, & don't wonder he is in love, tho' I don't know the lady. If I had governed him for some years since, he sho^d have been married sooner, & been less in love. I hope his contingencies won't fall in soon, for I shall be sadly disappointed if he does not rise to where I intend he shall be, & I am afraid, if he is too much at his ease, that his ambition will cease to operate." *

* Hardwicke MSS., Wimpole.

From the congratulatory letters which the event called forth, it appears that the marriage in question was celebrated about the 20th of May, when he was united to Miss Catherine Freman, sister of the Reverend Dr. Freman, of Hamels. The following letter was addressed to Mr. C. Yorke by the "great commoner."

"DEAR SIR,—As I am going to-morrow to Sunning Wells, give me leave to assure you in a line, of what I cannot now have the honour to do in person, my sincere felicitations and best wishes for your happiness. May you find matrimony just what I have found it, the source of every comfort, and of every joy! Believe me, with perfect esteem and respect, dear sir,

"Your faithful friend,

"& most humble servant,

"W. PITT."

"Pay Office,

"May 21st, 1755."*

During the month of July in this year, Lord Royston and Lady Grey went on a tour into Scotland. The former, in a letter to Lord Chancellor Hardwicke, dated the 22nd of July, sent him an account of an entertainment which was given to him at Edinburgh, by the Lord Provost, when the freedom of the city was conferred upon him, on which occasion honourable reference was made to the Earl of Hardwicke, in relation to Scotland:—

"We were entertained on Saturday last at dinner, by the Lord Provost, who had asked the Lord President of the Session, the Justice Clerk, General Bland, & several of the Lords of the Session, & other gentlemen, all burghesses of this city, to give us the meeting. When dinner

* Hardwicke MSS., Wimpole.

was over, his lordship rose from his chair, & in a set speech, presented me with the freedom of Edinburgh. As the motives which induced them to confer this honorary distinction upon me are expressed in the paper itself, I have taken the liberty to enclose a copy of it. I thanked his lordship & the magistrates, in as short & proper terms as I could, for the honour they had done me, w^{ch} I took the greater satisfaction in, as it expressed their approbation of the many salutary laws w^{ch} had been passed since the rebellion, for the good of this part of the United Kingdom." *

The following is the paper referred to:—

“Edinburgh, the eighteenth day of July, one thousand seven hundred and fifty-five years.

“The which day, the Right Honourable George Drummond, Esq., Lord Provost of the city of Edinburgh, James Stuart, Robert Forrester, George Lind, and John Learmouth, Baillies of the said city, James Grant, Dean of Gild, & the Gild Council, did, & hereby doe, invest with the freedom of this city Philip Lord Royston, in testimony of their grateful sense of the many eminent services done to Great Britain, by the Right Hon^{ble} Philip Earl of Hardwicke, Lord Chancellor, & his lordship’s particular attention to the improvement of this part of the United Kingdom.

“Extracted forth of the records by me, Mr. Joseph Williamson, City Clerk, & the seal of the said city is hereto affixed.

“JOS. WILLIAMSON.”

Mr. Fox, in a letter to Lord Hartington, dated June 2nd, 1755, says, “the Duke of Newcastle and the Lord

* Hardwicke MSS., Wimpole.

Chancellor are ill at Leicester House, and trying to be better, I believe at the Duke's expense, as yet without success. Of this, that is of the point on which they are wanting, and the means by which they are endeavouring reconciliation with the Princess, I am not sure; but that they are ill, and mean to be better, is certain."*

The Duke of Newcastle, being apprehensive of serious opposition in England to the treaties with Hesse Cassel and Russia, which were entirely for the protection and benefit of His Majesty's Hanoverian dominions, was desirous of inducing the most formidable of his antagonists to approve them.

Notwithstanding the failure of former negotiations, the Duke authorized Mr. Charles Yorke to confer with Mr. Pitt. When Mr. Yorke had opened the business of his commission, and began to make a tender of the Duke's sincere friendship and unlimited confidence, he was at once stopped by Mr. Pitt, who said that as to friendship and confidence, there was none between them; if any had ever existed they were now at an end; it was loss of time to talk in that strain; he would neither take nor hold anything as a favour from his Grace. If the Duke was really in earnest, why did he not state his proposal? Namely, what was the work to be done? Who were the gentlemen proposed to do it? and how were they to act? When he was informed upon these three points, and had consulted his friends, he should be able to give an answer.

The declarations of Mr. Pitt were not those of one to be overcome by subtilty and refinement, yet they did not deter the Duke of Newcastle from continuing the attempt. He therefore requested Lord Chancellor Hardwicke to hold a conference with Mr. Pitt. From

* Lord Waldegrave's Memoirs.

the wisdom of the negotiator, says Mr. Thackeray, he certainly had reason to anticipate success in the negotiation.

The following were the Chancellor's statements in the conference which took place.

That he trusted Mr. Pitt would lend his cordial assistance to the ministry ; that the King, he owned, entertained prejudices against him (Mr. Pitt) ; that steps had been taken to remove these prejudices before the King went abroad, and had since been the subject of a correspondence ; that their endeavours, upon this point, had not been so successful as they wished ; that the King was much attached to his present secretaries of state, Lord Holderness and Sir Thomas Robinson, but that if, by any accident, a vacancy should occur, they would, upon Mr. Pitt's cordial promise of assistance, endeavour to obtain for him the seals which he so much desired.

Mr. Pitt answered that he must begin with his lordship's last words—*the seals which he so much desired*—desired of whom ? he did not remember that he had ever applied to Lord Hardwicke for them ; he was certain he never had to the Duke of Newcastle. He assured the Chancellor that if they could prevail upon the King to give him the seals under his present dislike, the only use he would make of them would be to lay them at His Majesty's feet ; that till the King desired it, and thought it necessary to his service, he never would accept them. He knew the King had lately said that he had obtruded himself into office : the Chancellor was aware that this was not the case, and if he (Mr. Pitt) were to ask a favour, it would be that His Majesty should be correctly informed upon that point. The Chancellor had said a great deal, but he wished to know from his lordship in what he was expected to assist ? and what was the

work? Here the Chancellor said, "to carry on the war in which they were engaged." Mr. Pitt said he had no hesitation in concurring with this, as the war was a national one. He thought also that a regard should be paid to Hanover, *should it* be attacked on our account; —the Chancellor interrupted him by saying he was extremely pleased to find that they had agreed in their principles, and that they both thought Hanover should be defended. Mr. Pitt desired his lordship to observe the words he had used, "that a regard should be paid to Hanover;" not that we could find money to defend it by subsidies, which, if we could, was not the way to defend it. An open country was not to be defended against a neighbour who had 150,000 men, and an enemy who had 150,000 more to back them.

Mr. Pitt afterwards remarked that as the King's honour would be pressed on account of the Hessian treaty, he would make an exception in favour of that, and would consult with his friends and see what could be done. To the Russian subsidy he never would consent, which would be only leading Hanover into a snare, and deceiving and ruining ourselves.

The Chancellor said he understood that the Commons had, during the last session, tacitly allowed that Hanover must be defended; and it was in consequence of such acquiescence that the treaties with Hesse and Russia had been undertaken. He acknowledged that subsidies should have their bounds, and that those which were coming before Parliament were not likely to be popular. When Mr. Pitt enforced the necessity of putting a total stop to them, and of leaving Hanover to the system and constitution of the empire, the Chancellor seemed to acquiesce, but said he (Mr. Pitt) must be sensible that this was not the mode to succeed with the

King. The Chancellor was solicitous that Mr. Pitt should once more see the Duke of Newcastle, and discuss these affairs with him. Mr. Pitt said that if the Duke sent to desire to speak with him, he should wait on his Grace, but not otherwise.

On the 2nd of September another interview between the Duke of Newcastle and Mr. Pitt took place, at the desire of the former, when the before-mentioned topics were again debated. These conferences terminated without effect, and negotiations were opened in other quarters, which ended in Mr. Fox's becoming Secretary of State.*

The following letter from Mr. Charles Yorke to Lord Chancellor Hardwicke, which was written on the 7th of July, relates to his interview with Mr. Pitt, on the occasion in question.

“ Monday morning.†

“ MY LORD,—Mr. Pitt came from your Lordship to me last night, & staid till between 11 & 12 o'clock. I took occasion, from the imperfect hints & intimations which I had picked up (by chance) of Mr. Walpole's negotiation, to lead him into conversation ; but he talked in such a complaining manner of the D. of N., that I did not venture to propose the meeting, (especially as the suggestion was to come from myself, without authority,) till your lordship had judged on the effect of what he said. In this, if I have been guilty of any error, it is on the safe side ; & can be attended only with the inconvenience of a little delay, till another conversation can be had, with some person fit to conduct a thing of this sort. On the other hand, if I had proposed, & your lp. & the D. of N. should have judged on the result of what fell from him that no good was to be expected

* Thackeray's History of the Earl of Chatham.

† Hardwicke MSS., Wimpole.

from your joint treaty, or that it was very doubtful whether he wou^d give any answer but a negative, it must have been thought that I had gone too far. I will not trouble you with the detail till you rise to go to dinner. The principal thing upon w^{ch} the whole seemed to rest was this,—that, in talking with Mr. W., he had at least waived *the thing impossible*, viz. to be at once made Secretary of State ; but had desired a pledge of security, which might be the beginning of confidence ; it was, that the D. of N. shou^d take occasion, before the King went, to speak to His Majesty of the state of the H. of Commons : to speak of Mr. Pitt, as his Grace's friend, &, in the present necessity of the King's service, the proper person to be trusted with the debate of it : to remove ill impressions by talking over the grounds of them with the King : that the D. of N. should likewise interest Lady Y. for him ; that this beginning in his favour might have been followed by her managem^t, during the summer, at Hanover. This, he said, had been absolutely refused. That at present it was impossible for him to trust any other proposition than this : ' Sir, here is the plan of the King's affairs, *this* is the station [meaning the Secretary of State] in which you will be enabled to support them, *these* are your friends, who will join & act with you.'

" I am, my lord, with the greatest respect,

" Your most dutiful son,

" C. YORKE."

Lord Hardwicke's own particular account of his negotiation with Mr. Pitt, is contained in a letter from the Chancellor to the Duke of Newcastle, dated " Powis House, Aug^t 9th, 1755."

" I now come to the great affair of Mr. Pitt, who

call'd upon me at noon, & staid an hour & half. He began by saying that he came out of Buckinghamshire directly to town last night, & y^t Lady Hester turned off upon y^e road to Sunning Hill. That he called upon me in consequence of Mr. Fury's having acquainted him that your Grace wished he would see me. From hence I conjecture that he had received a letter from Fury, either before his setting out, or upon the road, that brought him directly to London. I soon entered into matters with him, & referred to the unlucky steps of last winter, professing not to enter into expostulations which seldom did good. I then told him how sincerely we had laboured for him, & particularly how long your Grace had done so, till he had put it out of our power by his own conduct. That time & temper had softened the resentments occasioned by it, & I hoped the impressions of ancient friendship would arrive. I then shewed him fully the impossibility of your Grace's doing any thing with y^e King upon his last proposal to Mr. Walpole just before His Majesty went to Hanover, in the humour which then existed to the last. But I took advantage from thence to infer that he himself was considered impracticable to be put into possession, or have an absolute promise of y^e secretary's office, & therefore it was necessary to resort to some other scheme to satisfy him. I then shewed him in a proper manner how we had jointly laboured in his cause,—that I thought we had gained a good deal of ground, & that we were authorized to talk to him; & then stated to him the proposition just as it is, & w^{ch} I need not repeat, nor the reasoning with which I followed it.

“He began with making professions, which were handsome & modest, & expressed great regard for your Grace & me. Avowed the inaccuracy of his expressions,

which had been only construed into an offensive sense ; disclaimed any thought of forcing himself into y^e secretary's office ; was not so weak as to think it was to be done presently, nor did he wish it done with^t the King's own inclination to it ; & added remarkably enough y^t in y^e present circumstances he did not think y^t employment a despicable pillow to sleep upon. That the being assured of the King's gracious reception & countenance, as a public mark of favour & confidence, was what he laid more weight upon as to y^e *present part*, than any change of office. This your Grace knows, I allways thought would be most pressed to be explained, & I made it as strong as our powers warrant. He added y^t it must also be extended to his friends, by w^{ch} I suppose he chiefly meant my Lord Temple. He then went to y^e conditions ;—*that he should take a clear, active, & cordial part in support of y^e King's measures in y^e House of Commons.* That in order to this, he must be informed what these measures were. I told him y^t wo^d certainly be done, & I know of none to be concealed. 'Twas all open & above board ; y^e support of y^e maritime & American war, in w^{ch} we were going to be engaged, & y^e defence of y^e King's German dominions, if attacked on acc^t of the English cause.

“The maritime & American war, he came roundly into, tho' very orderly, & allowed the principle & obligation of honour, & justice, as to y^e other ; but argued strongly as to y^e practicability of it. That subsidiary treaties would not go down ; the nation could not hear them. That they were a connection & chain, & would end in a general plan for y^e Continent, which the country would not possibly support. That the maritime & American war, he was sure, would cost six millions a year, besides the increase of y^e nat^l debt ; & he supposed

more troops must be raised for y^e defence of this island. That by this alone you wo^d increase y^e debt two millions p^r ann., & an addition of a million more could not be supported. That, above all, he could never give his consent to y^e mortgaging or funding upon y^e sinking fund, but whether in place or out of place was bound in conscience to oppose it. That if any misfortune sho^d happen to Hanover, (which nobody co^d deprecate more than he did,) it could only be made y^e quarters of French or Prussian troops for a season ; & there was no danger of y^e King's finally losing it ; & he thought England ought never to make peace with^t a full acknowledgment to y^e King on y^t acc^t. That he was for treating y^e King's German dominions with y^e same support & regard as a foreign dominion belonging to the Crown of Great Britain so situated, sho^d in prudence be treated ; & he had rather give the King five millions by way of compensation at y^e end of y^e war, than undertake y^e defence of it by subsidies. I endeavoured to show him y^e absurdity of trusting to this back-game ; how impracticable it w^d make all business here ; & supported the necessity of measures of preservation. I then stated to him all I knew or believed of subsidies ; y^e Hessian & y^e Russian, with y^e reasons of them, & did not know or suppose any intention to go further. He made some objections to y^e former, & also to y^e great expence of y^e latter, if y^e requisition sho^d be made ; but I think, upon the whole, will not adhere to his objections ags^t them. But he asked, very observably, what do others of y^e King's servants think of subsidiary treaties, the Chancellor of the Exchequer, Mr. Fox, S^r Geo. Lee, & L^d Egmont ? If he was willing, he could not stand alone in support of these. I made him no other answer but that I had had no opportunity of knowing their particular opinions upon

this point, but co^d not doubt of their supporting the King's measures. [I will add here, y^t, in a subsequent part of y^e conversation, he told me y^t in a little time he was to go & spend a week at Mr. Legge's.] On this part of y^e affair there was much reasoning on both sides; but at last he said he must know the sentiments of his friends; y^t if his own inclination sho^d be to support y^e defence of Hanover this way, (which he was far from saying it w^d,) yet he must have y^e concurrence of his friends; to w^{ch} I only s^d that I would not suffer myself to doubt but his opinion w^d have y^e chief influence with his friends. It now grew late, & he was just going to Sunning Hill, & s^d he w^d take what I had so kindly opened to him into serious consideration. I told him I was going out of town to-day, for as long as I could; y^t he saw by me, your Grace's disposition, & I saw his with regard to your Grace personally, why sh^d not he wait upon you? He said, with all his heart, & if you would let him have an hint y^t you wo^d see him, either in y^e country or in town, he would be at your service. Thus we parted; & if your Grace approves of this, you may convey y^e hint to him by y^e same canal of Mr. Fury.

“He said nothing by way of approbation or disapprobation of y^e being called to y^e Cabinet Council; & upon y^e whole my opinion is y^t he will close with, or at least not appear to dislike y^e proposition; so far as it regards himself personally. That he will still go on to make difficulties upon measures. These may be real difficulties, or they may be made use of colourably to raise the terms for himself, as being the more honourable shape to turn it in. Your Grace will best judge whether you talk with him. His manner was easy & frank, & I think pleased with the overture.” *

* Hardwicke MSS., Wimpole.

“On the dismissal of Pitt, & the promotion of Fox,” says Mr. Thackeray, “the Duke of Cumberland being struck with the manliness of Pitt’s behaviour, observed to Fox, ‘I don’t know him, but by what you tell me, Pitt is what is scarce,—he is a man.’ When asked by Lord Hardwicke, ‘Could you bear to act under Fox?’ Pitt replied, ‘Leave out *under*, my lord; it will never be a word between us; Mr. Fox & I shall never quarrel.”*

The following letter was addressed to Lord Chancellor Hardwicke, by Dr. Leland, the author of “Deistical Writers,” and to whom the Chancellor had sent a donation of £50, in token of approbation of his book. This fact bears testimony at once to his lordship’s liberality, and his zeal for the interests of religion:—

“MY LORD,—I have received by the hands of the Rev^d Mr. Samuel Chandler, a bill for fifty pounds English, which he has informed me your lordship has been pleased to send as a token of your approbation of my endeavours to serve the Christian cause. It gives me the highest satisfaction, that my honestly intended labours have had the approbation of a person signally eminent for his great knowledge & judgement, as well as for the dignity of his station. Among many discouragements on the side of religion, it must give a real pleasure to its sincere friends, when persons of the highest rank, & of the most distinguished abilities, & whose great merit is universally acknowledged & admired, countenance it by their professions & their practice, & show a just concern for its sacred interests. I desire your lordship to accept my most unfeigned acknowledgements for this generous instance of your lordship’s regard, & for the favourable notice you have condescended to take of me; & I join

* Thackeray’s Life of Lord Chatham.

with all true well wishers to the public prosperity, in earnest prayers to God that your very valuable life may be long preserved for the service & honour of His Majesty, & to be a blessing & ornament to your country. I am, with the profoundest esteem & gratitude,

“ My Lord,

“ Your lordship’s most obliged, most obedient,

“ & most faithful humble servant,

“ JOHN LELAND.”

“ Dublin, May 6th, 1755.”*

By a letter which the Lord Chancellor wrote to Lord Royston, from Powis House, on the 12th of August, we obtain some information on public matters, & also respecting his own plans and movements, and those of the family at this time :—

“ We are here longing for the King. Would to God he was in England. He has not wanted proper hints from hence for that purpose, that he may not stay ’till his road is blocked up.

“ Your mother & I propose to set out for Wimple to-morrow morning. How long I shall be suffered to stay, I don’t pretend to guess, but fear I shall be very moveable. We shall take with us our pretty companion, Lady Bell, who is very jolly, & pretends to please herself with the thoughts of going to Wimple. She & I were examining her picture to-day, & I commended the goodness & quietness of *that little girl*, upon which she replied,—*But she turns in her left foot*, which is true; so jealous is she lest the shadow should be thought better than the substance. She presents much duty, & asks blessing. Charles & new aunt intend to spend a few days at Dr. Freman’s, & from thence to come

* Hardwicke MSS., Wimpole.

on to Wimple next Tuesday. Jack & Jem got to Bristol hot-well last Friday. We shall long for the time when you & Lady Grey will find in your hearts to leave the Highlands & revisit the humble vallies of Cambridgeshire, that the congress may be full, tho' I fear I shall be but an itinerant minister of it." *

The Chancellor, in part of this letter, expresses great uneasiness at the state of foreign affairs, and of those in America, which France was supposed to be trying to unsettle, while "they falsely accuse us of breach of faith, to excuse their own conduct." He also says that at this time, "the councils of France seem much embarrassed, & have been dilatory. 'Tis said, that a thundering declaration of war is prepared; but they pretend to wait for news from America, from Mo^r Bois la Motte. . . . God send a good issue to all these things. The oldest man living never saw such a scene, wherein Great Britain is alone, & *proprio Marte* to cope with France. 'Tis a time of great thoughtfulness & anxiety.'

The Duke of Newcastle commenced a letter to the Lord Chancellor about this period, in the following language:—

"I never sat down to write to y^r lordship, with more melancholy apprehensions for the publick, than at present. I see nothing but confusion, & it is beyond me to point out a remedy." †

Archbishop Herring stated, in one of his epistles to Lord Hardwicke, that, owing to the disaffection in the country, and other causes, he feared we were in a more critical condition than even during the rebellion of 1745.

A confidential letter, of very great length, was written by the Chancellor to the Duke of Newcastle, from Wim-

* Hardwicke MSS., Wimpole.

† Ibid.

pole, on the 4th of September, in which he alluded to the failure of the negotiations with Mr. Pitt, which had been lately renewed, and the necessity of obtaining a ministerial leader in the House of Commons. The subject of the Duke's retirement from office altogether was here discussed, in which case his Grace had proposed to advise the King to put Mr. Fox at the head of the Treasury. From such a step, however, the Chancellor dissuaded him, tho' he says, "as to *retiring*, I am ready to take my part;" but he thought the nation would look upon this as deserting the King at a time of great publick difficulty and distress; and it, perhaps, might be called another *resignation*, by way of force upon the King, to take in Mr. Pitt.'

Lord Royston, in a letter to the Chancellor, dated September the 18th, mentions the following:—

"There is an account in town, of L^d Chief Baron Idle's death, in a letter from his lady, & the report goes, that he has left his estate to one of my brothers. I hope your lordship will put a good man in his place."*

The appointment in question was offered to Henley, which, however, from some family reasons, he declined in a letter to Mr. C. Yorke.

The following letter from Archbishop Herring to Lord Chancellor Hardwicke, contains an interesting narrative, in his Grace's characteristic style, of a visit that had been paid to him by the Princess Dowager, and the young Prince George of Wales:—

"MY DEAR LORD,†—I have had some royal visitors to-day, & am desirous to acquaint y^r L^p & Lady Hardwick with the morning's transaction. I waited about ten days agoe upon her R. H. at Kew, & she was so gracious as to say, she w^d breakfast with me at Croydon

* Hardwicke MSS., Wimpole.

† Ibid.

some morning, & yesterday sent me word by L^d Waldegrave, that she wou^d come to-day. She came between eleven and twelve, accompanied by the Prince of Wales, Prince Edward, Lady Augusta, Lady Elizabeth, L^d Waldegrave, Lady Howe, & Lady Charlotte Edwin. They were escorted (if I say right) thro' the court by a company of the Buffs, & the regiment were drawn up in the town, wth all the officers attending, so that all military honours were paid them. I met the Pss. at her coach door, & conducted her by her hand up to the apartment. She staid a little in the drawing-room, & then moved to the coffee & tea in the gallery, wth w^{ch} the table was partly furnished, but a desert of the best fruit I cou^d get together compleated the figure, such as it was. She was so gracious as to order us to sit, but nobody had an elbow chair but the Prince of Wales & the Pss. They eat a good breakfast, & I was glad of that. After some little pause, H. R. H. desired to walk round the garden, & we took the opportunity of a guilded moment. She then return'd to the house, & received the compliments of Col. Howard & the officers. I reconducted her to her coach in my very best manner. I sent a gentleman to Kew wth two livery servants to wait on her hither & back again. So I hope I was not much out in ceremonials, &, if I was, I believe, she will excuse an ecclesiastick. I had consulted my friend L^d North upon the occasion, & to-morrow morn shall pursue y^r l^{ps} directions to pay a morning compliment at Kew. Your l^p will consider this as a dull article in a newspaper, fro'

“ My Dear Lord,

“ Ever y^{rs},

“ THO. CANTUAR.”

“ *Croydon House,*

“ *Sept. 4, 1755.*”

In one of his letters to his friend the Chancellor, written soon after this, Archbishop Herring tells him that he finds his health & strength now fast failing him, & his constitution breaking, so that he must retire altogether from public life :—

“ It is now a real pain to me to walk a few yards, tho’ I confine myself to the slow pace of the tortoise in the garden. . . . To your lordship, & all my friends, in private, I shall be the same ; that is, always receiving such chearful sensations from my correspondence wth them, as may be supposed to arise in the breast of a most affectionate friend.” *

His Majesty returned to England in September.

The Archbishop of Canterbury says, in a letter to the Lord Chancellor, dated October 3rd.

“ I was at Court last Tuesday, when I thought the King looked grave & absent, tho’ well in health. . . . I pray God bless the King. I see no safety for us but in making him our *centre*, w^{ch} Her R. H. the P^{ss} gave me occasion to observe to her the other day at Kew, & at the same time to say that I was sure H. R. H. wished the King length of daies, as it was too soon, if it pleased God, for a change. In that she declared herself of my mind, wth some energy of expression.” †

In a letter from the Duke of Newcastle to the Lord Chancellor, written on the 4th of October, it is stated :—

“ The King continues in as good humour as possible, & talks as you & I could wish. . . . The King told me yesterday ‘ *I am glad A. has wrote Wall word, that Fox is to be subordinate to you; I told Fox that the minis-*

* Hardwicke MSS., Wimpole.

† Ibid.

*ters had brought him in ; that if he did not behave well, (or to that purpose,) they would quarrel with him, & so should I too.' Fox is not popular, of which I gave H. M. some strong instances, from my Lord C. J. Ryder, & from S^r Joshua Vanneck, particularly as to the city."**

The Duke of Newcastle tells the Lord Chancellor, in a letter written on the 12th of October :—

" I am sorry to say that clouds are rising from every quarter, &, without a compliment, nothing but your steady friendship & most solid judgment in everything, & upon points the most delicate & the most difficult, wo^d enable me to support in any tolerable degree the difficulties & discouragements which are flung in our way, from both friend & foe. The worst of all are the apprehensions which the King & all of us must be under of *an attempt from France*, when I am afraid we are not sufficiently prepared for it.

" The King seemed much alarmed on Fryday at the accounts from Mr. Barham at Dover ; Lord Anson seemed to give little credit to them, but I understand from Mr. Cleveland, that they are since partly confirmed by Admiral Smith."†

The Duke also informed the Chancellor that the Princess of Wales had taken umbrage at the appointment of Mr. Fox, with whom she had had a strong disagreement at the time of the introduction of the Regency Bill, which threw additional difficulties in the way of the ministry.

Parliament was appointed to meet on the 13th of November. Lord Chancellor Hardwicke having returned to London, wrote to Lord Royston on the 30th of October, and in his letter mentioned as follows :—

* Hardwicke MSS., Wimpole.

† Ibid.

“ It has been hinted to me by more than one of our friends, that they wish you would move the address the first day of the session, for which they alledge sev^l reasons not necessary to trouble you with. I have said nothing in the least to engage you, but, on the contrary, have declined it on your part, as far as one man can do for another. Therefore the affair is entirely open, & you are at full liberty to send me such answer as you think fit. I will only say that it is an important time, & therefore it should be moved by somebody of figure, & belong^g to ourselves. The subject is full of matter, which, in some respects makes it less difficult to speak upon. There will be one advantage also in your case, that, if there should be an opposition the first day (which is at present doubtful), the chief leaders of that opposition would certainly treat you with respect. When you were mentioned, I proposed your friend old Horace,* to whom the King has promised his long wished for prize, & who is in perfect good humour & approves everything. I believe he will be tried; but if he should decline it on account of his standing in the House, you would be sure of all the assistance he can give you, & you know you may depend upon mine. That you may fully know the theme, I send you inclosed the draughts of the speech, & the motion for the House of Lords. That for the House of Commons will, *mutatis mutandis*, be exactly in the same sense. These draughts are now settled, saving one immaterial query, and another which depends on the event of y^e arrival of the Russian treaty before the opening of the session.”†

Lord Royston replied to the Lord Chancellor, stating

* Mr. Horace Walpole, who was afterwards created Lord Walpole of Wolterton.

† Hardwicke MSS., Wimpole.

with great modesty and propriety his opinion of his own insufficiency to undertake so critical a task, but consenting to accept the proposal in case the persons intended should decline it. The letter which follows was written to him by Lord Chancellor Hardwicke on the same topic.

*" Your Dressing Room in St. James's Square,
" Nov^r 6th, 1755.**

" DEAR ROYSTON,—I take the liberty to make use of your room, between Westm^r Hall & dining with Sir Tho. Robinson, to dispatch some parliamentary business. I employ a few minutes of that time to thank you for your kind letter of the 2nd instant. You took the proposition I sent you just as you ought, & as I cou^d wish. Whether it is quite over or not, I cannot yet tell; but I find that the answer I gave was taken as a negative. Old Horace is come to town in excellent health & spirits, & full of zeal to support. I have had a long conference to mutual satisfaction. But he rather chooses to decline so youthful a part as moving the address, & I find some people of weight think it will expose him to jokes, and that it will be said he is earning his peerage. Lord Hillsborough, who is willing to correct the ill symptoms of the last winter, has been thought of, and I fancy will accept it. If so, I shall be glad of it, as well as you, for reasons which shall be mentioned when I see you. At the same time, I don't know but they may resort back to you, &, if you shou^d be pressed by your friends, I wou^d not have you decline it finally. For this reason, as you have *the theme* before you, I beg you will meditate upon it & endeavour to make yourself master of the subject. If you shou^d not use it just now, you may during

* Hardwicke MSS., Wimpole.

the course of the session. The draught of the speech stands the same, tho' I don't know but two or three periods may be transposed. But that is *verborum ordo*, & won't change the sense. The motion stands just as you have it.

"Your mother joins with me in most affectionate compliments to Lady Marchioness & yourself, & our love & blessing to the dear little girl. May we see you all in town on Saturday evening in perfect health, & without any inconvenience.

"I am, dear Royston,

"Most affectionately yours,

"HARDWICKE."

The Parliament met, as proposed, on the 13th of November, and was opened by the King in person. An analytical account of a portion of the debate on the address, and of the arguments contained in it, in the handwriting of Lord Chancellor Hardwicke, as taken down at the time, is still preserved, and is among the Hardwicke MSS. at Wimpole; but as the matters mentioned in it are not of interest now, and as other samples of his lordship's skill in this style have been given, it is not inserted here.

Mr. Fox wrote to Mr. Charles Yorke on the 10th of November, "For fear I should not have an opportunity of speaking to you in private at my house to-morrow evening, let me here beg of you to speak in the debate. Believe me I am not singular in thinking it of great consequence that you should."*

On the 10th of December a very vehement debate took place in the House of Lords, of which there is also an account among Lord Hardwicke's notes. It arose on a

* Hardwicke MSS., Wimpole.

motion for a vote of censure on the treaties with Russia and Hesse Cassel, on the ground that neither of these treaties had been seen ; nor could it be supposed, it was urged, that either of them were for the advantage of this nation.

Earl Temple opened the debate. He could perceive no probability of a war on the continent of Europe. The balance of power was in no danger ; and neither the Russians nor the Hessians could serve as allies. He hoped never to see the Hessians in this island again. This alliance was very expensive and quite unnecessary. By these two treaties we appeared to be seeking an opportunity for kindling a war on the continent, by giving the French a pretence for attacking Hanover. By the Act of Settlement, this nation is not to be engaged in any war for the support of the foreign dominions of any sovereign.

Lord Chesterfield opposed the motion.

Lord Halifax declared that it was solely on account of Hanover that these treaties were entered into. If it were not for Hanover we should have no occasion for allies on the continent, which were now purchased at great expense. We had been long infatuated with the love of foreign treaties. These treaties would lead to the general supposition on the continent that this country was engaged on all occasions to protect Hanover. The King of Prussia was pointed at by these treaties ; and many other alliances must necessarily follow in consequence of them.

Lord Chancellor Hardwicke spoke next. The general utility, and necessity of foreign alliances for this country, are contended for by him, and the advantages resulting to the nation from hiring foreign troops, instead of engaging our own countrymen in warlike expeditions.

The true constitutional doctrine, as regards the authority of the Crown to make treaties, is also explicitly set forth.

He thus commenced his address :—

“ My Lords,—from the general tenor of the arguments made use of in favour of this motion, one must conclude that this nation ought never to have any alliances, nor enter into any treaties of alliance or guarantee with any one of the powers upon the continent of Europe; which would be a very new and a very strange sort of maxim, and a maxim inconsistent with the practice as well as the sentiments of our ancestors, through all former periods of our history. In my opinion, my lords, it would be absolutely inconsistent with the safety as well as the interest of this kingdom; and I am the more inclined to be of this opinion, as I find it was the opinion of the great Earl of Clarendon, in the reign of Charles the II.”—

From whose “Apology,” Lord Hardwicke proceeded to quote; after which he thus continued :—

“ I shall always be for taking foreign troops into our pay upon such occasions, rather than for the increasing the number of our own, because such an augmentation would take a great number of our hands away from useful labour or manufacture, and when peace is restored, and the new raised troops disbanded, it leaves a new load upon the nation, by an additional number of officers upon half-pay, and an additional number of pensioners upon Chelsea College.”

If we had no connection with Hanover, these treaties, he contended, would be necessary to prevent its falling into the hands of our enemies; and we should have to support it as an ally. Hanover was a topic often resorted to, to excite jealousy and discontent; these treaties would promote tranquillity, both as regarded England and Hanover.

“ And lastly, my lords, as to the objection made, as if these treaties were inconsistent with our constitution, because, it is said, they ought not to have been made without the previous consent of parliament; this is, I confess, quite a new sort of doctrine to me; for I always thought, that, by our constitution, the King has the sole power of making

treaties of every kind, provided there is nothing in them contrary to the standing laws of the kingdom. But of late years some great politicians amongst us have been very apt to form Utopian schemes, and then declare them to be parts of our constitution, though they never existed anywhere but in their chimerical heads, and this I take to be the case with respect to the pretence now set up ; for the King is not obliged by our constitution to ask either the consent or approbation of parliament to any treaty he makes, nor even to communicate it to parliament, unless it requires a grant, or an act of parliament ; and even then he is obliged to communicate the treaty only when he applies for the grant or act thereby required." *

After some further discussion, the motion for a vote of censure was negatived by 84 to 11.

The document which follows contains an analysis, made by himself, of Lord Hardwicke's speech, lately extracted from. Though probably not very attractive in its appearance to the general reader,—to whom perhaps it may seem more fitted to grace an appendix, or form the substance of a bulky note, than to be introduced into the body of the work, as is here done,—it will, on close examination by the student, or by those who are ambitious of oratorical distinction, be regarded with more than ordinary interest, serving as this and other similar productions of its kind, from the same mind, already given, do, in a remarkable and striking manner, to exhibit the method adopted by Lord Hardwicke, in preparing himself for an effort of an important nature in a rhetorical contest. As the skeleton and sinews of an animal frame, though divested of the beauty and grace of the living being, conduce most correctly to display the wondrous mechanism and structure by which it was distinguished,—so these ingenious skeletons of the speeches of the great man before us, though bereft of the eloquence which adorned the finished oration, serve most perfectly to develope

the working of his mind when employed in their composition, and the process which he on these occasions pursued; and thus form very valuable studies both for the political and the professional aspirant.

“Introductory observations.

“Foreigners if present must be surprised.

“No false colours needful to support—only to wash off false colours thrown upon it to sully it.

“All the objections reducible to two general heads—

“Legal—Political.

“1st. Legal.

“Restrictive clause in the Act of Settlement.

“State it.

“1st. A previous objection.

“No subsidiary treaty at all to be made without the previous approbation of Parliament.

“This depends on the general rules of the constitution—

“Mere imagination,—fertility of genius.

“2nd. Strictly on the Act of Settlement.

“No such subsidiary treaty in which the King’s German dominions may be included to be made without the previous approbation of Parliament.

“Construction of the clause of restriction.

“Practice upon it ever since the late King’s accession.

“Treaties of guaranty.—General defensive alliances.

“Treaty of Hanover, 1725.—Hessian treaty of 1740.

“Russian treaty of 1741, almost in the same words with that of 1742.

“Times of making these two last treaties.

“Times of laying them before Parliament.

“Acts done by the administration in execution of these treaties.

“Times of those acts.

“Nobody then thought of suggesting it to be a breach of the Act of Settlement.

“Reserved for the sagacity, the penetration of these times.

“2nd. Objections.—Political.

“These treaties were considered in three lights.

“1st. A measure to kindle—to invite—a general war upon the continent.

“2nd. A measure singly for the defence of the German dominions.

“3rd. A preventive measure.

" 1st. The 1st light.

" No colour for it.

" Made against no power—offensive to no power.

" A great price often and freely mentioned.

" Sorry for it—groundless, imprudent.

" He has made no representation against it.

" It has been explained to him in its true light—in the most amicable, confidential manner.

" Communicated to his minister.

" A treaty of defence against whatsoever power shall be the aggressor against the King, or any of his allies.

" *Qui capit ille facit.*

" Whoever shall attack, becomes subject to this diversion, if the King thinks fit to make the requisition.

" France. Sweden.

" The party who makes the requisition, and who is to pay the subsidy, has the right to fix the place of the diversion.

" Some of the dominions of Sweden almost as much within the vicinity as those of Prussia.

" Sweden the most liable to the seduction of France—has ships of war.—This a most convenient check.

" The King of Prussia a great and most respectable power—a prince of great parts and penetration.—Not governed by passions of affection, or resentment, but by his interest judged of by his prudence.—Apt to cast his eyes about all quarters.

" Would he like to give occasion to a French army to march into the empire on the one side, and a Russian army on the other?

" 2nd light.—A measure singly for the defence of Hanover.

" That is one object,—not the sole one.

" 1st. Defence of His Majesty's kingdoms.

" 2nd. Defence of his German dominions.

" 3rd. Of his allies.

" It is even not for the defence of the German dominions at all, unless attacked on account of a British interest—a British cause.—To be restrained in the very terms of the article.—The most cautious limited article that ever was penned.

" 3rd light.—A preventive measure.

" This was said to be the most delusive pretence of all.

" 'Twas necessary to give harsh epithets to this way of stating it, because it is the true light, and the most justifiable one of all.

"A rule in controversy to do so.

"A great minister, who is dead;—much lamented; saw it in this light—in prospect of an American war approaching.

"Would you not, if possible, prevent a general war upon the continent?

"Is that most likely to be done by being totally *unprovided*, only having a certain strength there?

"Declared to *offend* nobody, to *defend* against anybody.

"This question answers itself.

"This treaty takes its rise naturally out of the treaty of 1742—is built upon it.

"State how this stands.

"In the treaty, 1742, the *Casus Fœderis* is defined in the 4th article.

"German dominions plainly included in it, kingdoms, provinces, states, and possessions *quelconques*.

"The same description as in the treaty of Hanover.

"Can any man doubt whether the German dominions were comprised in that?

"The treaty of 1742 differs from other defensive alliances in the 7th article.

"State this.

"No article for *totis viribus*.—This new treaty takes its rise out of the 7th article.

"But when it came to a subsidy of £500,000 per ann. for 55,000 men, the King would not use words even to entitle himself to make such a requisition for Hanover, unless attacked on account of a British interest.

"This operates as a restriction.

"The most cautious, most gracious provision—no partiality, for Hanover prevailed here.

"But I will go no farther. Suppose for a moment that there should break out a war on the continent.

"This may happen whether you will or not.

"No man of sense or integrity will maintain that you are, by your present circumstances, absolved from your defensive alliances.

"How then will you perform them, when called upon? Can you send your national troops? No, these troops and the Hessians must be your resort.

"No man of sense or integrity will say that you can quite separate yourselves from the continent. A commercial kingdom must have connexions there.

“ Objections.

“ Objection 1st. These troops to act by way of diversion only.

“ Answer. That diversion may be in Sweden—in the Netherlands—against any power who shall join in the war against you—in the country of any Prince, who may join with France in attacking Hanover.

“ Objection 2nd. The 7th article of this treaty speaks of the proximity of the country, wherein the diversion may be made.

“ Answer. Only says *probably*—does not fix it to be there.

“ Objection. Russia will, if in any remote place, require subsistence for these troops.

“ Answer. Will have no right to it. What may be done by way of *douceur* is another question.

“ Objection 3rd. 12th article big with another subsidy, for passage through the territories of Poland.

“ Answer. Nothing like it. It is probable that Poland will refuse the passage to a Russian army? Look on their situation—their circumstances—the influence of Russia there;—asked no subsidy, nor made any difficulty of it in 1747.

“ Suppose, for a moment, should be refused. They may be brought by sea—embarked at Riga, in Livonia—landed at Lubeck—at Rial, the capital of the Duke of Holstein. He is great Prince of Russia—could he refuse a Russian army? At Stade, in the King’s own dominions.

“ Have now gone through—

“ Will not attempt to speak to your passions—will appeal to your unbiassed judgments. What is there criminal—what is there impolitic in this treaty? Where is the ground—I should have said the shadow of pretence—for the strong epithets, the uncommon language?

“ Will not retort that.—Saying of one of the most able writers, Mr. Chillingworth: (Passionate expressions and vehement assertions are no arguments, unless it be of the weakness of the cause that is defended by them, or of the man that defends it.)

“ As true a dilemma as ever was stated. Here it cannot be ‘of the men’ that defend it.—I know their abilities—only the other branch of the dilemma left—‘the cause that is defended, &c.’

“ But, for God’s sake, from whence proceeds all that unprovoked, unprecedented invective? Have ministers in an instant changed their shapes—their natures?

“ One month panegyricized into angels—the next transformed into monsters.

“ This is not in the nature of things; nor in the nature of measures—

must proceed from some secret latent cause, which I will not pretend to explain.

“The present administration.

“Are there not amongst them persons whose breasts glow with as much love for their country ;—are as popular in it ;—have as great a stake in the hedge of it ;—as free from the least suspicion of corruption ;—from seeking to profit by the distresses of their country, as any that were ever known in this kingdom ?

“But I go further.—How void of colour, of shadow is the impotent menace thrown out—the calling upon the judicial capacity of Parliament ?

“The thunder of your lordships’ justice is a tremendous thing—not wantonly to be played with.

“Cannot people please themselves with courting power, unless it comes armed with vindictive judicial inflictions ?

“Puts me in mind of what I have read somewhere—I am not sure whether in my Lord Bacon or not—’Tis in one of the moralizers upon the Heathen Mythology.—He draws a moral out of the known fable of Jupiter and Semele.

’Tis this :

“‘Whoever courts power, armed with the thunder of vindictive inflictions, it is ten to one but he is the first to suffer by it himself.’” *

Lord Chesterfield, in a letter to Mr. Dryrolles, dated Dec. 19, 1755, gives the following excellent character of the Parliament which was now assembled :—

“The House of Commons sits three or four times a week till nine or ten o’clock at night, and sometimes till four or five in the morning. So attentive are they to the good of their dear country, that zeal has of late transported them into much personal abuse. Even our insignificant house sat one day last week till past ten at night, upon the Russian and Hessian subsidiary treaties ; but I was not able to sit it out, and left it at seven, more than half dead ; for I took into my head to speak upon them for near an hour, which fatigue, together with the heat of the house, very near annihilated me.”

It is mentioned in Dr. Maty’s *Memoirs of Lord Chesterfield*, that on this occasion, when he spoke warmly, though without preparation, “he shone as usual, & did not seem to have lost any of his former vigour ; but this

* Hardwicke MSS., Wimpole ; Hansard’s *Parl. Hist.*

exertion fatigued him so much that he was obliged to be carried home immediately after, & never again appeared as a speaker in the house."

In the House of Commons, the treaties were warmly debated, but on a division ministers had a majority of 289 against 121. The following is Mr. Charles Yorke's account of Mr. Pitt's speech on this question, as contained in a letter to Lord Chancellor Hardwicke, written on the 13th of December :—

" Mr. Pitt spoke in a much lower tone last night, complained he was not well ; made apology for invectives ; becivilized the majority of the house, & particularly the profession of the law ; said he wo^d always speak of ministers with freedom in Parliament, as they deserved ; complained of Hanover influence for 30 years ; that the ministers had indulged the prejudices of the closet ; Sir R. Walpole was the English minister who withstood them, but when he was gone, the isthmus was cut, & let in an inundation of subsidies, & German measures, to the ruin of this country."*

Another letter, characteristic of the Duke's impetuous temper, and also at the same time of his great respect and regard for Lord Hardwicke, was addressed by him to the Chancellor, on the 17th of December, which is here extracted, though the matter to which the following passage alludes cannot now be detailed :—

. " Allow me to say, my dear lord, that I never was so much hurt, as with your reproach yesterday, which I declare I did not deserve. Your l^p is extremely mistaken, & that all the world knows, if you can imagine that I value any man a hundredth part so much

* Hardwicke MSS., Wimpole.

as I do you, or that I would prefer any one's recommendations to yours. Your recommendations are always orders to me, & I never did, or will dispute them, when your lordship insists upon them."*

The people of Great Britain were at this time shocked by the tidings of a most dreadful earthquake, which on the first of November had been felt all through Spain and Portugal, and many other parts of Europe, and had laid the city of Lisbon entirely in ruins, burying with them upwards of 100,000 persons. The King of England, on receiving an account of this deplorable event from our ambassador at Madrid, immediately sent a message to both Houses of Parliament, desiring their concurrence and assistance towards relieving the unhappy sufferers. A sum of £100,000 was unanimously voted accordingly, for the relief of the distressed people of Portugal.

Mr. Warburton, in a letter to Mr. Hurd, says :—

"The relation of the captain of a vessel to the Admiralty, as Mr. Yorke told me the story, has something very striking in it. He lay off Lisbon on this fatal first of November, preparing to hoist sail for England. He looked towards the city in the morning, which gave the promise of a fine day, and saw that proud metropolis rise above the waves, flourishing in wealth and plenty, and founded on a rock that promised a poet's eternity, at least, to its grandeur. He looked an hour after, and saw the city involved in flames, and sinking in thunder. A sight more awful, mortal eyes could not behold on this side the day of doom."†

During the course of the year 1755, Lord Chancellor Hardwicke's old friend, the Lord Chancellor of Ireland, wrote to him to solicit his interest to obtain his promotion to a viscountcy, which Lord Chesterfield, when Lord Lieutenant of Ireland, had offered to recommend. In November of this year, Lord Newport was, accordingly, created Viscount Jocelyn. The Earl of Hardwicke

* Hardwicke MSS., Wimpole. † Bishop Warburton's Correspondence.

addressed him on this occasion, congratulating him on the event:—

*“Powis House, Nov. 18th, 1755.**

“MY DEAR LORD,—I lay hold of the very first opportunity to offer your lordship my most cordial congratulations on the new mark which you have just received of the royal favour. It is no more than what your attachment to, & long labours in His Majesty’s service have justly entitled y^r lordship to, & your friends here have most sincerely wished & promoted for you.

“Your late Lord Lieutenant did, to my knowledge, very earnestly begin it; & your present Lord Lieutenant did readily pursue it. They both did me the honour to consult me upon it, & I, with the greatest pleasure, concurred with them; tho’ it was so much your due, & the King was so graciously disposed towards your lords^p, that I claim no merit in y^r success. May your lordship & your family long enjoy it, with increase of honour & advantage.” †

Lord Chancellor Jocelyn tells Lord Hardwicke, in his reply,—

“I beg leave to acknowledge, with the highest gratitude, your lordship’s powerful good offices with His Majesty on my behalf. As pleasing as this new mark of royal approbation is to me, I receive it with far the greater satisfaction, that your lordship has had the goodness to contribute so much to procure it, there being no honour which I can hand down to my family, that I set an higher value upon, than that of being allowed a share in your lordship’s friendship, which will no less dignify my memory, than it has made my life prosperous and happy.” ‡

* Hardwicke MSS., Wimpole.

† Ibid.

‡ Ibid.

Considerable alarm was, at the commencement of the year 1756, again excited throughout the nation respecting a projected invasion of this country by the French, reference to which has already been made in some of the Duke of Newcastle's correspondence. To such a height, indeed, had this terror reached, that both Houses of Parliament agreed to a joint address to the King, beseeching his Majesty that he would be graciously pleased to order a body of his Hanoverian forces to be brought over to be in readiness to assist in the defence of his British dominions. The 1st of April was, somewhat injudiciously, chosen as the day for making so novel and unlooked-for an application. Indeed, in ordinary times, the invasion which appeared most to be dreaded by His Majesty's attached subjects in England was the arrival here of His Majesty's Hanoverian troops. The reply of the King to the above address, the draught of which is in the handwriting of Lord Chancellor Hardwicke, was as follows :—

“I am allways glad to do any thing that is agreeable to my Parliament ; & as both houses desire that a body of my German troops should be brought over hither, to assist in the defence of this kingdom, in the present critical conjuncture, I will give immediate orders for that purpose.” *

An appalling account of a French fleet, which was seen cruising down the Channel, in terrible array, was shortly afterwards sent to the ministry ; but the phantom appears soon to have vanished, as the Chancellor's correspondents make no further allusion to this disquieting topic.

It was proposed, however, that a militia should be at

* Hardwicke MSS., Wimpole.

once established in the country ; in which all able-bodied persons should be made liable to serve for a certain period, and thus Old England might be rendered safe from foreign invasion on the one hand, and independent of Hanoverian military aid,—which appeared to be scarcely less dreaded,—on the other. A bill for this purpose was therefore introduced into the House of Commons, where, from the feeling in the country already referred to, it passed without any serious opposition, and was afterwards sent up to the Lords. On the 24th of May, the third reading of the measure took place in the House of Peers, after which there was a long discussion on the question that the bill do pass. Earl Stanhope opened the debate, and supported the proposal, but was opposed by Earl Granville. The Duke of Bedford spoke strongly in favour of the bill, and was replied to by Lord Chancellor Hardwicke. It was ultimately rejected, by 59 against 23.

The arguments made use of on this occasion with respect to the particular question in debate, are of less interest than the general matter and reasoning contained in Lord Hardwicke's speech. His observations on the evil of the multiplicity of our laws, and the loose manner in which they are framed, are even more applicable to the present time, than they were to that at which they were spoken. The remark, too, as to the deficiency in our jurisprudential system, arising sometimes from the want of proper enactments, and sometimes only from want of execution of those which exist, and the distinction to be observed between the two cases, is well worthy of reflection at this day. Probably, however, the division of duties which the Chancellor allots to the two houses of parliament, might not be quite in unison with the opinions of the lower house now, who would feel con-

siderably slighted in being deemed the mere *consenters* to the measures framed by the wisdom of the other branch of the legislature. The inconvenience arising from the mode of making laws which he complained of, has doubtless much increased since Lord Hardwicke's time.

He afterwards applies the principles which he had laid down with respect to legislation, to the case before the house.

The superior importance of moral effects to parliamentary enactments, which he here inculcates, of training and ordering the habits and feelings of a people,—a notion which Burke afterwards expatiated upon and extended,—is well deserving of attention. The evil of the multiplication of oaths which, since Lord Hardwicke's day, under the system he complained of, grew so intolerable as to have been remedied, is here forcibly exposed. As a whole this speech, from which a few only of his observations are here selected, is deserving of deep attention by every lawyer and every statesman.

“ My Lords,—We have it from the highest authority, that, in the multitude of counsellors there is safety ; but we, in this nation, may from experience say, that in the multitude of legislators there is confusion ; for our statute books are increased to such an enormous size, that they confound every man who is obliged to look into them ; and this is plainly owing to a great change which has by degrees crept into our constitution. In old times, almost all the laws which were designed to be public acts, and to continue as the standing laws of this kingdom, were first moved for, drawn up, and passed in this house, where we have the learned Judges always attending, and ready to give us their advice and assistance. From their knowledge and experience, they must be allowed to be best able to tell whether any grievance complained of proceeds from a non-execution of the laws in being, and whether it be of such a nature as may be redressed by a new law. In the former case, a new law must be always unnecessary, and in the latter it must be ridiculous ; and when by the opinion and advice of the Judges, we find that neither of these is the case, we have their assist-

ance, whereby we are enabled to draw up a new law in such a manner as to render it effectual and easy to be understood. This is the true reason why, in former times, we had but very few laws passed in parliament, and very seldom, if ever, a posterior law for explaining and amending a former.

“ My lords, by this new method of law making, the business of the two houses seems to be so much altered, that I really think the writs of summons ought to be altered ; those for the other house ought now to be ‘ ad consulendum,’ and those to the members of this, ‘ ad consentiendum.’ But this is far from being the only inconvenience ; the other house, by their being so numerous, and by their being destitute of the advice and assistance of the Judges, are too apt to pass laws which are either unnecessary or ridiculous ; and almost every law they pass stands in need of some new law for explaining and amending it ; and we in this house, either through complaisance, or through want of time, are but too apt to give our consent, often without any amendment. By this means it is that our statute books have of late years increased to such an enormous size, that no lawyer, not even one of the longest and most extensive practice, can pretend to be master of all the statutes that relate to any one case that comes before him ; and this evil goes on increasing so much every year that it is high time for this house to begin to put a stop to it, by resolving not to pass any bill for introducing a new and standing law that comes from the other house, unless it comes up so early in the session as to leave us sufficient time to take the advice and assistance of the Judges upon it, and to consider every clause of it maturely ; and in every such case we ought to consider whether a new law be necessary for the purpose intended ; for no new law ought ever to be made unless it appears to be absolutely necessary, as a multitude of useless laws is one of the greatest plagues a people can be exposed to ; in the next place, we ought to consider whether the inconvenience or grievance intended to be removed be of such a nature as to admit of being cured by any human law ; for if it be not, we render ourselves ridiculous by the attempt ; in the third place, we ought to consider whether, by endeavouring to remove the grievance or misfortune then complained of, we may probably introduce a much greater ; and in the fourth place, we ought to examine very strictly whether the law be conceived in such terms as may be effectual for the end intended, and the several clauses so clearly expressed as can admit of no doubt.

“ My lords, this bill likewise labours under the same inconvenience that most of our late new laws labour under, by which I mean that of

multiplying excessively, and in most cases needlessly, the number of oaths. We have already rendered oaths so frequent, that even perjury itself is, I fear, become familiar to many of the vulgar, and this bill will add greatly to the misfortune. I can see no reason why any man should be obliged to swear to his qualification, as he is to be fined if he acts without being duly qualified; and in many cases an oath is to be administered where it is quite ridiculous to require any such solemnity. A militia man cannot by this bill be punished for being absent, for being drunk, for giving the lie to his serjeant, or for any other little peccadillo, without a solemn oath before a justice of the peace. But, my lords, it would be endless to take notice of all the errors, oversights, and imperfections of this bill; therefore I shall add no more, but conclude with declaring, that, in the light I view it at present, I cannot give my consent to its being passed into a law.” *

Lord Chancellor Hardwicke also expressed his strong objection to a clause in the bill, which enacted that the militia should be exercised on Sundays, after divine service, declaring his opinion, that if such a law was established there would be, notwithstanding the injunction to go to church, a constant fair and scene of jollity in the several parishes where these exercises were kept, and that the very semblance of religion would soon be abolished in this country.

Sir Dudley Ryder, Lord Chief Justice of England, died in the month of June, quite unexpectedly, and while a patent was in course of preparation for elevating him to the peerage, by the title of Baron Harrowby; an honour which was subsequently conferred on his son. Lord Waldegrave says of the Chief Justice, that he was an honest man and a good lawyer, but not considerable in any other capacity.

The following is Horace Walpole’s account of the appointment of his successor, where again his hatred to Lord Hardwicke is made manifest.

“The great office of Chief Justice being vacant by the death of Sir

* Hansard’s Parl. Hist.

Dudley Rider, Murray demanded it, without a competitor, because above competition; and agreeably to his constant asseverations, that he meant to rise by his profession, not by the House of Commons; though the jealousy of his aspiring in the latter had signally contributed to throw Pitt into his then opposition. As Murray was equally the buckler of Newcastle against his ally, Fox, and his antagonist, Pitt, — one may conceive how a nature so apt to despond from conscious insufficiency, was alarmed at this event. No words can paint the distress it occasioned more strongly than what Charles Townshend said to Murray himself, on the report of his intended promotion. ‘I wish you joy,’ said he, ‘or rather myself, for you will ruin the Duke of Newcastle by quitting the House of Commons, and the Chancellor by going into the House of Lords.’”*

The letter which follows was addressed by Mr. Murray to Lord Chancellor Hardwicke, on the offer of the Chief Justiceship being made to him.

“26th June, 1756.†

“MY LORD,—I don’t know whether the way in which I chose to express myself last night, when I said I had always considered the peerage & Ch. J. as going together, sufficiently conveyed that without the one I wished to decline all pretensions to the other.

“Upon reflexion, as I have no hesitation, & never thought otherwise, I think it the most decent way to speak to be understood; for it wou’d grieve me extremely to have the King twice troubled in any respect on my account. No possible event can alter my anxiety for his ease or service.

“I beg once more to give vent to the sentiments of my heart by saying, that the sense of my obligations to your Id^p will be as conspicuous as my friendship to the Duke of Newcastle, which can only end with the life of

“Y^r L^{ds} most obliged, & obd^t humble serv^t,

“W. MURRAY.”

* Memoirs.

† Hardwicke MSS., Wimpole

The Duke of Newcastle was greatly perplexed with the present state of affairs; and the removal of Mr. Murray from the House of Commons, it was obvious, must be ruinous to the ministry. The most extravagant offers are said to have been made to the Attorney-General to induce him to continue in his office, though on what authority these statements were originally put forth, I have been unable to ascertain; and there is no allusion to any such offers among the papers of Lord Hardwicke, who would surely on such an occasion have been consulted. In a letter written to the Lord Chancellor on the 27th of June, his Grace speaks of his "present most distressed situation." After alluding to the Chancellor's friendship for him, the Duke proceeds:—

"There is only one further mark of it, which you have yet left untried, & that is, to endeavour to make the King easy, in my retiring from a situation where I can have neither ease, quiet, satisfaction, nor success. . . . I shall wait the event of your conference about the Att.-General. I must wish it success, & shall do my part in it on Tuesday." *

The Duke of Newcastle wrote again to the Lord Chancellor, on the 28th of June; and after mentioning the death of his sister, which had just occurred, he went on to state,—

"Your lordship will see that I shall be necessarily prevented from paying my duty to the King for some days, & consequently from joining to-morrow with your lordship in recommending the Attorney-General to His Majesty's favour, to succeed my Lord Ch. Justice Ryder, & to be created a peer. I must therefore beg, that you

* Hardwicke MSS., Wimpole.

would add my most humble request upon this occasion to your own. Was I singly to consult my own wishes, or perhaps my own interest, your lordship knows what my thoughts are; but when I consider that the present question is, whether Mr. Attorney-General shall remain in the House of Commons, *out of the King's service*, or be Ch. Justice, & a peer, I own I think the first would be attended with great inconveniencies to the King's service, & I should hope that His Majesty would be graciously pleased to grant his request, in consideration of the zeal & ability, which he has shewed for a considerable number of years, in the employments with which His Majesty has honoured him." *

The Attorney-General had declared, that if his demands were not acceded to, he would no longer remain an officer of the Crown in the House of Commons.

The letter which follows is from the Duke of Newcastle to the Attorney-General, wherein his Grace relates the substance of a conversation he had had with the King on the subject of the peerage, with which the promotion to the Chief Justiceship was to be accompanied:—

“*Kensington, July 2nd, 1756.*†

“DEAR SIR,—The King ask'd, whether I had seen *Murray*. I said, yes. ‘Well, what says he?’ ‘Extremely sensible, Sir, of your Majesty's great goodness to him, but wishes not to accept the one without the other.’ ‘Why! must I be forced? *I will not make him a Peer 'till next session.*’ ‘Sir, all that Mr. Murray desires is, that they may be defer'd. I apprehend it would be difficult, tho' perhaps possible, to make the Chief Justice this term.’ ‘I know, that may be delay'd; or it is not necessary to do it now;’—and here ended the discourse. I

* Hardwicke MSS., Wimpole.

† Ibid.

hope I have done right,—I am sure I intended it ;—but it is my misfortune to be distrusted by those from whom I never did deserve it.

“ I am, Dear Sir,

“ Ever yours,

“ HOLLES NEWCASTLE.”

“ Mr. Att^y-General.”

Eventually, however, though not until some months had elapsed, the King's reluctance to advance Mr. Murray at once to the peerage was overcome, and he was accordingly, on the 25th of October, promoted to the Chief Justiceship of England, and created a Peer of the United Kingdom, by the title of Baron Mansfield. The day before his elevation, he addressed the following letter to Lord Chancellor Hardwicke, who had written to him to inform him of the good news of the King's consent being obtained to bestow upon him these well-merited honours.

“ *Sunday Night, 24th Oct., 1756.**

“ MY LORD,—I am just come to town, & found y^r l^{ps} letter. It is impossible to say how much I feel y^r l^{ps} great goodness & attention to me, throughout this whole affair. The business of my life, at all times, & on all occasions, shall be to show the gratitude with which I have the honour to be,

“ Y^r L^{d^{ps}} most obliged,

“ & obed^t hum. serv^t,

“ W. MURRAY.”

During August the Chancellor had, as usual, retired to Wimpole, for the vacation. A letter was written by him from thence, on the 26th of that month, to Lord Royston, in which allusion is made to some disorder

* Hardwicke MSS., Wimpole.

under which this young nobleman was then labouring, and which occasioned Lord Hardwicke considerable anxiety :—

“ Every turn in this case, as every thing that nearly concerns you, has a great effect upon my mind ; & such frequent changes & delays of cure, are trials of patience, & require a reliance on that good Providence, which governs all things.” *

Mr. Charles Yorke had the misfortune to lose his only daughter, during the autumn of this year, on which occasion the Lord Chancellor wrote to him an affectionate letter of condolence, from Wimpole, where he was then staying, and which serves to exhibit Lord Hardwicke's character in a domestic point. He tells him,—

“ We sincerely condole with you on the loss of the dear little girl, which was a surprize to us, notwithstanding your intelligence by yesterday's post. It becomes us to submit with resignation to the providence of God in such circumstances, in the manner you very rightly state it. He is able, &, if he sees it fit for us, will make it up to us fourfold. It was my misfortune to lose my first child something earlier.† Thanks to the Divine goodness, it has been abundantly made up to me, & so I hope this loss will be to you.” ‡

In September the Lord Chancellor bestowed upon Dr. Tucker a prebend at Bristol, on which a warm letter of thanks was written by that gentleman to Lord Hardwicke, in return for this promotion.

The letter which follows was addressed to Lord Chancellor Hardwicke, by his nephew, Mr. Jones, who filled

* Hardwicke MSS., Wimpole.

† His first daughter was here meant, who was a victim to the small pox during her infancy. *Vide ante*, chap. II., p. 117.

‡ Hardwicke MSS., Wimpole.

the office of secretary to the Duke of Newcastle. It relates to a message of a conciliatory nature, which it was at this time proposed, that His Majesty should be induced, if possible, to send to His Royal Highness the Prince of Wales, but about the precise wording of which some difference of opinion existed.

“ *St. Albans St., October 2d, 1756,*
“ *at Night.*”

“ MY LORD,—I have the honor to send this messenger to your lordship, by my Lord Duke of Newcastle’s order, to acquaint you that Mr. Stone was with his Grace this morning ; and suggested the leaving out the words in the intended message to the Prince of Wales, which your lordship will find mark’d in the 2^d & 3^d lines of the 2^d page (viz^t.—*and of support to his government.*) Mr. Stone’s reason for this is, that tho’ the King might be suppos’d to entertain a doubt of the Prince’s *duty & gratitude* ; yet, he thinks he could not, without lowering himself too much, express an apprehension of his Royal Highness not *supporting his government* ; and besides that, the requiring such an assurance from a Prince so young, might not only be letting His Majesty down too far, but even be liable to some *ridicule*.

“ I had my Lord Duke’s directions to wait upon my Lord President, & to ask his opinion upon this point. His lordship declar’d himself *very strongly*, for leaving out the words in question ; and added *repeatedly*, that, if they made a part of the message, they would certainly be understood to mean *the support of His Majesty’s ministers*.

“ My Lord President then observ’d upon the words underlin’d in the first page:—viz. *And the only one*

* Hardwicke MSS., Wimpole.

which His Royal Highness makes with regard to his establishment.

“His lordship said that these words, if left in, might be consider’d as intended to *pin down* the Prince, in a manner which might prove *offensive*, from making any other requests of the same kind. And my lord added, that he was not quite sure whether such an assertion might be thought to be literally true ; as he had heard of Lord Euston, & some others, having been nam’d by His Royal Highness, as persons whom he should like to have in his family.

“The Duke of Newcastle, (who went to Claremont this day at noon) is not yet inform’d of my Lord President’s objection to the *last mentioned words* ; but his Grace will, I am sure, be very glad to know your lordship’s sentiments upon *that*, as well as upon the objection made originally by Mr. Stone, & concur’d in by my Lord President, to the words, *and of support to his government*, by the return of the messenger on *Monday* morning, before he sees the King. As to these last words ; in case it should be indifferent to His Majesty, whether they shall stand, or be struck out ; my Lord Duke would beg the favour of knowing particularly whether your lordship would be willing that they should be omitted. I must entreat the favour to have the message sent back.

“I hope your lordship had a good journey to Wimpole, & found my Lady Hardwicke well there ; to whom I beg leave to offer my most humble duty.

“I am, with the greatest respect, gratitude, & attachment,

“My lord,

“Your lordship’s most dutiful, & most ob^t serv^t,

“HUGH VALENCE JONES.

“To the Lord Chancellor.”

Lord Chancellor Hardwicke replied to Mr. Jones's letter in the following terms :—

“ *Wimpey, Oct. 3rd, 1756.*

“ *Sunday.**

“ DEAR COSIN,—I return by your messenger the inclosed message, &, as my Lord President concurs with Mr. Stone in the opinion that the words—*and of support to his government*—shou^d be left out, I readily agree to it, & desire they may be so. The meaning of them is to require, & insist on, the concurrence in, & support of His Majesty's measures, & not directly of his ministers, tho' that might be included in them. But, if it is apprehended that those words will strike any body immediately & originally in that light, & that an ill use may be made of such a construction, it is a reason for leaving them out. Besides, in a fair & reasonable construction, the preceding words—*returns of duty and gratitude to the King*, do include all we mean by the words objected to.

“ As to the other words to which my Lord President alone has objected, I allways had my doubts about them, for the very reason which my Lord President mentions, viz., that they might seem intended to pin down the Prince from making any other request with regard to his establishment. They are certainly justified by being the very words of His R. H.'s letter to the King; & yet the fact, which Lord Granville mentions, of his having also in a manner ask'd my Lord Euston & Mr. Onslow, is true. I therefore, upon consideration, think they had better be omitted; & my opinion in general is that, in such a paper, any words not necessary in themselves, to which any friend of consequence has an objection, which he lays weight upon, had better be omitted.

* Hardwicke MSS., Wimpole.

“ Pray present my best complim^s to the Duke of Newcastle, & lay this letter before his Grace as my thoughts.

“ I am, dear cosin,

“ Your’s affectionately,

“ HARDWICKE.

“ I found Lady Hardwicke very well. She joins with the rest of us in our complim^{ts} to you, &c.”

On the 13th of October, Mr. Fox wrote to the Duke of Newcastle, intimating his intention to resign office. He said—

“ The step I am going to take, is not only necessary, but innocent. It shall be accompanied with no complaint; it shall be followed by no resentment. I have no resentment, but it is not the less true that my situation is impracticable.” *

Mr. Fox, accordingly, on the same day, drew out a paper, which was delivered to the King, who desired the Duke of Newcastle to preserve it. Mr. Fox stated in this document,—after alluding to a conversation that he had had with Lord Barrington, who told him that the Duke of Newcastle had said that he should offer Mr. Fox’s place to Mr. Pitt, if he was sure it would not offend Mr. Fox:—

“ Tho’ I have behaved in the best manner I have been able to the Duke of Newcastle, yet I find that my credit in the House of Commons diminishes *for want of support*, & think it *impracticable for me to carry on His Majesty’s affairs, as they ought to be carried on*. And therefore beg leave humbly to acquaint His Majesty that I wish some new arrangement to be made; in w^{ch}, if His

* Hardwicke MSS., Wimpole.

Majesty thinks me worthy of any employment, not of the cabinet, I will attend & give all the assistance I can in Parliament.”*

He intimated also that he supposed his place would be offered to Mr. Pitt, which he hoped was in negotiation. The words in italics were scored under by the King.

The Duke of Newcastle immediately wrote to the Chancellor, who was still at Wimpole, informing him of what had taken place. Lord Hardwicke’s reply to this letter is as follows :—

“ *Wimple, Oct. 14th, 1756.*

“ *Thursday morning.*†

“ MY DEAR LORD,—At my rising this morning at 7 o’clock, I was surprised with your Grace’s letter of yesterday evening, & the copy of Mr. Fox’s enclosed in it. I agree with your Grace that his real view in *the step w^{ch} he is going to take*, (as he calls it,) is—to make use of this opportunity of distress to get his own terms & all the power he wants. If the King would take him at his word, & come roundly into a resolution to take in Mr. Pitt, &c., (for one can’t desire the other particulars,) I think he would be disappointed, & repent this hasty measure. But Mr. Fox depends upon it that this will not happen ; and it is very remarkable that this proposition & quitting should come, & be to be executed thro’ my Lady Y.,‡ the very day after she had told your Grace *that you must do the best you could with Mr. Fox. for that you could not change him.* These were her ladyship’s words according to your Grace’s letter of yesterday. If Mr. Fox has found reason to think that the King has been newly set, or set himself against taking in Mr. Pitt, he may think such an opportunity advantageous to bring

* Hardwicke MSS., Wimpole.

† Ibid.

‡ Yarmouth.

about his purposes. For, (tho' I may be mistaken,) I can never persuade myself that he wishes to quit, or that the D. of C.* intends he should.

"As to the grievances he complains of, they are mostly pretended, & none of them new except what he chuses to call *the message* by my Lord Barrington. The want of power in the House of Commons in the disposition of employments is, (as your Grace truly calls it,) the old story; & besides, I apprehend he has had his full share, & I have reason to believe this is the general opinion. As to Lord Barrington's discourse to him, I remember your Grace told me that Barrington intended to go, but I never heard what passed between them. I then wondered y^t his lords^p sh^d think Mr. Fox his friend; & think it not impossible that, in order to accredit himself, he might make more use of your name than he should have done, & talk of Mr. Pitt's coming in as more practicable than it was. This might make Mr. Fox apprehend the resolution might soon be taken, & therefore resolve to be beforehand. I should also conjecture that seeing a kind of reconciliation made with Leicester House, he may think that measure may have an effect upon the opposition to make them, in a little time, y^e more inclined to approach nearer to the administration; & therefore, he may intend to bring on a difficulty before you are ripe for it, & chuse to appear to quit, rather than be dropt. It was for fear of operations of this sort, that I was so desirous that my Lord President sho^d make his visit immediately.

* * * * *

"Your Grace does me the honour to ask me what language you sh^d hold to the King; and I will frankly tell your Grace what I think of that, upon what at

* Duke of Cumberland.

present appears to me. I submit it to you, whether you would not shew the King that Mr. Fox has no reason to take this part from any ill usage which he has received, in the way you have stated it to me, which I take to be very true. That this time twelvemonth y^e question was whether His Majesty should take in Mr. Fox or Mr. Pitt, and His Majesty very graciously shewed his predilection for Mr. Fox, & preferred him. That this was very high distinction & obligation ; & now Mr. Fox chuses this very time, when y^e King's affairs are under difficulties, & y^e Session of Parliament very near, to leave him. That, if he does so, it is Mr. Fox that lays His Majesty under the necessity of taking in Mr. Pitt, for that there is no third party to take. It must be either the one, or the other.

“ If the King sh^d say, *But Pitt won't come*, I would humbly advise your Grace not to give into y^t, but, with^t affirming any thing, to suppose it not impracticable.

“ But, before your Grace talks this language to the King, w^d not you think it right to see Mr. Fox yourself, for you will be better able to judge by a personal conversation, than by y^e reports of others.

* * * * *

“ As to Mr. Pitt, you know my thoughts, but I have no channel to him, nor have had any since September, 1755. I have heard y^t there is or has been some correspondence (I mean only a very fair civil one) kept up betⁿ Mr. Attorney General & Geo. Grenville ; if so, might not some trial be made *to sound* y^t way ?

“ I am, &c.

“ HARDWICKE.”

On the day on which the Duke of Newcastle received Lord Chancellor Hardwicke's letter, he replied to it in the following terms :—

“ *Kensington, Fryday,*

“ *Oct. 15th, 1756, near four.**

“ MY DEAREST LORD,—The business is done, but we must strike whilst the iron is hot. My long letter was finished before I went to Court. I found the King in good humour. I began with the *paper* which I had seen. I shewed how insidious & indeed false it was in every part, the introduction, as if we had proposed or mentioned *Pitt* to him, & he always deferring to the King. In short, things press so, that I have not room to give you an account of the whole. What is to be done, my lord? ‘I (the King) knew a person of consequence, sense, and good intentions,’ (which person I know to be my L^d Hyde, & honest Munchausen told it the King this morning,) ‘said that there were but three things,—to call in Pitt,—to make up with my own family,—& my lord, I have forgot the third. Pitt (says the person) is a man, that when once he has taken a part, will go thro’ with it steadily, & more ably than Fox.’ That, S^r, says I, every body says. I then shewed the King a proper extract of y^r l^{ps} letter, w^{ch} had such an effect that His Majesty ordered me immediately, or gave me leave, to have Mr. Pitt sounded, whether he would come & support the King’s affairs, & be secretary of state, but that was not to be named at first; but what was more, *that if he would, he should meet with or have a good reception.* These were the King’s own words, & great use may be made of them,—*they must make an impression.*

“ My Lord Granville, after I came out, carried in his paper; I dare say did what he could to obtain a gracious answer. On the contrary, L^d Granville told me that he found the King was so angry with Fox, that he had

* Hardwicke MSS., Wimpole.

rather have any body than him. The King underlined the paper, in L^d Granville's presence, to shew him what part he was offended at. The King told G. that he had done too much for Fox, enumerated all the places & graces which he had shewed him, (I put His Majesty *au fait*,) and then ordered my Lord G. to tell Fox that he was much offended at this step, & that he would have him appeal to his own conscience, whether he had done right in these circumstances. My L^d G. told me he should carry the answer immediately, that he should not repeat the strong things wth the King said, that he would do no hurt, that he would still endeavour to make him alter his mind, if it was only for one session. But this makes it absolutely necessary not to lose a moment in applying to Mr. Pitt. The great question that the King asked me, I own I could not answer. What shall we do if Pitt will not come? Fox will then be worse. No, Sir, he can't be disoblged at it, for his paper is an advice to your Majesty to do it. The King talked wth the greatest kindness of y^r l^p, agreed I should write to you, & consult wth you. I told him I w^d send for your l^p to be in town on Monday, & I do hope in this great crisis, which now depends, at least at present, entirely upon Pitt & us, that your l^p would be in town on Monday night. That the matter must be *entaméed* before that. The King asked me, Suppose Pitt will not serve wth you? Then, S^r, I must go. He said, most graciously & good humouredly, My lord, I know y^r faults, but I know also y^r integrity & zeal for *me*; it will be the same; but, my lord, you will not be able to do me the same service when you are not in the ministry. If, Sir, there is a concert between Fox & Pitt, they must make y^r administration. In short, he was in excessive good humour.

“ Lord Holdernessee went in after Granville. The King gave him the paper to give me, told him the parts he had marked, & why he had marked them, but said not one word of *Pitt*. He did to my L^d G., and said you would not like Pitt, w^{ch} the other denied ; the King said, the way was to sound Pitt first, but did not say that he had agreed to it. My L^d Ho^{sec} & I went together to Lady Yarmouth, whom we found quite altered, saying good things of Pitt, but there must not be one moment lost ; & indeed if we don’t, as Munchausen advises, strike whilst the iron is hot, where shall we be ? If my Lord Granville persuades Fox to send him to the King, to let His Majesty know that since he is offended with the part Fox has taken, he will submit himself to the King, & stay as long as His Majesty shall think it for his service ? Upon sounding it every way, both with Hol^{sec} & my Lady Y., she was of opinion with us, & she allows me to tell you, that it is our joint advice & desire, that your lordship would, immediately upon the receipt of this letter, write yourself to Mr. Pitt, to desire he would be in town on Monday, & that you would call upon him on Tuesday morning. This is now in y^r l^dap’s power, don’t boggle at it. You see the King wishes it, Lady Y. advises it, & if it is not done before L^d G. returns to Court to-morrow, & the Duke sees the King on Sunday, nobody can tell whether it will ever be done at all, & then it will fail, purely from a scruple or nicety in yourself. To encourage y^r l^p to take this necessary step, Holdernessee has this moment told me, that the lady told him that Mr. Pitt would come, there was a possibility things might go on well with the King, but wth *the other* never. I could say a vast many things upon this subject ; but all the answer I desire to Fox’s letter & y^e other one is, to have to meet you at

Powis-house on Monday evening, & to let me know that the wishes of all y^r friends are complied wth, & that you have wrote by this messenger to Mr. Pitt who is now in Kent, & goes to Bath in a day or two.

“ Ever y^{rs},

“ HOLLES NEWCASTLE.”

Lord Hardwicke accordingly wrote immediately to Mr. Pitt the following letter.

“ *Wimble, Oct^r. 16th, 1756,*

“ *Saturday.**

“ SIR,—I ask much pardon for the liberty I am now taking, which nothing can excuse but the occasion. Being desirous to speak to you upon an affair of great consequence, I purpose to be in town on Monday night, & must beg the favour of you to give me the meeting some time on Tuesday next in the forenoon.

“ I hope this will not be inconvenient to you, & would propose to have the honour of seeing you at Lord Royston’s house in St. James’s-square, at such hour as you shall appoint. If any other place is more agreeable to you, it will be the same thing to me.

“ I sincerely congratulate you on y^e birth of your son, & hope my Lady Hester & he are both well.

“ I am, with great respect,

“ Sir,

“ Your most obed^t & most humble serv^t,

“ HARDWICKE.”

The Chancellor went to London, as he intended, on Monday, the 18th of October, and on his arrival at Powis-house he received this reply from Mr. Pitt.

* Hardwicke MSS., Wimpole.

*" Hayes, October 17th, 1756.**

" MY LORD,—No sort of apology can be necessary from your lordship, for giving me leave to wait on you, which I must always esteem a great honour. I will attend your lordship, as you propose, on Tuesday next, at St. James-square, at the hour of twelve in the forenoon. Give me leave to return your lordship my very humble thanks for the honour of your obliging congratulation and attentions for Lady Hester and the child. They are both as well as possible for the time. I am, with the highest respect,

" Your lordship's most obedient

" And most humble servant,

" W. PITT."

On the Chancellor's return to town, he also found a letter from Mr. Fox, expressing his wish that the negotiation with Mr. Pitt might be carried out, and his own determination to retire, and inclosing him a copy of the before mentioned paper, which had been delivered to the King.

Lord Chancellor Hardwicke wrote a letter to Lord Royston, on the 21st of October, in which he narrated the particulars of his conference with Mr. Pitt, together with other events connected with the ministerial negotiations, and expressed his own views on the subject.

" Powis House, Oct^r 21, 1756.†

" DEAR ROYSTON,—'Tis a vulgar saying that walls have ears ; & if they had tongues also, the walls of your dressing room would tell you a very long story. There was the scene between your friend Mr. Pitt & me last Tuesday in the forenoon, which I chose as the place freest from objection. The conference lasted full three

* Hardwicke MSS., Wimpole.

† Ibid.

hours and a half, to the astonishment, I fear, of Mrs Saubere & John Godfrey ; who must, according to their bounden duty, have told you before now their suspicions of some terrible plot. But to confess the truth,—surely never was a more unsuccessful negotiator. We fought all the weapons thro', but his final answer was *totally negative*. He was very polite, & full of professions to me, but the great obstacles are the D. of N. & measures ; & without a change of both, 'tis impossible for him to come. I made my report yesterday to the King, & after having made it three times over you may be sure I have no mind to write it. His Majesty was extremely gracious to me, grave, but not much moved. Mr. Fox has not yet delivered up the seals, but appears determined to do so ; & the King as much determined not to suffer him to keep them if he would. But I believe, in consideration of y^e present circumstances, His Majesty will give him some other employment in his service, not in the cabinet council. He is much provoked at Mr. F. for the part he has taken, & more especially for the time he has chosen to act it in. But at present everything is in uncertainty, & nothing is settled. If you have not seen F.'s paper, I send it you inclosed. 'Tis the copy which he sent me himself, with a very civil letter, the moment I came to town. He took me yesterday into a corner, at Kensington, & told me his story & pretended grievances. 'Twas all civility & complaisance to me, but that goes for nothing. The *concurrent plan* of both those gentlemen is to load the D. of N. They deny any concert, but I am convinced that I see symptoms of it.

“ The copy inclosed differs from the original sent to the King in the places marked, I mean in phrase only. Pray bring it up with you.

“ Pray make my most affectionate compliments to Lady March^s & Lady Anson. I rejoice to hear of all your good healths, & in particular that you continue sound. I hope you have been able to take some kind of exercise. How can you all bear to loiter in the country, whilst the town is all in motion ?

“ Yours most affectionately,

“ H.

“ I left your mother & Jem well, & expect them here on Saturday. Lord Anson was very well last night.

“ *Powis House, Oct. 21, 1756,*

“ *At night.*

“ PS.—I must add to my letter of this day a phenomenon which appear^d at court at noon, & which I did not then know. Mr. Pitt sent this morning to my Lady Yarmouth to desire leave to wait upon her. He had that leave, & was with her a great while. Nobody knows what he has said to her, except that he has made vast professions to the King, & proposed to her ladyship some sort of plan ; but whether he has adhered to or receded fro’ what he said to me she has not said, for she would say nothing till she had related it to the King. I understand he has flattered me black & blew, but, if that be all, it passes for nothing. He will come to the King’s levee to-morrow, & I guess bring his suite along with him. You may imagine that this sets all the court at gaze. I hear that Fox makes no part of his plan, which looks a little like concert with Leicester House. What is most remarkable is, that he had never been with my Lady Yarmouth before in his life. You who have read so many negotiations, know that great & important treaties are seldom settled by the plenipotentiaries, but at the court of one of the contracting powers.

I think I have now told you news enough for one day. Adieu."

On the 20th of October the Duke of Newcastle addressed the following letter to the Lord Chancellor:—

" *Newcastle House, Oct^r 20th, 1756.**

" MY DEAREST LORD,—Tho' a consciousness of my own innocence, & an indifference as to my own situation, may, & I hope in God will, support me against all the wickedness & ingratitude which I meet with, yet your lordship cannot think that I am unmindful of or senseless to the great indignity put upon me by these two gentlemen. Next to my own innocence, my only consolation is the justice which the King does me, & therefore I hope that His Majesty will look upon this refusal of Mr. Pitt, & the reason he glories in it, in the same favourable light for me, that he has done Mr. Fox's quibblings, & his accusation of me. Tho' I don't in the least doubt your lordship's justice & prudence, allow me only to suggest to your lordship the necessity of making the King see that the whole is a concert between Mr. Pitt & Mr. Fox. The views & principles upon which they act the same, viz. to make themselves necessary, & masters of the King. That the accusation of me is the most unjust, grounded upon false or rather no facts; that the only thing Mr. Pitt alledges against me is *the conduct of the war*. . . .

" It is above me to give any advice. The King must talk to his other servants, the President, the Duke of Grafton, & the D. of Devonshire. You will lay me in the humblest manner at the King's feet, with the highest sense of His Majesty's goodness to me, & with the

* Hardwicke MSS., Wimpole.

utmost resignation to his royal will. But you will particularly assure His Majesty, that as I find my continuing in his service is made a reason for others to decline it, I shall with the same zeal, duty, & cheerfulness receive his commands to retire, & serve him as a private person, & ever zealous subject. That I have always endeavoured to do whilst I was in his service.

“ I am, my dearest lord, ever y^{rs},

“ HOLLES NEWCASTLE.”

The following indorsement, in the handwriting of Lord Chancellor Hardwicke, is written on this letter. The portion of the letter referred to, is that comprised in the last paragraph.

“ 20th Oct. 1756. After I had related to the K. the conference, which had passed betw. me & Mr. P. the day before, I read all that part of this letter which is scored to His Majesty literally & distinctly.”

The note which follows was appended to this letter by the second Lord Hardwicke.

“ N.B. There was no other concert between Pitt & Fox, than both uniting in a desire to get rid of the Duke of N—tle. The latter had certainly a desire to be connected with the former, who when he came in w^d have nothing to do with him. The D. of Cumb^d was Fox’s principal abettor & adviser. H.”

On the 24th of October, another conference took place between the Chancellor & Mr. Pitt, of which a full account has been left by Lord Hardwicke. On this occasion his lordship informed Mr. Pitt of his having communicated to the King all that had taken place during the former interview; but that His Majesty did not think that what had been suggested was either

for his or for the public service. This conference ended in Mr. Pitt declaring to Lord Hardwicke as narrated by the Chancellor:—

“ That he was surprized that it should be thought possible for him to come into an employment to serve with the D. of Newcastle, under whose administration the things he had so much blamed had happened, & against which the sense of the nation so strongly appeared; & I think he added, which administration could not possibly have lasted, if he had accepted.

“ In answer to that, I said some general things in the same sense with what I had mentioned on that head on Tuesday last.

“ He then rose up, & we parted with great personal civility on both sides.”*

The following is indorsed on the relation of the conference.

“ Read to the King in his closet at Kensington, Tuesday, October 26, 1756.”

The Duke of Newcastle now determined absolutely on resigning his place in the administration, and Lord Hardwicke also came to the resolution of giving up the great seal, and retiring altogether from official life. The letter which follows, from the Duke of Newcastle to the Chancellor, alludes to this subject, and presses on him the expediency of doing it without delay.

“ *Newcastle House, Nov. 2nd, 1756.*†

“ MY DEAREST, DEAREST LORD,—You know, you see, how cruelly I am treated, & indeed persecuted by all those who now surround the King; the only comfort I have is in the continuance of your Lordship’s most cor-

* Hardwicke MSS., Wimpole.

† Ibid.

dial friendship & good opinion. The great & honourable part which you are resolved to take will be my honor, glory, and security, & upon which I can & do singly rely. I despise testimonies from others, who, for their own sakes as well as mine I should desire not to give any of that kind at this time. But, my dearest Lord, it would hurt me extremely if yours should be long delayed. I submit the particular time entirely to you, grateful for it whenever it shall happen. I must have a treasury to-morrow, & another on Saturday for the despatch of necessary business; & I propose to quit on Monday, for quit before the next day I must & will."

On the 11th of November the Duke of Newcastle quitted office; and, on the 19th of the same month Lord Chancellor Hardwicke resigned the Great Seal. Mr. Pitt was appointed Secretary of State; the Duke of Newcastle was succeeded at the Treasury by the Duke of Devonshire, and Lord Anson at the Admiralty by Earl Temple. Mr. Legge became Chancellor of the Exchequer in the room of Sir George Lyttelton, who was elevated to the peerage by the title of Baron Lyttelton; and Mr. George Grenville was made Treasurer of the Navy in the place of Mr. George Bubb Dodington. But few other material changes were made in the administration.

Lord Mahon says the Duke of Newcastle "was followed, to the general regret of the nation, by his constant friend, and the main pillar of his administration, the Earl of Hardwicke, whose advancing years had for some time past counselled retirement. Never has the high office of Chancellor been more uprightly, more learnedly, and more ably filled."*

Even Lord Waldegrave admits that Lord Hardwicke

* Hist. of England.

resigned “much to the regret of all dispassionate men, and indeed of the nation in general.”* Horace Walpole himself states “that great efforts had been used to retain him.”†

The following extract from the Diary, in Lord Chancellor Hardwicke’s own handwriting, records some particulars connected with this event:—

“19 Nov. 1756. Resigned the Great Seal, voluntarily, into His Majesty’s hands, at St. James’s, after I had held it 19 years, 8 months, & 16 days.”

The retirement of such a man as Lord Chancellor Hardwicke, from the high judicial and political dignity which for nearly twenty years he had filled with such distinguished eminence, was an event which formed an era, not only in his own life, but also in the history of his country. In the legal annals of this nation, it doubtless constituted a very important and memorable epoch. As the office was one which,—though ordinarily regarded as the furthest point of ambition with the most gifted lawyers,—had been only reluctantly pressed upon him, and the anxious duties of which he had not sought but avoided, so was his relinquishment of it the result of no compulsion or necessity; but he voluntarily resigned this exalted station, full of honours and of well-earned reputation, venerated by all the members of that profession of which he was alike the glory and the head, and regretted by all good and dispassionate men of whatever party throughout the empire;—a reward than which no distinction could be higher, and which well deserved merit only can serve to ensure.

The length of time during which he had filled the post of Lord High Chancellor, and the importance of the period during which he had presided in this dignified

* *Memoirs.*

† *Ibid.*

office, would alone render his career remarkable. One only of his predecessors, Lord Chancellor Egerton, the immediate precursor of Lord Bacon, occupied that seat for so great a space; and one only since Lord Hardwicke's time, Lord Chancellor Eldon, has retained it so long. Neither of these distinguished men, however, filled this eminent station at so critical or so memorable a time as that during which Lord Hardwicke was Chancellor. If we consider the numerous events of deep importance which occurred while he held the Great Seal,—the rebellion of 1745,—the trials of peers at which he presided,—the different leading political transactions which he influenced, both foreign and domestic,—the various legislative measures which he framed and ordered,—and, above all, the judicial decisions which he pronounced,—we cannot but consider his career in this exalted office to have been alike honourable and distinguished. As regards the equity system which he framed, if it has fallen but to few to have twenty years uninterruptedly to carry out their own theory, still fewer have had so grand and perfect a theory as he propounded to carry out.

The number of eminent men who, during his time, and in most cases through his influence, were promoted to judicial offices—Lee, Parker, Strange, Ryder, Foster, Pratt, Denison, Wilmot, and, above all, Mansfield—is at once a glorious feature in his career, and is in the highest degree creditable to his discernment.

In the article already quoted from, in the *Annual Register*, is the following character of Lord Hardwicke, as Chancellor :—

“In judicature his firmness and dignity were evidently derived from his consummate knowledge and talents; and the mildness and humanity with which he tempered it, from the best heart. He was wonderfully happy in his manner of debating causes upon the bench, which he did copiously and elaborately. His apprehension was so quick and steady

that it was unnecessary to repeat facts or reasonings, which had once been stated, a second time. His attention to the arguments from the bar was so close, and so undisturbed by impatience, or any passion or affection of his mind, that he condescended to learn from the meanest, whilst he every day instructed and surprised the ablest. He gave the utmost scope to the objections which pressed strongest against his opinion, and often improved them. But his judgment was so correct and excellent, that even his unpremeditated opinions were generally acknowledged to be profound, and to turn upon the best points which the cause afforded; would bear examination when reduced into written reports; and give the highest satisfaction to the parties for their justice, and to the lawyers for the skill and discernment with which he formed them; *etiam quos contrà statuit æquos et placatos dimisit.*

“His extraordinary despatch of the business of the Court of Chancery, increased as it was in his time beyond what had been known in any former, on account of his established reputation there, and the extension of the commerce and riches of the nation, was an advantage to the suitor, inferior only to that arising from the acknowledged equity, perspicuity, and precision of his decrees.

“The manner in which he presided in the House of Lords added order and dignity to that assembly, and expedition to the business transacted there; his acquaintance with the rules and precedents of it preserving the strictest decorum, and his masterly abilities in preparing and conducting matters of parliamentary proceeding having gained him more weight there than perhaps ever belonged to any one of his predecessors.”

The following just, powerful, and eloquent tribute to the supremacy of Lord Chancellor Hardwicke as a lawyer and an equity judge is from the pen of Lord Campbell, in the interesting work by him already several times referred to. This noble and learned writer, who, from his ability and eminence in his profession, is so well adapted to estimate Lord Chancellor Hardwicke's merits, whom he characterizes as “the man universally and deservedly considered the most consummate judge who ever sat in the Court of Chancery,”—thus particularizes the various qualities and endowments of this great jurist:—

“Viewed as a magistrate sitting on his tribunal to administer justice,

I believe that his fame has not been exceeded by that of any man in ancient or modern times ; and the long series of enlightened rules laid down by him having, from their wisdom, been recognized as binding on all who have succeeded him, he may be considered a great legislator. His decisions have been, and ever will continue to be, appealed to as fixing the limits and establishing the principles of that great judicial system called equity, which now, not only in this country and in our colonies, but over the whole extent of the United States of America, regulates property and personal rights more than the ancient common law."

Of the judgments of Lord Chancellor Hardwicke, the same noble and learned biographer writes thus :—

"These performances certainly do come up to every idea we can form of judicial excellence. They are entirely free from any parade of learning, or the affectation of pointed or antithetical sentences. Two objects seem entirely to absorb the attention of the judge—1. Properly to adjust the disputed rights of the parties ; 2. To establish a rule by which similar questions may be solved in future. He was anxious to bring every case within the scope of some general principle which he enunciated or defined, guarding it with its proper conditions and exceptions. He did not decide every case upon its '*specialties*' or peculiar circumstances,—leaving the profession entirely at a loss with respect to the general principle which had been discussed,—nor did he wrest the peculiar circumstances of the case to make it conform to his canon. Having lucidly stated the allegations on each side, and accurately enumerated the facts which were established, he propounded the question or questions which they raised, and on which his decree must depend. Then recollecting the observation of Lord Bacon, that 'his equity was to be taken from his books, and not from his brains ;' and that 'the Chancery was made to supply the law, not to subvert the law,' he reviewed all the authorities upon the subject, and if none of them were expressly in point, he tried to educe from them by analogy a rule which harmonized with them in principle, and which might equitably govern all cases similarly circumstanced. He never resorted, however, to forced interpretations or fancied analogies, and he was always anxious to support his opinion by legal precedents, in the selection and application of which he was particularly happy. Nor was he betrayed into the seductive and dangerous practice of laying down rules in loose and sweeping terms, which might carry their authority far beyond the point necessary to be decided, and mis-

chievously include cases which were not then in contemplation. He therefore expressed himself in the most guarded terms, and mentioned distinctly the qualifications with which he meant his opinion to be received."

As regards the style of Lord Hardwicke's judgments, Lord Campbell says that they

"Are deservedly praised for luminous method in the arrangement of the topics, and elegant perspicuity of language in the discussion of them. But I will venture to point out what I consider their peculiar excellence—the fair and manly manner in which the arguments are stated which are to be overruled. . . . Lord Hardwicke always fully sees and appreciates the arguments against the side which he adopts,—restates them with additional force and clearness, and refutes them so satisfactorily as almost to bring conviction to the minds of those who had invented them, and had for a time been the dupes of their own subtily.

"By these means, (concludes Lord Campbell, in his masterly sketch of the character of this great Chancellor,) Lord Hardwicke, in a few years, raised a reputation which no one presiding in the Court of Chancery has ever enjoyed, and which was not exceeded by that of the great Lord Mansfield as a common-law judge. The wisdom of his decrees was the theme of universal eulogy. "Etiam quos contrā statuit æquos et placatos dimisit." Such confidence was there in his administration of justice, that the business of the Court was greatly increased, and it is said that more bills were filed under him than at any subsequent time, although the property administered by the Court of Chancery has since been increased sevenfold. There were still rare complaints of delays in Chancery, from the intricate nature of the inquiries, the deaths of parties, and other inevitable obstructions to the final winding up of a suit; but by great exertion arrears were kept down, 'and this is fondly looked back upon as the golden age of equity.' " *

The learned contributor to the *Law Magazine*, before quoted from, thus characterizes the career of Lord Hardwicke as Lord Chancellor:—

"The wisdom of his decrees was the theme of universal eulogy. The only failing which the most captious could pretend to detect in his

• Lives of the Chancellors.

judgments was, that he sometimes betrayed an inclination rather to base them exclusively on the foundation of pure reason, than to frame them according to the strict tenor of the positive regulations by which that reason ought to be modified and controlled. The accusation is a general one, and one that it might at present be equally difficult to refute or substantiate. Even admitting it to be well founded, it would probably with many still remain a question how far such a charge should be made a subject of reproach, and how far of praise. . . .

“The manner in which he acquitted himself of the ordinary duties of his office must be estimated, not according to what the state of the Court of Chancery ought to be, or what he himself might have made it, but according to what it actually was. It is not to be wondered at, if disappointed suitors and envious enemies should have made it a charge against Lord Hardwicke that he was not so expeditious in delivering his judgments, as the impatience of the former, or the malignity of the latter could have desired. But when we find that impartial and disinterested, not to say competent judges, have dwelt with admiration on his mode of conducting the business of the Court, and especially, (considering the obstacles that stand in the way of expedition,) on the despatch with which it was disposed of, we may safely reject this imputation as frivolous or unfounded. . . .

“When we find that the average number of bills filed in the Court of Chancery, while Lord Hardwicke presided there, fell very little short of two thousand, we cannot in reason feel much surprised that there should have been an arrear of cases on the list, and that some delay should have taken place before each cause could find a hearing. . . .

“The ample stores of legal wisdom which he furnished to the world, while he presided in the Court of Chancery, are treasured in the Reports of Atkyns, and of Vesey, senior. The first volume of the former was published the year after Lord Hardwicke had resigned the seal. The cases, instead of being classed according to the chronological order of decision, were placed under separate heads and titles, after the manner of a digest; but this plan being generally disapproved of, as less convenient for occasional reference, was discontinued in the next volume, (published in 1767,) wherein the usual mode of arrangement was adopted. Mr. Vesey’s work was not given to the public till 1771. It would be difficult to find in any age or nation, as the production of a single man, a more various or comprehensive body of legal wisdom than is contained in these volumes. Though, upon the whole, arranged with more care than the collection of Mr. Lee,*

* Cases *temp.* Hardwicke.

they have not preserved the speeches of the Chancellor with such accuracy as to convey a distinct impression of the style of his elocution. But however much we may regret in a literary point of view the condensed form in which the cases are published, if we look upon them as law reports, their conciseness certainly cannot be considered otherwise than a merit.

“In framing his judgments Lord Hardwicke appears always to have been anxious to bring the case within the scope of some broad general principle. This, however, he never effected by means of forced interpretations or fanciful analogies. He was always careful to support his opinion by the authority of legal precedents, in the selection and application of which he was particularly happy. Again, his regard for principles never betrayed him into the dangerous practice of giving his own judgments in such loose and general terms as might extend their authority too far. It was his invariable practice to express himself in the most guarded terms, and to mention distinctly the qualifications and restrictions with which he meant his opinion to be received, so that his judgments were effectually prevented from acquiring, as precedents, a wider application than it was his original design to give them. For illustration, and in the absence of other authorities for a guide in his arguments, he frequently had recourse to the civil law, with which, like his illustrious contemporary, Mansfield, though not perhaps in so great a degree, he had familiarized himself, and for which, in common with all who have made it their study, he entertained the highest respect. It might possibly be in part the result of his acquaintance with the writings of the ancient civilians, that his judicial arguments were peculiarly distinguished by the qualities for which they have been deservedly praised, namely, luminous method in the arrangement of the topics, and elegant perspicuity of language in the discussion of them. When he delivered his opinion on any case of importance, he was so far from wishing or attempting to pass over the objections which had been suggested by those who argued on the opposite side, that he frequently repeated them in such a way as to give them greater force than had been claimed for them at the bar. The masterly manner in which he afterwards refuted them generally called forth the admiration, and extorted the assent even of those who had originally propounded them. By the constant attention he always paid to the speeches of the bar, he acquired, during the progress of the cause, a mass of information, of which he did not fail to find the advantage in drawing up his judgment. He did not affect to be above learning from any, even the youngest and most inexperienced of the barristers who argued before

him ; and though it is to be supposed he often had to listen to the redundancies and superfluities which too often disfigure the oratory of our courts, (perhaps the Court of Chancery more than any other,) his courtesy and politeness always prevented him from testifying the slightest impatience.

“ Lord Hardwicke never gave in to this failing ; * for a failing it undoubtedly was, to whatever exhibitions of talent it may have given occasion. He was always careful, not only to listen with patience and attention to the bar, but, what is sometimes of still greater importance, to make it appear that he did so ; a practice which no judge who has it at heart to be popular among his own profession can safely neglect. In this respect, also, the evenness and placidity of his temper gave him great advantages. On no occasion was he ever betrayed into ebullitions of temper, such as, both before his time and since, have so often degraded the dignity of our courts of justice. The affability and the courtesy of his general demeanour towards the bar, and the solicitors of the court, to which he had been in no small degree indebted for his professional advancement, was in no degree lessened when he had reached the summit of legal honours.”

The following anecdote may perhaps serve to evince that the courtesy of the Chancellor was extended not only to the counsel, and solicitors, but also to the suitors who came before him.

A cause was being argued before Lord Chancellor Hardwicke, in which a grandson of Oliver Cromwell, who bore the Protector's surname, was a party. The counsel opposed to him took occasion to cast some reflections on the memory of his ancestor, on which Lord Chancellor Hardwicke said, “ I observe Mr. Cromwell standing outside the bar there, inconveniently pressed by the crowd ; make way for him, that he may sit by me on the bench.” This had the effect of silencing the uncalled-for sarcasms of the advocate, who thenceforth moderated his tone. †

It has been asserted that Lord Hardwicke's fame as Chancellor has suffered from the loose and in-

* Inattention to the arguments of counsel.

† Law Magazine.

adequate manner in which his judgments were reported, which are thought by some not to bear out the reputation which has been awarded to him ; and Lord Thurlow used to say that his decisions as Chief Justice, which are recorded much more amply and correctly than those as Chancellor, were abler than the others.

The extracts given in these pages from his own manuscript draughts of his judgments, and the skeletons of them made by him, may serve to afford a fair notion of his powers and genius here, and must, I think, equal all we have read or conceived of his abilities as a jurist and a judge ; to which also should be added his speeches on leading constitutional topics.

In the discharge of his duty, annexed to the Chancellorship, of Speaker of the House of Lords, Lord Hardwicke was no less efficient than when presiding in his own court. The personal respect which he inspired added much to his official dignity ; and the attention which he himself paid to all that passed, taking copious notes of the debates, had its due influence in inducing others to follow his example.

The forcible though mild rebuke administered by him, on one occasion, to an irregular sally by an intemperate young peer has already been given, and serves to exhibit a sample of his quiet though effective mode of bestowing chastisement on a disorderly debater.

Indeed the career on the woolsack of Lord Chancellor Hardwicke might be said to afford the strongest arguments, both for and against the proposal, which has sometimes been entertained, of separating the professional and political functions of the first Judge of the land. In favour of the measure, as showing how much the attention of the Chancellor is liable to be trespassed upon by state affairs, which must divert him from his more

immediate duties ; and how great peril there must often be of some political or private prejudice interfering to the actual, or at any rate, (which is in itself very baneful,) to the suspicion of hindrance to the administration of justice, both in the Court where he ordinarily presides, and also when called upon to assist at trials, such as those which took place before Lord Hardwicke as Lord High Steward. On the other hand, his example might be instanced against the necessity for the measure adverted to, as it may be fully evinced in the case of the great man before us, that the most important political position, in times the most eventful, and the utmost activity in the discharge of these labours, are not at all incompatible with the most perfect and most satisfactory performance, free from all suspicion, of his judicial duties. And it might also be well argued that a great constitutional lawyer, and one who is well acquainted with the practical operation of our legal system, ought ever to be selected to sway largely the councils of the state. Nor is it probable that, to the same extent, interferences of this nature with his duties as a judge will again occur ; as soon indeed may we look for this, as for another Hardwicke. To divide into several this noble and important office, which has been so dignified by the mode of its discharge, and been found so advantageous in the union of its functions, would be to deprive the profession of its choicest gem.

On Lord Mansfield taking leave of the Society of Lincoln's Inn, when he was raised to the bench, the usual complimentary speech was delivered by Mr. Charles Yorke. The reply of the Chief Justice contains the following eloquent panegyric on Lord Hardwicke :—

“ If I have had, in any measure, success in my profession, it is owing to the great man who has presided in our highest courts of judicature the whole time I attended the bar. It was impossible to attend

him, to sit under him every day, without catching some beams from his light. The disciples of Socrates, whom I will take the liberty to call the great lawyer of antiquity, since the first principles of all law are derived from his philosophy, owe their reputation to your having been the reporter of the sayings of their master. If we can arrogate nothing to ourselves, we can boast the school we were brought up in ; the scholar may glory in his master, and we may challenge past ages to show us his equal.

“ My Lord Bacon had the same extent of thought and the same strength of language and expression ; but his life had a stain.

“ My Lord Clarendon had the same ability and the same zeal for the constitution of his country ; but the civil war prevented his laying *deep* the foundations of law ; and the avocations of politics interrupted the business of the Chancellor.

“ My Lord Somers came the nearest to his character, but his time was short, and envy and faction sullied the lustre of his glory.

“ It is the peculiar felicity of the great man I am speaking of, to have presided very nearly twenty years, and to have shone with a splendour that has risen superior to faction and that has subdued envy.

“ I did not intend to have said, I should not have said so much on this occasion, but that in this situation, with all that hear me, what I say must carry the weight of testimony, rather than appear the voice of panegyric.

“ For you, Sir, you have given great pledges to your country ; and, large as the expectations of the public are concerning you, I dare say you will answer them.” *

A legal biographer, being desirous of writing, among others, the life of Lord Mansfield, entreated his lordship to furnish materials, in addition to those he already had, as he wished to perpetuate the memory of so great a luminary of the law. The answer given by his lordship was as follows :—

“ My success in life is not very remarkable : my father was a man of rank and fashion ; early in life I was introduced into the best company, and my circumstances enabled me to support the character of a man of fortune. To these advantages I chiefly owe *my* success ; and therefore my life cannot be very interesting ; but if you wish to employ your abilities in writing the life of a truly great and wonderful man in our profession, take the life of Lord Hardwicke for your object ; he was indeed

* Roscoe's Brit. Lawyers.

a wonderful character—he became Chief Justice of England and Chancellor, from his own abilities and virtues—for he was the son of a peasant.” *

The spirit of litigation—which, however useful and even laudable it may be deemed, must, like other luxuries, be always in danger of over-indulgence—was perhaps never carried to a greater extent than in a suit which was commenced during Lord Hardwicke’s Chancellorship, between two eminent potters of Handley Green, Staffordshire, for a sum of £2 9s. 1d. After being in Chancery eleven years, from 1749 to 1760, it was put an end to by John Morton and Randle Wilbraham, Esquires, to whom it was referred, when they determined that the complainant filed his bill without any cause, and that he was indebted to the defendant at the same time the sum for which he had instituted this proceeding; this they ordered him to pay, with a thousand guineas of costs !

It seemed as though all the great lawyers who were looked to, to succeed Lord Hardwicke, shrank from putting themselves into competition with him, conscious of the comparison to their disadvantage which must be made. Among others, Lord Mansfield was pressed to take the Chancellorship, but declined. Accordingly, on Lord Hardwicke’s resignation, the Great Seal was given in commission to Lord Chief Justice Willes, Mr. Justice Wilmot, (afterwards Chief Justice of the Common Pleas,) and Mr. Baron Smythe. It was left in commission during the whole of this reign. “Wilmot,” says Horace Walpole, “was much attached to Legge, and a man of great vivacity of parts. He loved hunting and wine, and not his profession. He had been an admired pleader before the House of Commons, but being reprimanded on the

* Eminent Lawyers.

contested election for Wareham with great haughtiness by Pitt, who told him he had brought thither the pertness of his profession, and being prohibited by the Speaker from making a reply, he flung down his brief in a passion, and never would return to plead there any more. Fox procured the place of Attorney-General for Henley." Mr. Charles Yorke was made Solicitor-General.

One of the most important, perhaps the greatest event in the life of a great man, is his retirement from that world which was the theatre of his efforts, and some of whose most critical transactions have been controlled or influenced largely by his master spirit. In the case of a professional man, of high and distinguished eminence, his quitting the scene of his active labours is but too often like quitting life itself. He is henceforth but an inanimate, useless being; the energy by which he was hitherto impelled no longer sustains him, and he sinks almost into insignificance, if not into absolute imbecility. In the case of a great lawyer, perhaps this change in his condition may not unfrequently serve to determine whether he be also a great man; as the two characters are not only not identical, but seldom united in one person. If the great lawyer be not also a great man, his greatness must at any rate terminate with his professional career; and thenceforward his existence, to all beneficial purposes, either as regards himself or society around, is utterly valueless, if not pernicious. From a great lawyer, his transmigration is into that of a great bore, or it may be a mischievous meddler in affairs, in which neither nature nor education have fitted him to interpose.

In the instance, however, of the individual before us, how different were his conduct and his destiny. From a great lawyer he became elevated into a great patriot. His

counsels as hitherto, were still at the command of his sovereign, and his energies were devoted to the exigencies of the nation. He relinquished office voluntarily; and long and assiduously as he had toiled in the service of the state, he refused to receive any pension or pecuniary recompense for his invaluable labours. He now stood aloof from party, knowing no interest but that of his country. His great influence, and consummate wisdom and experience, were in each case readily rendered, whenever called for, to the aid of the commonwealth. And his energetic mind,—ever intent alike on the investigation of the highest principles, and the fullest practical application of the noble science in whose direction he had so long been the presiding spirit—had now ample leisure afforded for carrying on the grand work of preparing measures in relation to his country's jurisprudence which from time to time he framed and introduced; and which are sufficient to render his name as illustrious in our legal and legislative annals, as the more immediate professional and political labours, by which his memorable career was so eminently distinguished.

The following report of a case is extracted from Lord Chancellor Hardwicke's note book.

“ 1754. July 26^o.

“ *Attorn.-Gen^l ex rel.* Trus^s of the turnpike for repairing y^e road in qu'ion. Plt.

“ The Gov^r of y^e poss^{ions} & revenues of Harrow School. Def^{ts}.

“ *Mr. Attorn.-Gen^l, pro rel.* End of inform. for an

acc^t & application of the rents & profits of certain charity lands; & y^t y^e same, or a proper part of them, may be applied & disposed to repair y^e highway fro' Kilburn Bridge to Sparrow's House in Com. Midd'x, being part of y^e great road fro' London to Edgware.

" 9 Jac. 1. An infⁿ filed relating to this charity.

" The def^{ts}, the gov^{rs}, have tho^t to apply y^e revenue to y^e repair of y^e road fro' Harrow to London, instead of y^e road fro' Edgware to London, w^{ch} the donors direct.

" 6 July, 21 Eliz. Orig^l deed of donation, executed by Sir Gilbert Gerrard, Att.-Gen^l, & W^m Gerrard, his brother, to John Lyrn & Joan his wife, & y^e gov^{rs} of y^e Free School at Harrow.

" 23 April, 1611. Decree of this court on this donation.

" *Francis Page.* He never remembers y^e road fro' Kilburn Bridge to Sparrow's House in so good repair as now, but it still wants more repair.

" He applied to y^e trust^s for some money, part of y^e rents & profits of y^e land, w^{ch} they used to pay, in order to be laid out in repair of y^e roads; that aftw^{ds} Mr. Sanders, one of y^e governors, told him y^t y^e gov^{rs} had agreed to lay y^e same out themselves.

" *Paul Vaillant.*

" *John Francis.* This part of y^e road much in decay, & out of repair.

" *Rob^t Boroughs.* This road has never been in repair during his knowledge of it.

" *The annual value of this estate 70^l p^r ann. now; & y^t y^e lands appropriated to y^e Harrow road, 60^l p^r ann.*

" *Mr. Capper, ad idem.* We confine this to y^e road fro' Kilburn Bridge to Edgware; at least don't carry it further northward than Edgware.

“ Mr. Henley, pr. def. The intent of y^e donors was to leave it to y^e judgm^t of y^e tr^ees, w^{ch} of y^e roads wanted repair.

“ ’Twas right to leave it to their discretion; bec. otherwise it w^d be a foundation for infinite disputes.

“ Mr. Lyon left a body of stat^s for y^e regulation & governm^t of this charity.

“ Great sums of money raised by y^e turnpikes for y^e repair of this road.

“ The qu[’]ion is not whether this road is the best, or as good as any other turnpike road in y^e c^{ty} of Midd^x.

“ As to y^e relief.

“ 1. They claim to have y^e clear produce of y^e rents & profits of y^e charity lands paid to y^e trustees of y^e turnpikes, for y^m to lay it out on y^e road.

“ Ans. That is contrary to y^e trust, for tho’ go^r^m were to lay it out, they must apply it as far as Sparrow’s house.

“ 2. The trustees of y^e turnpike fro’ Kilburn Bridge to London have an equal claim.

“ 3. As to y^e merits, y^e court w^d not controll y^e trustees, unless there was some gross misapplication or misbehaviour.

“ 4. The founder has put this charity under a partic. special perm^t controll.

“ The founders and his heirs are visitors.

“ The case of Birmingham school, cor. King, C., 2 Wms. Orders, Stat. & Rules, by John Legon, tempore Eliz.

“ Tho. B. Laud Gardner. The road to Edgware in good cond^{ion}; proves several considerable sums laid out repair^s y^e Edgware road, amount^s to ab^t 500^l.

“ The Harrow road is in very indiff^t condition.

“ The Harrow road was so bad before y^e govⁿ took

upon y^m to repair it, y^t people used to go fro' Harrow by Acton, to London.

" *Wm. Hitch.* The road fro' Edgware to London is in very good repair.

The Harrow road in a very indiff^t condition of repair.

" A turnpike fro' London to Paddington has been for 30 years.

" *Henry Finch.*

" I was of opinion that there was not suff^t evidence y^t the road from Edgware to London was not in proper repair, but y^t there was suff^t evidence y^t y^e Harrow road was in great want of repair, especially as there was no turnpike except for 2 miles thereof; & y^t y^e donor intended to leave much to y^e judgm^t & discretion of y^e gov^{rs}, & this C^t ought not to controll them, unless they acted corruptly, partially, or negligently; therefore, did not think there was foundation to make any decree at present, but gave liberty to y^e relators to apply to y^e court in case y^e Edgware road sh^d happen to stand in need of any extraordinary repair, or the Harrow road be not put into suff^t repair. No costs hitherto.

The case which follows, and which is also extracted from Lord Chancellor Hardwicke's note-book, is of interest, both as regards the subject of it, and the defendant in the cause—the famous, or rather well known Dr. Shebbeare.

" 1756. Feb. 26.

" John Mourse *Plt.*

John Shebbeare *Deft.*

" *Mr. Attorn.-Genl. pr. quer.* End of bill to be relieved ag^t an agreement obtained fro' plt. by deft. by fraud & imposition, & agst an action for £105, & to be repaid y^e said sum of £105.

" The imposition was by selling plt. a collection of

letters, on pretence of their being letters of y^e late Lord Cornbury, & L^d Hyde, whereas they were writ & contrived by himself.

“Plt. was to give 4 g^d p^r sheet for y^e copy—a very high price. Y^e whole £210.

“*Obj.* Y^e plt. did intend to buy a collection of def^t own letters.

“*Ans.* The agreement shews he did not mean to sell his own letters.

“*A collection of letters. The prefatory discourse.*

“The price shews it. Nobody w^d have given a guinea p^r sheet for y^e doctor’s own letters.

“*David Wilson.* At Paris, D^r Shebbeare was brought to def^t house by D^r Green, ab^t publishing a treatise of physic. Then said y^t he had a collection of letters written from Paris. Said they were by a person of eminence & quality, who died abroad. Then named Lord Cornbury—did not directly say y^t he was y^e author; but conveyed y^t idea to def^t, so as to make him believe it.

“3 guineas per sheet a good price for a work of amusement by an author of eminence, who will prefix or avow his name.

“*James Bettenham.* A printer. No publisher w^d give above a guinea p^r sheet for a collection of letters of amusem^t written by a common hand, not celebrated in y^e literary world. Printed a paper called y^e *Spectator*, writ by def^t, w^{ch} did not take in y^e world.

“Plt. told him y^t he had a collection of L^d Cornbury’s letters to publish—y^t fro’ plt’s conversation with him, he verily believes plt believed y^m to be L^d Cornbury’s.

“That by plts direction he went to def^t to know what y^e title was to be.

“*John Whiston.* Never heard y^t def^t was reputed or

known in y^e world as an author or learned man before 22 Jan. 1754.

“ *Mr. Yorke, ad idem.* The price given by plt. shews he took y^m to be by a person of eminence.

“ *The agreement* shews the letters were not to be his own, for he warrants y^m ags^t all persons, who may have pretensions to y^e s^d letters.

[“ *Def^t might have sold or contracted for y^m to some o^r person.*]

“ *The prefatory discourse*, or introduction, is full of y^e same representation,

“ *The Part proof* corresponds with these observations.

“ *Mr. Hoskyns ad idem.*

“ *Mr. Cox pro def.* Def^t swears y^t Lord Cornbury’s name was never mentioned betw. the parties till after the agreem^t signed.

“ *Dr Jem swears y^t def^t told him y^t y^e collection of letters w^h he had to publish, was written & composed by himself.*

“ *L^d Cornbury had never gained any character as an author.*

“ *Negligence in not applying to y^e family.*

“ *Mr. Attorn.-Gen^t rep^t.*

“ *Dismissed y^e bill with^t costs.*”

The following are the concluding entries in Lord Chancellor Hardwicke’s Chancery note books.

“ 1756

“ *Nov^r 18^o Thursday.*

“ This being a day of motions, I sat in court & heard the motions, till about two o’clock, & then went up to y^e House of Lords, & prorogued the parliament by commission.

“ Friday, Nov^r 19th, 1756. There was no sitting in Chancery, and at noon I attended the King at St. James’s, & voluntarily resigned the Great Seal to His Majesty, in his closet, who parted with me with the strongest expressions of his grace & goodness to me. Immediately afterwards 3 commissions were sealed in His Majesty’s presence, appointing L^d C. J. Willes, Mr. Baron Smythe, & Mr. J. Wilmot, commissioners of the Great Seal. The commissions were all of the same tenor & date, & one of them deliv^d by His Majesty to each commiss^r; after which a general council was immediately held, and the commissioners there took the oaths of allegiance & supremacy, & the oath of office.

“ Jam mihi parva quies, omnisque in limine portus.

“ VIRG. ÆN.”

CHAPTER XIII.

1756—1760.

PROMOTION TO THE SOLICITOR-GENERALSHIP OF MR. CHARLES YORKE—DEATH OF LORD CHANCELLOR JOCELYN—CASE OF ADMIRAL BYNG—THE EARL OF HARDWICKE AT COURT—DEBATE ON MILITIA BILL—LORD HARDWICKE REFUSES THE CHANCELLORSHIP—RECONSTRUCTION OF THE MINISTRY—AUDIENCE WITH THE KING—CORRESPONDENCE WITH MR. PITT—THE EARL OF HARDWICKE AT WIMPOLE—HABEAS CORPUS BILL—DR. HENESEY'S CASE—DEATH OF MRS. C. YORKE—THE KING AND PRINCE GEORGE—FOREIGN AFFAIRS—ILLNESS OF LORD HARDWICKE—PROSECUTION OF DR. SHEBBEARE—TRIAL OF LORD FERRERS—LORD KAMES AND LORD HARDWICKE—DEATH OF LADY ANSON—DEATH AND CHARACTER OF KING GEORGE THE SECOND.

THE promotion of Mr. Charles Yorke to the office of Solicitor-General, which took place on the formation of the new ministry, and which was the spontaneous act of the Sovereign, as a testimony to the joint merit of both the father and the son, was an event which must have been as gratifying to the resigning Chancellor as it was to the new law officer of the Crown. To the veteran judge this was an honourable termination of his long and able career, which was thus made the commencement of his son's official life; and to the rising advocate, the prospect of distinction and preferment opened to him, atoned in some measure for the loss which he sustained in the retirement of his father from the head of that profession of which they were both high ornaments.

That Mr. Charles Yorke well deserved this advancement from his own abilities, the very extensive practice

at the bar which he had now obtained, the eminent position that he occupied as a debater in the House of Commons, and the general reputation which his talents and acquirements had procured for him, sufficiently evince. Indeed the Duke of Newcastle was inclined some time before to have selected him to fill this post, as he mentions in a letter already quoted. The versatility of talent which Mr. Yorke exhibited may be regarded as one of the surest proofs of its genuineness, and has often been the mark of a mind gifted above the ordinary measure. Industry and perseverance may adapt an individual with moderate abilities to excel to a certain degree in one line—to become a sound practical lawyer—or a dexterous politician—or to be well informed in matters of literature; but it is only by the actual power of his mind, by being gifted with varied talents of different kinds, that he can be enabled to attain a high rank in all three at once. This diversity of acquirements has moreover been the distinguishing feature in the character of many of the most brilliant genius.

It cannot be denied that Mr. Charles Yorke possessed a great advantage in being the son of a Chancellor, and above all of such a Chancellor as Lord Hardwicke was. But this was only an advantage, and could not of itself have raised him to the position he had attained.

And even this circumstance was not without its strong disadvantages, in the danger which existed in such a case of the young advocate neglecting to exert himself like one who was dependent on his profession for a maintenance; and the fear that he would be induced to rely too much on his own good fortune.

In each profession and pursuit in this country, genuine talent and real merit are in the end pretty sure of their

reward, whatever difficulties and discouragements they may meet with at first setting out. On the other hand, spurious pretensions to these, however pushed forward at first by any adventitious circumstances, are certain ultimately to find their proper level. Indeed, in nothing has the principle of entire liberty and exemption from restraint, which is so characteristic of our system of jurisprudence, been more nobly shown than in the absolute freedom which is allowed to talent in this country, —no matter to what nation or clime it belongs, even if nurtured among those the most opposed to us either in feeling or interest,—of reaping its due reward, and attaining that rank and wealth for its possessor which it is entitled to procure. Nor have we of this great nation been without our full recompense for this enlightened and truly enlarged policy; for surely no country can boast of so many and such distinguished characters among the members of its professional men, whether natives or foreigners. Many of the most celebrated have, in spite of all their disadvantages, risen to high eminence from the humblest ranks, and several of our profoundest judges,—among them a late very able Lord Chancellor, and a late Chief Baron, the most distinguished advocate of his own, if not of any other age,—have been natives of a foreign land. That renowned writer on the English constitution, M. De Lolme, was a refugee here from France, which at the period of his exile to the country which he so benefited, was at war with us, and had cast out its gifted and eloquent son. England might be compared, as regards the free mode in which she bestows her rewards without distinction of birth on all who deserve them, to an institution whose academical prizes are open to all of talent and character, without restriction as to their place of nativity or educa-

tion. And in this respect does this great nation appear to consider itself as the university of the world; and genuine merit as the only title to the gifts it has in store.

Of all the pursuits and professions which are at the choice of the members of this vast community, there is probably none in which talent and merit so entirely determine the success of the aspirant as the English bar. Here favour and interest can neither long serve the incompetent, nor the want of them retard the meritorious.

In a letter to his friend, Mr. Baron Mountney, the Earl of Hardwicke gave the following account of Mr. Charles Yorke's promotion to the Solicitor-Generalship, from which it will be seen that this appointment was entirely the unsolicited act of His Majesty, to whom the professional reputation of Mr. Yorke and his success as a debater in the House of Commons must have been well known.

“Your congratulations on my son's promotion to the office of Solicitor-General are extremely obliging, not only to me, but to him. The King, my gracious master, who accepted my resignation with those demonstrations of goodness, which related by me might have y^e appearance of vanity, was pleased to do it as a mark of his approbation of my long, & faithful, tho' unmeriting service.

“I had made it my firm resolution neither to ask nor accept any pecuniary or lucrative advantage, but of this favour I own I am proud.” *

Lord Hardwicke in the same letter thus speaks of his determination as to his own future career. After thanking his friend for his polite expressions of regard

* Hardwicke MSS., Wimpole.

and esteem on the occasion of his resignation, he proceeds—

“I have nothing to wish for myself but what you wish me; & for the rest, the same principles of duty & affection to the King, & zeal for my country, will always govern my private life, which have hitherto been y^e rule of my conduct in a public station. The only regret I feel is, that it will be impossible for me now to be equally useful to my friends as in my former situation.”

The letter which follows was addressed to Lord Hardwicke, on his resigning the Great Seal, by his old and attached friend Lord Chancellor Jocelyn.

“*Dover Street, 19 Nov., 1756.**”

“MY LORD,—Amidst the universal regret, in which nobody bears a greater share than myself, for the loss of yo^r lordship in the Court of Chancery, I cannot forbear congratulating with you, that after presiding there with confessedly greater advantage to the publick, & honour to yourself than any of yo^r predecessors, you have set the world a rare example in your retreat, and have voluntarily resigned the seals in the fullest vigour both of body & mind, to enjoy your leisure with the highest dignity.

“I return your lordship ten thousand thanks for your many kind inquiries after me. I thank God I begin to find benefit from Ward’s medicines. In every state, your lords^p may be assured that I am, with the most unalterable gratitude & respect,

“My lord,

“Your lordship’s most obed^t humble serv^t,

“JOCELYN.”

* Hardwicke MSS., Wimpole.

This is the last letter among the Earl of Hardwicke's papers from Lord Jocelyn, and in December following this great and good man, who had so long filled the high office of Lord Chancellor of Ireland, ceased to exist.

Lord Chief Justice Yorke tells Lord Hardwicke, in a letter in which he congratulates him on his honourable and dignified retirement, and also "on the preferment^t of Mr. Charles Yorke to that high station w^{ch} every one agrees is due to his merit,"—

"The loss of our great & good Chancellor is heavily felt here, & I'm not aware how or when it will be made good to the publick; to me, & many others privately considered, I'm convinced it hardly ever will. The prospect, in every view, seems dark & distant.

"On the arrival of the acc^t of his lordship's death, all judicial proceedings in the Court of Chancery were determined. The patent constituting Commissioners for hearing causes in that court was of force only during the absence of Lord Jocelyn; & y^e Comm^{rs} for keeping y^e Great Seal, tho' they are appointed during y^e King's pleasure, yet they have a power barely to put y^e same to writts, patents, &c.; so that under these circumstances it will be expedient to have that court revived as early as may be."*

The Mayor and Jurats of Dover addressed a letter to the Earl of Hardwicke on the 25th of February, 1757, in which, after referring to the many marks they had experienced of his lordship's inclination to promote the welfare of that town, they applied to him for his good offices in promoting certain measures then before parliament for effecting the improvement of Dover harbour.

* Hardwicke MSS., Wimpole.

The Earl of Hardwicke assured them in his reply—

“ Nothing shall ever be wanting on my part that may be for y^e prosperity & advantage of my native town. There is nothing that I have more sincerely at heart ; & I look upon the improvem^t of Dover harbour, not only in this light, but as being of general utility to y^e nation.

“ You may therefore depend on my utmost zeal & endeavours, & those of my friends, to forward what you so much desire.”*

Colonel Clive, afterwards the famous Lord Clive, wrote a letter to Lord Hardwicke from the camp near Calcutta, in February, 1757, in which he speaks in grateful terms of the “favour and protection” with which Lord Hardwicke had hitherto honoured him, and asks for his lordship’s recommendation of him to the Court of Directors of the East India Company.

The letter which follows was addressed to the King by the Earl of Hardwicke, and delivered to His Majesty by Lord Holderness, who, in another dated Feb. 17th, 1757, tells Lord Hardwicke—

“ This morning I had the honour of presenting to His Majesty your lordship’s letter, which the King received in the most gracious manner. As to the contents of it, the King only said that he continued to think of Mr. Noel, but did not give me any direct authority to say he would please to appoint him a judge upon the first vacancy, though I think I co^d collect from the manner in which the King expressed himself that it is his resolution.”†

“ SIR,‡—I should not have had the presumption to give your Majesty this trouble, if your great goodness,

* Hardwicke MSS., Wimpole.

† Ibid.

‡ Ibid.

when I had last the honour to attend your Majesty, had not encouraged me to it. Mr. Justice Birch, one of the judges of the Com'on Pleas, is dangerously ill, & it is thought cannot recover. Mr. Noel puts me in mind of what your Majesty most graciously authorised me to say to him, that you wou^d be pleased to promote him to the bench on the first vacancy, & permit him to keep his present office of Chief Justice of Chester along with it, of which there are precedents. Permit, Sir, your old & faithful servant to lay himself & that gentleman at your Majesty's feet, & humbly to beg that he may, on this occasion, feel those of your royal favour & assurance, which I sincerely think his services deserve.

"I will only add that this promotion wou^d make a vacancy in one of your Majesty's boroughs in Cornwall; & that I have the honour to be, ever, with the greatest veneration, fidelity, & submission,

"Sir,

"Your Majesty's most dutiful & obedient subject,

"& devoted humble servant,

"HARDWICKE."

"*Powis House, Feb. 16th, 1757.*"

The case of Admiral Byng, with which the public attention was engrossed at this period, is one which will ever be regarded with deep interest, and is also of considerable importance on account of the different points involved in it. Lord Hardwicke took an active part in the investigation and decision of it, and it appears from his papers that he devoted considerable time and labour to an examination of the whole transaction; and also employed a professional person to digest for him the voluminous papers on the subject.

The court martial which had been appointed to try the

Admiral, having proceeded to examine the evidences for the crown and the prisoner, from day to day, in the course of a long sitting, agreed unanimously to 35 resolutions, implying their opinion that Admiral Byng, during the engagement in question between the British and French fleets, did not do his utmost to take and destroy the ships of the French King which it was his duty to have engaged, and to assist such of His Majesty's ships as were engaged, which it was his duty to have assisted ; and that he did not exert his utmost power for the relief of St. Philip's castle, in the island of Minorca. They therefore unanimously agreed that he fell under part of the 12th article of an act of parliament passed in the 22nd year of that reign, for amending, explaining and reducing into one act of parliament the laws relating to the government of His Majesty's ships and forces by sea ; and as that article positively prescribed death, without any alternative left to the discretion of the court under any variation of circumstances, they unanimously adjudged Admiral Byng to be shot to death, at such time, and on board of such ship, as the Lords Commissioners of the Admiralty should please to direct ; but as it appeared by the evidence of the officers who were near the Admiral's person that no backwardness was perceivable in him during the action, nor any mark of fear or confusion either in his countenance or behaviour, but that he delivered his orders coolly and distinctly, without seeming deficient in personal courage, and from other circumstances, they believed his misconduct did not arise either from cowardice or disaffection, they unanimously and earnestly recommended him as a proper object of mercy.

The Admiral himself behaved through the whole trial with the most cheerful composure. After he had heard

the evidence against him, and finished his own defence, he appeared to have full confidence in his acquittal, and ordered his coach to be ready for conveying him directly to London.

On being informed, by a friend who attended him, of the result, and of the verdict about to be given, he exhibited some surprise and resentment, but betrayed no marks of fear or disorder, either then, or while the sentence was being pronounced. Several members of the court-martial were much moved, but he was apparently unaffected and unchanged.

The officers of this tribunal unanimously subscribed a letter to the Board of Admiralty containing the following paragraph :—

“ We cannot help laying the distresses of our minds before your lordships on this occasion, in finding ourselves under necessity of condemning a man to death from the great severity of the 12th article of war, part of which he falls under ; which admits of no mitigation if the crime should be committed by an error of judgment ; and therefore for our own consciences’ sake, as well as in justice to the prisoner, we pray your lordships, in the most earnest manner, to recommend him to His Majesty’s clemency.”

The Lords of the Admiralty, however, instead of complying with the request of the court-martial, transmitted their letter to the King, with copies of the proceedings, and an address from themselves to His Majesty, specifying a doubt with regard to the legality of the sentence, as the crime of negligence for which the Admiral had been condemned was not expressed in any part of the proceedings. Lord Torrington, and the other friends of the unfortunate Admiral, used all their influence with the King on his behalf.

Dr. Birch, in one of his letters written at the time, gives the following account of the subsequent proceedings :—

"The judges to whom the sentence of the court-martial on Mr. Byng was referred on Wednesday sen'night, by the court-martial, having on Monday night unanimously determined it to be legal, which judgment the next day they drew up in form, and delivered on Wednesday morning to the President of the Council, the warrant for his execution on Monday the 28th instant was signed by the First Lord of the Admiralty.

"Mr. Hunter, one of that board, acquainting the House of Commons with this last fact on Thursday, the Speaker gave them an account of several precedents for expulsion of members who had been condemned to ignominious punishments. Upon this, Lord Strange moved that the papers and the letters of the court-martial, or any members of it who had recommended Mr. Byng to mercy, might be laid before the House, and his lordship was seconded by Sir Francis Dashwood, who declared himself more explicitly in favour of the condemned admiral. And Mr. Pitt himself, who appeared then for the first time in the House since his illness, seemed to oppose his expulsion, alleging that his offence was, in the opinion of the court-martial, *merely negligence, and purged of all criminality*; adding, that the naval service could not well go on except the law relating to it was altered. But the result of this debate was that Lord Strange withdrew his motion, and nothing was done but ordering that the notification of the signing of the warrant for Mr. Byng's execution should be entered in the journal."*

A bill was accordingly brought into the House of Commons to release the members of the court-martial who had sentenced Admiral Byng to death, from their oath of secrecy, so that they might disclose the consultations which took place among themselves when deliberating upon his sentence.

The note which follows was addressed by Lord Hardwicke to Mr. Charles Yorke, during the progress of this measure through the lower House, and in which his sentiments are evinced as to the spirit and intention of the act of parliament lately passed. His opinion would seem to be on the side of mercy in this case.

* Dr. Birch's MS. Collect., Brit. Mus.

“ *Powis House, Febr. 23^d, Wedn.**

“ DEAR CHARLES,—An idea has struck my mind relating to the alteration talked of in the 12th art., which may not be unplausible in the Ho. of Com^s. One, if not the only alteration proposed, will be to restore the alternative—or *such other punishment as a court martial shall think fit*.

“ My objection is that this was found, by experience, to be in effect vesting y^e court-martial with a power of pardoning; for they thought they satisfied the law if they inflicted any punishment, & made it so slight, as almost to amount to none. The alteration made by y^e new act was to vest that power of pardoning in the Crown, where it ought to be. Not intending that every man, who came within the words of the new article, should *actually* suffer death; but that every man who was found guilty of an offence, which might be of such vast importance to the whole nation, should know that they were liable to *death*, & that it was not in the power of a half a dozen or half a score of their brother officers to excuse them from it. But still leaving it in the power of y^e King, properly advised by his council, to execute justice in mercy, according to his coronation oath.

“ If there is any thing in this thought, you will improve it.

“ Your’s affectionately,

“ H.”

The following report of the proceedings of the House of Lords, relative to the bill which had been brought into the House of Commons, and was afterwards sent up to the Lords, is in the handwriting of Dr. Birch, who was probably present during the discussion.

* Hardwicke MSS., Wimpole.

*" Wednesday, March 2, 1757.**

" L^d Hardw. mov'd the manner of the examination, and that the witnesses be kept separate, & call'd in one by one; that the questions & answers be written down.

" Agreed to call in Adm. Smith.

" Lord Morton begins to examine him about the 12th art., whether an error of judgment was comprehended?

" The question mov'd by Lord Morton.

" Lord Mansfield settles the sort of questions.

" Lord Hallifax objects to his chalking out the method of proceeding.

" L^d Mansf. asks 2 questions.

" L^d Hallifax asks 2 other questions.

" L^d Temple proposes a question like that of Lord Morton, who insists upon his first, upon which L^d Temple waiv'd his.

" The exam. put in & read.

" Lord Temple congratulates the K. & nation, &c., upon the result; but seems to wish the three gentlemen might be freed from the oath.

" Lord Marchmont mov'd the rejecting the bill.

" Lord Hardwicke also moves for rejecting."

The Lords sent a message to the Commons, desiring them to give leave that such members of the court-martial as were members of that house might attend their lordships, in order to be examined on the second reading of the bill. Accordingly, they and the rest of the court-martial attended, and answered all questions without hesitation. As they did not insist on any excuse, nor produce any satisfactory reason for showing that the man they had condemned was a proper object of mercy, their lordships were of opinion that there was no oc-

* Hardwicke MSS., Wimpole.

casation for passing any such bill, which they almost unanimously rejected.

The law was therefore now left to take its course. The unfortunate Admiral maintained great cheerfulness to the last, and exhibited no signs of impatience or fear. From the period of his condemnation to his execution, he remained on board the *Monarque*, a third-rate ship of war, anchored in the harbour of Portsmouth, under a strong guard, in custody of the Marshal of the Admiralty. On the 14th of March, the day appointed for his execution, the boats belonging to the squadron at Spithead being manned and armed, containing their captains and officers, with a detachment of marines, attended this solemnity in the harbour, which was also crowded with a great number of other boats and vessels filled with spectators. The unfortunate Admiral walked out of the great cabin to the quarter-deck, where two files of marines were ready to execute the sentence. He advanced with a firm and deliberate step, and his countenance was composed and resolute. He had intended to suffer with his face uncovered, but his friends representing that his looks would probably intimidate the soldiers, and prevent their taking aim properly, he acquiesced in their opinion, threw his hat on the deck, kneeled on a cushion, tied one white handkerchief over his eyes, and dropped the other as a signal that he was ready, when so decisive and effectual a volley was fired, that five balls passed through his body, and he dropped down dead in an instant. The time in which this tragedy was acted, from his walking out of the cabin to his being deposited in the coffin, did not exceed three minutes.*

Horace Walpole mentions that a few days before Byng's execution, one of his friends standing by him

* Smollett.

said, "Which of us is tallest?" He replied, "Why this ceremony? I know what it means; let the man come and measure me for my coffin."*

Admiral Byng's case is one which, ever since his time, has been made a subject of discussion as to the justice of the sentence pronounced upon him, and as to whether, under the circumstances, it ought to have been carried into effect. The grand points urged by those who contend against the propriety of his execution are, that even supposing him to have been actually guilty of the charges imputed to him, which they deny, no man should be condemned for a mere error in judgment, to which all are liable, and which is in fact punishing a man for being wanting in those natural faculties, the distribution of which depends on his Maker alone;—that if any ought to have suffered for his deficiency here, it should have been those who appointed him to an office, the duties of which he was incompetent to discharge; that he had exhibited bravery, coolness and firmness on other occasions; and that he was not deficient in any of these, his death afforded a striking proof; that his character for ability stood high; that his colleagues in the expedition coincided with him in the course he pursued; that his ships and men were, when he was entrusted with them, in a bad condition; that his condemnation was rash and cruel; and that he was in fact a victim to a government which he had exasperated by his letters and strong remonstrances, and which was anxious to divert the stream of popular odium from themselves, who were fully conscious of deserving it, against him; and that he

* To show the recklessness and malice with which this virulent writer pursues Lord Hardwicke on all occasions, in a letter to Sir Horace Mann, describing Byng's death, he adds, "Would my Lord Hardwicke die thus, even supposing he had nothing on his conscience?"

fell a sacrifice, not to the calm justice, but to the excited feelings of his country.

To the several points here stated, which have been, on different occasions, urged on behalf of Admiral Byng, it may be replied, that the error of which Byng was guilty was so palpable as to call forth the remonstrances of his colleagues, during the time of its commission, in spite of which he persisted in his unfortunate career, which was followed by all the disastrous consequences that might have been anticipated, so as to render it a matter of the deepest importance, and produce an absolute necessity for its being noticed with the utmost severity. There is probably little doubt that Byng was incompetent for the post to which he was appointed; and whether cowardice, want of energy, deficiency of judgment, or whatever else was the cause, it is certain that grievous errors were committed by him; and that they were, moreover, precisely of the nature contemplated and provided for by the act that had been passed. Nor, if the severe penalties prescribed by this law are to be regarded as warnings to inefficient persons not to undertake offices of great importance and difficulty, as well as preservatives against treachery and cowardice, they might not be altogether unjust; and, viewed in this light, may be but necessary for the protection of the country against improper promotions to high posts being made, which are often no less dangerous than the attacks of open enemies. It is essential here to bear in mind the calamities to the nation that might ensue from incompetent individuals being appointed to commands requiring great ability and experience; and the awful sacrifice which may thus be occasioned, not of one only but of thousands of valuable lives. Admiral Byng was advanced to the station in question at his own earnest

solicitation and through the interest that he possessed; and which, owing to the distinguished services of his father, was very considerable. The coolness and fortitude which he displayed at his execution can hardly be adduced as proofs of what he would do during an engagement; though they may go to show that his misconduct was more owing to want of judgment than to any perturbation of feelings, by which he seems not likely to have been affected.

Byng's colleagues, so far from defending his conduct, were the principal witnesses against him. They only agreed with him as to the measures rendered necessary by his previous errors. The assertion that his ships and men were in bad condition would, if true, be no excuse for his bad management of them, in a manner contrary to the common course; besides which, this defence if it amounted to any thing, was one which he could easily have substantiated, and the benefit of which would have been fully allowed to him. It has been said that his condemnation was rash; whereas nothing could be more deliberate than it was. To affirm that it was cruel and unjust, is only begging the question. Justice is sometimes required to be severe in order to render itself effective. But in this case one tribunal after another was appealed to, yet all concurred in the propriety and the necessity of the sentence. And if, as some have ventured to assert, it is to be considered that he was a victim to popular clamour, this is in reality one of the gravest charges against the character, and one of the most foul stains that could be inflicted on the reputation of a great nation, distinguished alike for the justice of its laws, and its purity in the administration of them. Here too, as each judicial branch in the nation had some share in deliberating on and determin-

ing this important affair, so on each is the stigma more or less affixed. If the laws, and the administrators of the laws, are unable to protect us against the outbursts of popular feeling on the one hand, or of tyrannical power on the other, they are of course utterly worthless and useless. But, in the case before us the judges at least were removed from this influence ; and over the House of Lords, or the King, its effect could be but small ; yet all concurred in the justice, and the propriety of the sentence.

In some respects, indeed, and those far from unimportant, that of Byng as compared with ordinary trials was even a partial one for the prisoner ; he being arraigned before men of his own profession, who would naturally be disposed to shield one of their body, independent of their personal acquaintance with, and friendship for him ; besides which, they would of course be desirous of avoiding the stigma which his capital conviction and execution would cast on their order. The members of such a court as that by which he was tried would, moreover, have the fullest knowledge of the difficulties he had to encounter, and must feel that unjustly to convict him, and to condemn him for acts that were unavoidable, would be to subject themselves to like danger on emergencies to which they were each liable. Yet, with all this in his favour, he was convicted by this tribunal, and by them unanimously.

Nor does the circumstance that most of the members of the court-martial who concurred in the sentence, calculated on a remission of the extreme penalty of the law, at all affect the question as to the justice of it ; though it may do so as regards their own feeling towards the culprit. If they, as the jury, were decisive as to the fact, the judges and those to whom the matter was after-

wards referred were best able to determine as to the law and justice and general merits of the case.

Byng's cause was not without espousers, who were men of rank, and influence, and talent, and sound judgment and energy, and who exerted themselves to the full, to see that no injustice was done. Pitt warmly advocated his case, not only in the House of Commons, but he had personal conferences with the King on the subject. Lord Lyttelton also took an interest in his behalf. And the services rendered to this country by the unfortunate Admiral's father, and the extensive family influence possessed by his relations, were all to the utmost brought to bear in his favour.

On the whole, therefore, his execution must be considered as a severe, but by no means more than a strict and just course. But it may be said that this strictness unrelaxed in some circumstances may amount to actual injustice, as law may occasionally be so if thus construed; which is in fact acknowledged by calling in the aid of equity to relieve and control it in certain cases. Byng's case differs, however, materially from these in one important respect, that no unforeseen, unprovided-for casualty occurred as in the latter. On the contrary, certain specific acts and events were specifically provided for by a particular law. These specific acts and events occurred. Is the law not to be carried into force, because it is then thought to be severe? All the various and differently constituted tribunals to whom the matter was referred coincided in carrying out the sentence prescribed.

On the 5th of February, in this year, died the Right Honourable Horatio Walpole, Lord Walpole, of Woolterton, in Norfolk, one of the Tellers of the Exchequer, Auditor-General of the Plantations, one of the Lords of His Majesty's Privy Council, and Fellow of the Royal

Society. His lordship was elder brother of Sir Robert Walpole, and was very early engaged in the service of his country, having been secretary to the Right Hon. Henry Boyle, then Chancellor of the Exchequer, in 1707, and was never out of employment afterwards till his death. He served in ten different Parliaments of Great Britain, being first chosen in 1708, for Lostwithiel, and was the oldest member in the House; when His Majesty was pleased to create him a Peer, by the title of Baron Walpole, of Woolterton, in Norfolk.

For some time His Majesty refused to ennoble him; but his repugnance to this step was overcome at last, we are told, mainly "through the zeal of his friend Lord Hardwicke." Lord Walpole's dutiful nephew Horace, writes of him thus:—"My uncle's ambition & dirt are crowned at last; he is a Peer!"

Lord Hardwicke tells Lord Royston in a letter which he wrote to him from Wimpole, on the 7th of April, "Here I am, *the world forgetting, by the world forgot*, as Pope says; & so I desire to be, I mean by the world of parties & politics."

The biographer of Lord Hardwicke in the *Annual Register*, already quoted from, says of him, that after his retirement from office—

"He still continued to serve the public in a more private station, though he had it in his choice, both in the last and present reign, whether he would again fill other public offices of high dignity.

"His attendance at council whenever his presence was necessary; at more private meetings whenever his opinion was desired; in the House of Lords upon every occasion where the course of public business required it; were the same as when he filled one of the highest

offices in the kingdom. He had a pleasure in giving the full exertion of his abilities to the State without expecting or receiving any emoluments of any kind whatever ; and he seemed only to have quitted the laborious details of the Chancery, that he might be at more leisure to attend to such parts of the public service as were of more general use to the community."

In the MS. correspondence of the celebrated Miss Catherine Talbot, who was a friend of Lord Hardwicke, and who is occasionally mentioned in his letters, is the following account of the ex-Chancellor after his retirement from his laborious office :—

"The person who seems least to have felt the change is himself, and, indeed, although I expected every thing good and great from his turn of mind, I hardly thought any one could have quitted a high station, and changed a life of business, which had grown into a forced habit, for one of great leisure, with such thorough ease and cheerfulness. He seems very happy in his liberty ; has dined about with his family, and visited like an idle man ; was at the concert here, and in as good spirits as ever I saw him. He has, indeed, had the satisfaction of finding the regard formerly shewn him was not paid merely to his place, since he was never so much visited or complimented as since he resigned."*

The subjoined anecdote is also related of him.

"A curious circumstance happened the first time Lord Hardwicke went to court on a levee day, after having resigned the seals : on advancing near the person of the King, and conversing familiarly with several of the mi-

* Quarterly Review.

nistry about him, in the manner he had been accustomed to do, but appearing as a private gentleman, without his gown and the purse, the usual insignia that had accompanied him in his office of Chancellor, the King absolutely did not know him, and asked the lord then in waiting who that gentleman was, when being told it was the Earl of Hardwicke, His Majesty's late Chancellor, the King was quite surprised at his own want of recollection of one who had been in the habit of attending him near twenty years together, and immediately accosted his lordship with a smile, and made him a very obliging apology upon the occasion; the observation of which was a matter of pleasantry to all the company then in the drawing-room."*

The circumstance here mentioned is more particularly described in Miss Talbot's correspondence already quoted from:—

“ Lord Hardwicke was much diverted with the King's looking at him the first time he went to the levee after giving up the seal, and knowing him no more in a common coat, and without the Chancellor's wig, than if he had never seen him. The lord in waiting observing this, told His Majesty, ‘*Lord Hardwicke* was there;’ but this was a name the King did not know the sound of, and had no ideas annexed to, and only brought out the usual cold question, (most happily applied just then,) of ‘*How long had his lordship been in town?*’ His Majesty was himself amused with the oddness of his mistake when he found it out, which was not till he had retired; and he afterwards told Lord Hardwicke, at the drawing-room, that having been used for above thirty years to see him in so different a dress,—indeed never

* Cooksey's Memoirs.

having seen him out of it before,—he had not the least knowledge of him.” *

The Duke of Newcastle, in a letter to the Earl of Hardwicke, from Claremont, on the 8th of April, wrote as follows :—

“ By the following account of the King’s present disposition towards me, & His Majesty’s reason for it, as well as those repeated by Mr. Fox, your lordship will not be surprised at the very gracious reception which you had at court, where, I hear, the King looked for you, when you stood behind in the crowd. The King told my Lord Waldegrave, that he had more reason to be angry with the D. of N. than with my Lord Hardwicke. That my Lord H. had been explicit; then he did not care to accept the great seal; that the King did not blame him. That he wished that Lord Anson might be restored, which His Majesty thought was not proper. That if the D. of N. came in, Lord St. would come to the cabinet council, & that Lord Hardwicke had promised to support him. The D. of Devonshire confirmed to me, that this was His Majesty’s present opinion. I assured his Grace, that your ^{l^p} had concurr’d with me in every thing which I had said upon this subject. Mr. Fox was more particular. He said, ‘ Then, my Lord Hardwicke has assured the King, that his lordship, his family, & his friends would support the King’s measures.’ I see the view of these little arts. I always expected them. They are aggravated by the Duke to the King, not to serve you, but to lay the load heavier upon me. And I beg it may not give your lordship one moment’s uneasiness. . . . His Majesty, in almost all the conversations, makes the

distinction between your lordship & me, & said particularly to Lord Hf^x, ‘I shall see which is king of this country, the D. of N. or myself.’ ”

The Duke then went on to discuss the propriety of their rendering their support to the present ministers ; on which he says,—

“If *we* support these men & measures, *both* will undoubtedly, (for a time at least,) succeed. We then involve ourselves not only in the unpopularity, but even in the inconveniencies & mischiefs that may arise from the present system, & to the publick. It is the same as if we were parties to the administration, for without *us*, this administration at present cannot go on. And, if that was a consideration, we should make *ourselves* equally obnoxious *in all places*.”

He submits, therefore, that a middle course will be most expedient, but desires the Earl of Hardwicke to advise him here.

“I was determined to fling out every thing to your Lordship, *upon whose advice, (when you will give it me thoroughly,) I depend more than upon all the rest of my friends put together*.”

His Grace states, in a postscript to this letter, that he has just had an intimation—

“That the Princess of Wales, Mr. Pitt, & Lord Temple, were ready to join with me, that there was nothing else for it, & that Lord Temple thought that this was the time.”

In a second postscript, he adds,—

“All accounts from the city agree that there is a most

extraordinary ferment there, upon the present dispositions at court. They say, they look up to us to protect them from the ill consequences which they apprehend from them. It is probable that that spirit will spread, & if that should be the case, & Leicester House should be pressing for us to take some part, it will be necessary to come to some resolution." *

The letter which follows describes the parliamentary proceedings on the introduction of the Militia Bill into the House of Lords, on which occasion Lord Hardwicke appeared as a prominent actor.

" London, Apr. 26, 1757.†

"The Militia Bill was read the second time on Wednesday last; but Lord Chesterfield, who had prepared himself for an attack upon it, was prevented by a slight indisposition from being present. The commitment of the bill was moved by Earl Temple, who remarked that the objections made to that of the last session were obviated in this, and hoped that His Majesty's recommendation of such a bill, at so critical a situation of affairs, would have its due weight. Lord Hardwicke answered that the bill was altered in several respects from the previous, yet the alterations did not extend to those capital points which had been the ground of his exception."

The newly-formed ministry was now, however, found too weak to last. In his distress the King sent for Lord Waldegrave, and commanded him to accept the office of First Lord of the Treasury. The public was not more astonished at that proposal than the earl himself. He declined as long as modesty became him, but engaged with spirit the moment he felt the abandoned state in which his master and benefactor stood.‡

Lord Waldegrave§ states that—

"On the morning of the 11th June, Lord Chief Justice Mansfield

* Hardwicke MSS., Wimpole. † Dr. Birch's MS. Collect., Brit. Mus.

‡ Lord Chatham's Correspondence.

§ Memoirs.

was ordered to be at Kensington. The reason assigned was that he should deliver back the Exchequer seals, which had been in his possession from the time of Legge's resignation; but the real business was of a different nature. The King discoursed with him a considerable time in the most confidential manner, and the conversation ended by giving Lord Mansfield full powers to negotiate with Pitt and the D. of Newcastle, His Majesty only insisting that Lord Temple should have no employment which required frequent attendance in the closet, and that Fox should be appointed Paymaster, which last demand did not proceed from any present partiality, but was the fulfilling of a former engagement. Before the final resolution was taken, His Majesty thought proper to take my advice. I told him I was clear in my opinion that our administration would be routed at the opening of the session; for that the D. of Newcastle had a considerable majority in the House of Commons, whilst the popular cry without doors was violent in favour of Mr. Pitt."

In a letter to Sir Horace Mann, dated June 1, 1757, Horace Walpole says—

"Lord Hardwicke refuses the seals; * says he desires nobody should be dismissed for him; if President or Privy Seal should by any means be vacant, he will accept either; but nothing till Lord Anson is satisfied, for whom he asks Treasurer of the Navy."

Horace Walpole also mentions—

"The seals, had been offered to Murray, and to the Master of the Rolls, who refused them; and to Willes, who proposed to be bribed by a peerage to be at the head of his profession, but could not obtain it. Henley, however, who saw it was the mode of the times to be paid by one favour for receiving another, demanded a tellership of the Exchequer for his son, which was granted, with a pension of £1500 a year till it should drop; and, as if heaping rewards upon him would disguise his slender pretensions, Lord Hardwicke told him he must be Speaker of the House of Lords too, for Westminster Hall would never forgive him, (Lord Hardwicke,) if he suffered those offices to be disjointed. Sandys and his son were both laid aside. Hardwicke himself took no employment."†

In a postscript to a letter written by the Duke of

* This peculiarly incorrect narrator probably meant the Great Seal.

† Memoirs.

Newcastle to the Earl of Hardwicke on the 4th of June, the following intelligence is contained, highly flattering to the ex-Chancellor, and which surely of itself affords a refutation of Lord Campbell's sneer against Lord Hardwicke, that he was at this time again hankering after the Great Seal, and "speculating on his own return to office."*

"I have had my audience, which passed in every respect extreamly well, in manner; &, to judge by appearances, every thing *there* would go well.

"We ended with great politeness, & more seeming openness than ever. He lamented much, (as he said the P. of Wales did,) your lordship's resolution not to take the Great Seal again. That you was the only proper man for it; & talked upon y^r l^d's subject, as I c^d, & always do."†

The two pithy epistles subjoined were on the same day addressed by the King to the Duke of Newcastle, relative to the ministerial negotiations then in progress.

"June 4th.‡

"I have no objection, my lord, to your seeing Lord Bute. But I pray you to consider my promise to Fox. If Pitt will come in, with a great number of followers, it is impossible you can direct the administration; & I know that, by inclination, he will distress my affairs abroad, which are so enough already.

"I shall be glad to see you on Monday; & with a resolution to come in and support my affairs.

"GEORGE R."

"MY LORD,§—When I received your letters I had just got my letters, which made me, in the hurry, forget

* Lives of the Chancellors.

† Hardwicke MSS., Wimpole.

‡ Ibid.; copy.

§ Ibid.

to return your letter. I wish you may find them more reasonable than I expect it. But I very much doubt, by what I know of them, that you will meet any reason with these impracticable people.

“GEORGE R.”

The letter which follows was written by Lord Chief Justice Mansfield to the Earl of Hardwicke on the 11th of June, in which he gives an account of his audience with the King on that day.

“*Saturday, 4 o’clock.**”

“MY LORD,—I am just come from Kensington, where I was by order to deliver the seal, & Mr. Fox was there to receive it. Upon my going into the closet, the King did me the honour to talk to me of the present melancholy situation, & bid me tell him what I thought. I did so very sincerely, & made a great impression. The result was, that I have brought the seal back, and am to speak to the D. of N. & y^r l^p. By good luck I met the D. of N. at Hyde Park corner. I stopped L^d Rockingham’s resignation, which I never approved of; he followed me home, & now tells me that he stopped the D. of Rutland. I am at this moment going to Guildhall, & give y^r l^p this trouble to know w^r I may wait upon your lordship if I get back before $\frac{1}{2}$ an hour after 10.

“I beg your lordship wou^d not take the trouble to write, but to send me word how late I may venture to come if y^r l^p is to be at home to-night.

“I have the honour to be,

“With the greatest respect,

“Y^r l^p’s most obliged, hu. servant,

“MANSFIELD.”

In the next letter, which is from the Earl of Hard-

* Hardwicke MSS., Wimpole.

wicke to Lord Royston, we have an account of Lord Mansfield's interview with the ex-Chancellor, and of the progress of affairs up to this period.

*"Powis House, June 12th, 1757.**

"DEAR ROYSTON,—This is a season fertile of new events & extraordinary motions, whether owing to the approach of the comet or not I can't tell. At dinner yesterday my Lord Mansfield sent me a short note of what I am going to relate, & said he wou^d come at night to tell me the whole ; but being detained at Guildhall, by the trial of Adm^l Knowles's cause, till one this morning, cou^d not come till this forenoon. The fact is, that he attended yesterday noon at Kens^a, by order, to deliver up the Exchequer seal, & Mr. Fox was there to receive it, as were the D. of Bedford, Lord Gower, the Duke of Devonshire, Duke of Marlboro', Lord Winchelsea, &c., to grace the ceremony. Upon his coming into the closet the King unexpectedly talked to him of the present melancholy situation, & bid his lordship tell him what he thought of it. Lord Mansfield told the King 'twas an affair quite out of his province, but if His Majesty commanded him, he wou^d tell his opinion very sincerely, & wou^d not deceive him unless he was deceived himself. He then told the King very plainly that he was of opinion that the scheme he was going upon wou^d not do, cou^d not carry on his affairs, but would end in greater confusion. He supported this shortly with reasons, as he related them, very honest, & I think unanswerable. The result was, that the King ordered his lordship to carry the seal back again with him, & speak to the Duke of Newcastle & to me. Mr. Fox went into the closet immediately afterwards, & was surprised to be told this in a whisper as he passed along

* Hardwicke MSS., Wimpole.

to the closet door ; & the good company attending in the ante-chamber were amazed, as you may easily imagine the whole court was. This new remove stopt, (as it ought,) the Marquis of Rockingham's & the D. of Rutland's resignations, who were all attending for that purpose ; & the Duke of Bedford went to Woburn yesterday evening, in wrath, as I am told. The King complained & lamented much, & appeared greatly embarrassed, but spoke well of your humble servant. I went to-day to the drawing-room at Kensington, where His Majesty, (tho' grave,) was very civil to me. He spoke to me twice, & the last question he asked seemed to have a meaning. *Shall you stay in town some days, my lord? Yes, Sir, it is my intention ; I shall not go out of town for some time.* What all this will end in I cannot foresee. If Mr. Pitt, &c., take it in a reasonable & candid way, it may have a good effect ; if not, these retrograde steps may make them more tenacious of their demands. I am at present at a loss how the negociation is to be resumed, for no one concession has yet been specified. The D. of Newcastle will be in town to-morrow morning, & I intend to see him as soon as he comes. Pitt is not yet in town. My most affectionate compliments attend my Lady Marchioness & the dear little girls.

“ I am,

“ Yours most affectionately,

“ HARDWICKE.

“ The jury gave Knowles £1000 damages, so he has at last got a fortune with *her*.”

“ On the 15th of June,” says Horace Walpole, “ the King wrote a note to Lord Hardwicke, desiring him, in consideration of the state of affairs, both at home and abroad, to hasten some administration that might not be

changed again. Lord Hardwicke promised to wait on His Majesty on the 17th with some plan, but the next day desired a day longer." The Earl of Hardwicke, however, had an interview with his royal master, and on this occasion His Majesty appears to have betrayed great agitation; for in a letter written by the King to the Duke of Devonshire are the following expressions, as recorded by Lord Hardwicke, in a memorandum, and extract in his own handwriting from the royal epistle:—"When Lord Hardwicke was with me to-day I was so heated, and in such a passion," &c.

The Earl of Hardwicke, in the following letter to Lord Anson, which was sent to him at Bath, by an express, gives the full particulars of the transactions relative to the formation of the new administration, and of the ex-Chancellor's share in them, which will be read with interest:—

"Powis House, June 18th, 1757."*

"MY DEAR LORD,—You will probably be surprised at receiving this letter by a messenger from me, but it will make me more happy than ever I was in my life, if the subject of it shall be as agreeable to your lordship as it is to me.

"You have heard how the administration projected under Mr. Fox failed on this day sev'night, just as it was on the point of being executed, and he was going into the closet to receive y^e Exchequer seal.

"On Tuesday night the King, by the Duke of Devonshire, ordered me to attend him on Wednesday. I have since had the honour of several audiences of His Majesty, some of y^m most uneasy & painful ones, tho' with^t any anger against me. My first orders were for y^e Duke of Newcastle & me to negotiate some settle-

* Hardwicke MSS., Wimpole.

ment of an administration with Mr. Pitt and his friends, under certain restrictions, from w^{ch} His Majesty declared he would never depart.

“ In y^e course of my audience, I told His Majesty that I co^d take no part at all unless some hon^{ble} regard was shown to your lordship, tho’ I co^d not just then point out y^e particular thing ; that I had acquainted the gentlemen with whom we had conferred with it, & had formerly humbly conveyed the same thing to His Majesty, which y^e King admitted. In his subsequent discourse, His Majesty, in aggravating y^e inconveniencies y^t wo^d arise from this plan, told me with warmth y^t resignations had been talked of, but in y^e way we were going there wo^d be resignations enough, for y^t my Lord Winchelsea was in the next room, in order then to come into his closet to quit. I instantly saw that this might furnish some convenience, but kept it in reserve. Sometime afterw^{ds}, when I produced my list, which he read, the King objected to Mr. Legge being made a peer and First Lord of Admiralty ; that he was determined not to do two great things for one man, especially him, & in this he was peremptory. I then threw y^r lordship in his way, but y^t I did not know what y^e other persons wo^d say to it. His Majesty replied quick, *I shall like it extremely.*

“ When I told this to y^e Duke of Newcastle, it made him vastly happy ; & when I repeated it in the evening at the meeting of all y^e four, my Lord Bute & Mr. Pitt received it with the greatest politeness. Lord Bute broke the ice first, & declared his particular respect for your lordship, & did great justice to y^r character, & declared y^t ‘ he knew him to be y^e spirit of y^e place he belonged to.’ Mr. Pitt said he had only waited to hear what Lord Bute sho^d say, & most readily concurred

in the same sentiments. In short, it ended so y^t all of us four plenipotentiaries agreed that your lords^p sho^d be again at y^e head of y^e Admiralty, if y^e King cont^d in y^e same mind, & Mr. Legge have his old office of Chanc^r of the Exchequer, which he had formerly professed to like better than any other place.

“ I have been negotiating some time upon other points, & had a most uneasy & fatiguing life. However, at last y^e whole was settled, & I carried the King y^e plan in writing this day at noon. The three great points w^{ch} the King made his *sine qua non* were, y^t he wo^d perform his promise for Mr. Fox to be Paymaster; y^t there sho^d be no changes in y^e Secretary at War; & your lordship be at y^e head of y^e Admiralty. When I told His Majesty y^t we had brought it to this, y^t all those points were agreed to & humbly yielded up to his pleasure, I never saw such a change in man; he said at once—*Then this thing is done, &, my lord, I thank you heartily.* He is in haste to carry it into execution immediately; &, indeed, it must be very soon.

“ I can't send your lordship y^e paper, for y^e King kept y^e original, & I have got no copy. The great lines are Mr. Pitt to be Secretary of State; Lord Temple a Cabinet Council place; y^e Duke of Newcastle First Lord of y^e Treasury; your lordship at y^e head of y^e Admiralty, & Mr. Fox Paymaster.

“ Thus your lordship is called again to y^t great office by y^e King's earnest desire, y^e united voice of y^e leaders of all parties, & y^e concurrence of Leicester House, tho' that must not be talked of. In other circumstances you might not so well like y^e inferior lords who are to be with you, w^{ch} are those who were turned out at Easter. You know that Mr. Pitt, &c., made restitution their

point, & besides wanted to provide for their friends who were at y^t board, & therefore there was no possibility of altering it. But I hope in y^e present case you will make no difficulty ab^t that. Indeed, my dear lord, this unexpected event, w^{ch} I have used some honest dexterity in bringing ab^t, is y^e greatest thing for y^e King's peace; for y^e credit of his old administration; & for your own honour. It does, by their own admission, give y^e lye to all y^e calumnies y^t have been raised; it contradicts all which they had said on y^e enquiry, (tho' we don't openly talk in y^t stile yet), & confirms y^e issue of y^t enquiry to be a total justification. The King sees it in y^t light, & therefore is prodigiously pleased with it. This is the light in w^{ch} it ought to be seen, & y^e unanimity of y^e Royal Family upon it is a most happy & inviting circumstance. This, I am confident, will make your lordship overlook all lesser circumstances, w^{ch} a little time & opportunity may correct. I have privately intimated to Lord Bute & Mr. Pitt that one of their Com^{rs} of y^e Admiralty might be changed, upon being otherwise provided for. They have agreed to y^e reasonableness of this; & you know y^e Duke of Newcastle had formerly proposed Mr. Stanley, who will be useful to you in the House of Commons; so will Elliot, who I dare say in 6 weeks time will be as much yours as theirs. Besides, I am told y^t it is probable Adm^l Forbes may not accept, & if so it will make room for Sir Edw^d Hawke, or any other man we shall approve.

“ This is y^e state of y^e case, & when I look back I stand amazed at y^e sudden change. All our friends are in raptures with it; y^e court in general pleased, & y^e town more so. It is looked upon as y^e strongest administration y^t has been formed many years, & by good conduct it may be so.

" I am glad to hear y^t y^e waters have agreed with you, but you must interrupt them for a few days, & in obedience to His Majesty's commands, set out immediately, & be in town as soon as you can without prejudicing your health this hot weather.

" I am to see the King on Monday, who will ask me if I have sent for you.

" The Duke of Newcastle sends your lordship his most cordial comp^{ts} & congratulations. But his Grace & I, & all your friends, exhort your lordship to make no difficulties, & to let us see you as soon as you arrive in town.

" The messenger waits, & will bring you a letter from dear Lady Anson, who knew not one word of this matter till since I had settled it finally with the King this day. Adieu, my dear lord, & believe me most affectionately,

" Ever your's,

" HARDWICKE.

" The Duke of Devonshire is vastly pleased with this. And I have reason to think Fox is so at present.

" Lady Hardwicke & all your friends of this family send you their affectionate compliments & congratulations."

The correspondence which follows passed on this occasion between the Earl of Hardwicke and Mr. Pitt. The first letter is from the ex-Chancellor to the " Great commoner."

" *Powis House, June 22nd, 1757.**

" *Half-past eleven.*

" SIR,—Since I had the honour of seeing you last, I have talked, by way of sounding, in the best manner I could, to all the three persons who can now come under consideration in the disposition of the Great Seal. I think I see clearly the way of thinking and inclination of them all, which differs very little from the conjectures which we had formed

* Correspondence of the Earl of Chatham.

concerning them. It is now so late that if I should have any chance of finding you at home, I should only put you in danger of being out of time for the levee. Considering that this will be no day of business, I take it for granted that it will be the same thing if I give you the detailed account at night; for the Duke of Newcastle tells me, we must have a meeting this evening, where I will be at your service. In the meantime, as my *pleureurs* keep me from court, I will go and dine with my son at Richmond, and not fail to be back time enough for any hour you will meet me at. Indeed, I am very desirous that we should meet this evening, for precious moments are lost, and not innocently wasted, but to the detriment of that great and useful system which we are labouring to establish.

"I am most sincere and zealous in my endeavours to bring about what you so much wish for, a present arrangement of the Great Seal; but I see vast difficulties attending it. I am, with the greatest respect, Sir,

"Your most obedient and most humble servant,

"HARDWICKE."

The next letter is also from the Earl of Hardwicke to Mr. Pitt.

"*Powis House, June 25th, 1757.**

"*Saturday Night.*

"DEAR SIR,—However improper for a private man, yet *majoris fugiens opprobria culpæ*, I did, in compliance with your commands, and those of our other friends who met on Thursday night, attend the King to-day, in order to know if he had any orders for me relating to the disposition of the Great Seal. I found His Majesty very grave and thoughtful on the news which came last night, but calm. He soon entered into matters; and it is unnecessary, as well as hardly possible, to give you the detail of my audience in writing. His Majesty expressed his desire to settle his administration on the plan fixed, but thought there was no necessity of making a hasty disposition of so important an office as the Great Seal an immediate part of it. However, the result was he absolutely refused to give a peerage with it, which I think puts my Lord Chief Justice Willes out of the case; for his lordship not only told me before, but has since repeated, that the peerage is with him a condition *sine qua non*. I see the King inclines more to Mr. Attorney-General; and when I stated to His Majesty what I collected

* Hardwicke MSS., Wimpole; Correspondence of the Earl of Chatham.

or conjectured to be his views, he hearkened, and at last bade me talk to Sir Robert Henley, reduce his terms as low as I could, & bring them to him in writing on Monday.

"Since I saw my Lord Chief Justice Willes, I have seen Sir Robert Henley, who talks very reasonably and honourably. His proposals are :—first, a reversionary grant of the office of one of the tellers of the Exchequer to his son for life ; second, a pension of £1500 per annum on the Irish establishment to Sir Robert Henley himself for life, to commence and become payable upon his being removed from his office of Lord Keeper, and not before ; but to be determinable and absolutely void upon the office of teller coming into possession to his son. My present opinion is, that the King may be induced to agree to this on Monday ; for when I hinted in my discourse, at a pension upon Ireland, though His Majesty treated it pretty severely at first, yet when I stated the several contingencies in which it might, in this case, never become any real charge upon the revenue, he said, of himself, that made the case different.

"I found to-night, by my Lord Chief Justice Willes, that he is to go to Kensington on Monday, to get some warrants signed ; and thinks that either the King may speak to him, or that he may say something to His Majesty on this subject ; but I am persuaded that will have no effect, unless he gives up the peerage, which I am of opinion he never will. If the affair of the Great Seal should be settled on Monday, in the person of Sir Robert Henley, as I conjecture it will, I see nothing that can obstruct your beginning to kiss hands on Tuesday. For God's sake, Sir, accelerate that, and don't let any minutiae stand in the way of so great and necessary a work. I long to see this scheme executed for the King's honour and repose, the harmony of his royal family, and the stability of his government. I have laboured in it zealously and disinterestedly ; though without any pretence to such a degree of merit as your politeness and partiality ascribes to me. I see with you, that attempts are flying about to tarnish it ; but, if it is forthwith executed on this foot, those will all be dissipated in the region of vanity, and instead of a *mutilated, enfeebled, half-formed* system, I am persuaded it will come out a complete, strong, and well-cemented one, to which your wisdom, temper, and perfect union with the Duke of Newcastle will give durableness. In all events, I shall ever retain the most lively impressions of your great candour and obliging behaviour towards me, and continue to be, with the utmost respect, dear Sir,

"Your most obedient, and most humble servant,

"HARDWICKE."

The following is Mr. Pitt's reply to Lord Hardwicke's letter of the 22nd of June:—

“ *Whitehall, June 26th, 1757.**

“ MY LORD,—Give me leave to return your lordship many thanks for the honour of your letter, and for the trouble you are so good to give yourself in relating what passed in your audience concerning the Great Seal. I think it is pretty evident that no material difficulty remained with His Majesty, on the subject of Sir Robert Henley, when your lordship left the closet, but I am sorry, I own, to find a word, (at most but specious, when applied to a disposition of the Great Seal, too long unsettled,) I mean, a *hasty* arrangement of it, as a part of the present system, made use of by the King on this occasion. Something of the same sort was mentioned by the Duke of Newcastle when I last had the honour to meet at Newcastle House, and at the same time a visible indetermination of mind appeared in his Grace, with regard to Sir Robert Henley, in whose person the greatest *fitness* and facility both seem to meet. I trust however that your lordship will be able finally to settle the seals for Sir Robert Henley, on his own terms (which are certainly reasonable), on Monday next, and that Mr. Pratt may be immediately appointed Attorney-General.

“ I should be very sorry that any minutiae should retard the execution of a plan, which every hour is growing more distasteful, and yet every hour becoming more necessary for the King and kingdom; but when it is considered what mutilations and changes, in essentials, the paper of arrangements has undergone, I trust your lordship will be of opinion that it is quite necessary for me to see what little remains of the system proposed, go into execution at *one* and the *same time*. On *that foot*, I am ready, any day, to begin to take my part, whatever forebodings of mind I carry about me. My fears are too various to trouble your lordship with, and the single hope and confidence I can place, too sincere & unalterable to become frequent repetition, and wear the air of compliment. I have the honour to be, with the greatest truth and respect,

“ Your lordship's most obedient, and

“ most humble servant,

“ W. PITT.”

Thus the ministry was settled, and kissed hands on the 29th.

* Hardwicke MSS., Wimpole.

“The negotiation between Mr. Pitt and the Duke of Newcastle,” says Mr. Thackeray,* “which was commenced by Lord Mansfield, was concluded by Lord Hardwicke, and a ministry at length satisfactorily arranged.”

Lord Waldegrave states,†—

“On the day they were all to kiss hands, I went to Kensington, to entertain myself with the innocent, or perhaps ill-natured amusement of examining the different countenances. The behaviour of Pitt and his party was decent and sensible; they had neither the insolence of men who had gained a victory, nor were they awkward or disconcerted, like those who come to a place where they know they are not wanted.”

Lord Lyttelton wrote to Lord Hardwicke, after the ministerial arrangements had been completed, expressing his acquiescence in them, and acknowledging his obligations to Lord Hardwicke for the peerage which had been conferred upon him, at the solicitation of the latter, on the dissolution of the administration of which the Earl of Hardwicke was the Chancellor:—

“If my health will permit me, I shall go to-morrow into the country, with a heart more at ease than if this new arrangement had brought me into the cabinet. *That I had secured my great object before*, I owe to your lordship’s friendship, & shall ever retain the sentiments due to such an obligation. But I must equally feel the D. of Newcastle’s neglect of me, both then & now. However, I beg your lordship to assure his Grace, in my name, that I am as happy in his return to power, & shall support his administration with as much zeal & attachment, as if he had shewn me the greatest regard. I really think it is the best ministry that could be formed in our circumstances. . . . Adieu, my dear lord, & be assured

* Life of Lord Chatham.

† Memoirs.

you have not a more devoted friend, or one who loves & honours you more than, &c.

“LYTTELTON.”*

The following letter from Lord Hardwicke to Lord Lyttelton, giving an account of the new ministry, and of the ex-Chancellor's share in the formation of it, will be read with interest. The opinion which he expresses as to the legal appointments made at this time, and of some of those promoted, deserves attention. The part which Lord Hardwicke took on this occasion, respecting his son, Mr. C. Yorke, is here stated.

“*Powis House, July 4th, 1757.*†

“MY DEAR LORD,—Though I was much mortified by being deprived of the pleasure of waiting on your lordship the day before you left the town, yet I was extremely obliged to you for your very kind letter of that night. It breathes all that generosity of public-spiritedness which has been so remarkable in your lordship's conduct, however uncommon it may be in the present times. The merit which your partiality gives me I have not the vanity to ascribe to myself, though in all respect and friendship to your lordship I have not nor shall ever fail. At the same time, I cannot help feeling much concern at the impression which you seem to retain of some neglect in the D. of Newcastle towards your lordship. How the case stood in the beginning of last November, I have formerly acquainted your lordship with great truth and exactness; and in justice to his Grace, beg leave now to inform you, with equal truth, that, in the new arrangements lately made, it was not in his power to include you. I am intimately acquainted with the high value and esteem which my Lord Duke has for your lordship; but, to my certain knowledge, there were not employments enough to satisfy such demands as were necessary to be complied with, in order to come to any settlement, and, consequently, none in any degree agreeable to your lordship's rank could be made practicable. Time and opportunity may afford new openings, wherein I hope what is now amiss will be corrected. In the interim, the candour, indulgence, and confidence of our friends must be hoped for, and relied

* Hardwicke MSS., Wimpole.

† Ibid.; Phillimore's *Life and Correspondence of Lord Lyttelton*.

upon. I rejoice to find your Lordship so clear in your opinion, that this administration is the best that could be framed under the present circumstances. As to the share I have had in the transaction, I never directly interposed till I had the King's positive orders from his own mouth; and ever since that time I have anxiously laboured to procure some quiet to His Majesty, and some settlement for the public. How far my part has been wise or politic I will not pretend to judge; but sure I am, it has been honest and disinterested. I have thrown aside every private concern or partiality of my own; for, as to the restitution of Lord Anson, it was the King's own option, and one of his three points *sine quibus non*. I gave up for my son Charles a point of professional honour, by letting Mr. Pratt be put before him as Attorney-General, in order to finish and to prevent things training into a length which the circumstances of the King's affairs would not endure. This has been brought about by the disposition of the Great Seal, which I believe was the only thing in the arrangement not settled when you went out of town. My Lord Mansfield and the Master of the Rolls, were too prudent to listen to it in the present situation; the King would not give a peerage with it, which put my Lord Chief Justice Willes out of the case, so that it has fallen into Sir R. Henley's hands, with the style of Lord Keeper. In other parts of the terms, the King has been very gracious to him, for he has granted the reversion of a Teller's place to his son for life; and given him a pension of £1500 per annum on Ireland, to commence and become payable *only* in the case of his becoming *removed* from the Great Seal before the Teller's place falls in possession to his son, and to be absolutely determined whensoever that place shall come into possession. I look upon this as the best disposition that could be made at present, and much better approved in Westminster Hall than a commission, which is always disliked, and should never be continued long. Sir R. Henley has abilities and law, and I hope will do very well, if his health admits of it. One thing I am sorry for, which is, that your countryman and my friend, my Lord Sandys, seems to be much dissatisfied with it, especially as no place has been yet found for him, which he says was promised. But his Lordship knew his commission to be only temporal and provisional, hardly to be expected to continue so long; and I hope any promise, which was then made him, (though I was not privy to it,) will be made good to him.

"This disposition of the Great Seal not only made way for Mr. Pratt, but also for another favourite object of Mr. Pitt's, in representing the city of Bath, whereof he was very ambitious. In order to it, he

has taken that little stewardship, which you see in the votes, to vacate his seat ; for no new Secretary of State having been appointed in his room, nor his commission revoked, he found himself in the case of Mr. Pelham, upon the resignations of 1745, and could not have a new patent.

“ Thus things are settled for the present, and some calm and better humour restored. Happy it is that they were settled before the bad news came of the King of Prussia’s defeat, which I only refer to, and cannot bear to enlarge upon. Had the King then remained without any ministry at all, it would have vastly increased his inquietudes, and caused the greatest confusion ; and besides, I fear the terms of the new settlement might have been greatly raised. Indeed, the fear of some bad success was one material ingredient with me to hasten to a conclusion ; and I was further of opinion, that it was necessary for His Majesty’s service to constitute his administration of such persons, and to put so much of the popular mixture into it as might be able to sustain some bad success, at least for the present. I say for the present, for what is unsuccessful can never be long popular.

“ I hope to hear that the air and exercise and amusements of Hagley have re-established your Lordship’s health ; and that the History of Henry II. will receive its completion this summer. I was so delighted with the last, which your goodness indulged me with, that I eagerly long to be entertained with the entire piece.

“ I am, with the greatest truth and respect,

“ My dear Lord,

“ Your Lordship’s most obedient and faithful humble servant,

“ HARDWICKE.”

Lord Lyttelton’s reply to the Earl of Hardwicke is as follows :—

“ *Hagley, July 3rd, 1757.**

“ MY LORD,—I have a thousand thanks to return to your lordship, for having written me so long a letter in such busy times. For though you are not in the administration, I thank God you are not out of business. The loss would have been too great for the public if you had ; but I know you will be consulted by the Duke of Newcastle, and I hope by the new ministers, as much as if the great seal was still in your hands ; and, indeed, though I entirely agree with your lordship, that, in the present state of things, some popularity is necessary in the administration, there is still more need of wisdom. Nor are these times that will allow your lordship to retire from the service of your

* Hardwicke MSS., Wimpole.

country : your moderation and prudence may make you decline coming into employment, but your virtue will forbid you to withhold from the King the benefit of your counsels.

“ As for me, my lord, I am at liberty to enjoy that retreat which my own temper makes agreeable, and which your lordship’s friendship has made honourable to me. The sense I have of His Majesty’s goodness upon that occasion, would have obliged me not to refuse the taking any office, how uneasy soever, to which he had called me in such a conjuncture ; but I think it a happiness not to be called. So far was I from having any demands of that nature to embarrass the Duke of Newcastle with in his negotiation, that I had not even a wish for myself. I am of your lordship’s opinion, that, had I desired it, he could not have done anything for me at present ; but he might have expressed a desire to do it, and I think that he should. Half of that which your lordship has said to excuse him, had it been said by his grace, would have satisfied me ; but to have been quite overlooked by him in such a transaction, when every other friend that he had was consulted, and every interest of theirs was considered with the greatest attention, is a mortifying distinction, and such as I think my behaviour to him has never deserved.

“ I am glad that your lordship approves of the disposition of the great seal. The appendixes added to it are very considerable, and show the spirit of the times. Sir R. Henley has generally been thought a man of good parts, and the opinion of his ability will not be diminished by his having annexed such conditions to such an advancement. But the remembrance of your lordship in Westminster Hall will be a difficulty and disadvantage to him, which he will find very hard to surmount. Lord Sandys’ dissatisfaction will be of little moment, and he will come into good humour again as soon as any thing can be done to compensate this loss.

“ Your lordship’s prudence in having procured us a settlement of the ministry before this ill news arrived, can never, I think, be sufficiently praised. Confusion at home would have doubled the mischief, and made it remediless. We have now all the strength that this country affords, and perhaps the opinion of more than there is, (which may be of great use,) to help and support us. I pray God it may hold together, at least till the storm that hangs over our heads is a little cleared up ; after that, if ambition and faction divide us, it will not be so fatal.

“ I thank your lordship for your obliging concern about my health. It is much better since I came into the country, and I hope will be quite re-established by the exercise and the amusement of a tour I am

going to make into South Wales. At my return from thence, which will not be till the second week in August, I intend to resume my history, encouraged very much by the favourable opinion your lordship has of it; but I do not hope to complete it under two years. The *collationis mora et tædium*, which Cicero says deterred him from writing the history of his country, is what makes me so slow in finishing mine. For I know the critical spirit of my countrymen, and that they would not forgive me an inaccuracy, if I could write with the eloquence of Cicero himself. And I am particularly unfortunate in the many subjects of controversy that occur during the period contained in my work. But I shall think no trouble nor labour too great if I can make it deserve your lordship's approbation.

"Mr. Miller, who is now here, and will, I believe, go with me to Wales, desires his most humble respects to your lordship. His health is much better than it has been for some time; I wish his fortune were so too; but in that he is a good deal distressed, by the expence which attends his inclosures. If the Duke of Newcastle did but know the worth of the man as well as your lordship and I do, he might easily find some small sinecure place which would make him quite easy, and not draw him away from his business in the country, which it is necessary for him now to attend.*

"I beg the favour of your lordship to assure my Lord Anson of my particular satisfaction in his being so honourably restored to an office which no other man in the kingdom is capable of filling with equal ability, and from which he had been removed by the clamour of faction and madness of the times. I do not write him a letter of congratulation because I would not give him the trouble of an answer. It would have been a great pleasure to me to have congratulated Mr. Charles Yorke on being Attorney General, but Mr. Pratt being put before him is a strong instance of the disinterestedness of your lordship's proceedings upon this occasion.

"If your lordship should be pleased to favour me with a letter before my return to Hagley, direct to me at John Campbell, Esq., at Stackpole Court, near Pembroke.

"I am with the greatest veneration, and, allow me to add, the sincerest affection,

"My dear Lord,

"Your lordship's most obliged

"And most obedient humble servant,

"LYTTELTON."

* Through Lord Hardwicke's interest, this was effected.

Mr. Charles Pratt, the new Attorney-General, was a younger son of Sir John Pratt, who had been successively a puisne judge of the Court of King's Bench, and Chief Justice of that court in the reign of George I; and who, it will be in the recollection of the reader, was the presiding judge on the trial of Mr. Layer. Charles Pratt was born in the year 1714. At an early age he was sent to Eton; and in 1731, having obtained the election to King's College, Cambridge, he removed to that University. In 1738 he was called to the bar; practised in, or rather attended for practice, the common law courts, and went the western circuit. For several years, however, his assiduity met with no encouragement, and he obtained little or no business, which is the more remarkable, and must have been the more dispiriting, considering the influence in the profession of his father's name and fame. At last, conceiving his prospects of success in the law to be hopeless, he at one time determined to abandon it, and to enter holy orders; a resolution which has been taken by more than one disappointed aspirant at the bar, who has afterwards obtained high eminence and promotion in his profession. Henley, subsequently Lord Chancellor Northington, who was at that time in extensive business on the western circuit, is said to have dissuaded Pratt from his purpose, and encouraged him to continue in his career. His practice soon afterwards began to increase, or, to speak more correctly perhaps, began. He was much employed in parochial settlement cases from the western circuit,—a branch of business formerly very advantageous for introducing juniors, who were first retained in the appeals at sessions, and then had to argue them in London. This department of practice is now, unhappily for incipient advocates, though by no means so for the litigiously disposed parishes

themselves, almost defunct. In 1752, Mr. Pratt was engaged in for the defence of Owen, the bookseller, who had libelled the House of Commons. And the following year he defended a culprit, an Irishman, who was accused of a much more serious offence than Pratt's former client,—that of forging a will. His business, however, does not appear to have been then very extensive.

The Earl of Breadalbane tells the Earl of Hardwicke in a letter to him from Edinburgh, dated July 14th—

“The leap taken by the Attorney-General is, I believe, uncommon, but I dare say perfectly understood by every body; I am sure it is here, where all talk of the noble part your lordship has acted in this whole affair, & indeed, as the reason for that extraordinary step is universally known, I think it no disadvantage to Mr. Yorke to be freed from the great fatigue of that office.

“Lord Anson's return to his former board was extremely well judged, not only for the service of the public, but as a proof of the cause of his removal from it.

“I most heartily wish every member of the ministry may act with the same view as your lordship, & then the unfortunate situation of this country may grow better.” *

Soon after this Parliament was prorogued.

In May, of this year, Mrs. Charles Yorke brought her husband a son, on which joyful event Lord Hardwicke wrote to the Solicitor-General, congratulating him warmly. Lord Royston's children were both daughters.

“God grant that an event so interesting to me & my

* Hardwicke MSS., Wimpole.

family, as well as yourself, may prove happy in every respect. You were born whilst I was Solicitor-General. *Sit omen felix faustumque.*" *

On the 30th of July Lord Hardwicke wrote from London to Lord Royston. He tells him,—

"We hope to get well to Wimpole on Monday evening, where we shall long impatiently for the good Company from Wrest."

In this letter, he gives his son some good advice on the subject of health and exercise. The literary pursuits and sedentary habits of Lord Royston rendered this exhortation peculiarly necessary in his case. After alluding to the general condition of affairs abroad, and to the progress of the war, Lord Hardwicke thus expresses his own sentiments on these points.

"In short, things are in a very violent & uncomfortable situation. The King is under great anxiety, & I don't wonder at it. Unless some unforeseen turn happens, I see no way out of it, except by a peace, which will be called a bad one, & yet may be the best thing for this country, as the situation is now circumstanced." †

In his next letter, which is dated from Wimpole, on the 3rd of August, the great ex-Chancellor gives an account of his journey thither, and sends his son a budget of domestic news.

"Your mother & I had a very fine journey down, & both of us less fatigued than usual with these summer journeys; but the rain which fell on Saturday about London had laid the dust as far as was necessary, tho' it did not reach this place. Upon enquiry, I find less rain

* Hardwicke MSS., Wimpole.

† Ibid.

has fallen here than at Wrest, or about London ; but we had that yesterday in the evening, & a thunder-shower is now falling whilst I am writing. This place is as verdant & beautiful as I ever knew it ; and the farmers are so far from complaining of the rain, that they don't think they have had quite enough. But no corn is cut hereabouts, & as it comes with thunder, & the barometer is rising, I hope in God it will not continue so as to hurt the harvest, of which the prospect here is very good. This day se'nnight, at Royston-market, wheat was fallen to 6s. p. bushel. I hope the hoarders will be bit."

The privy council had been for some time occupied in the earlier part of this year, as appears by the extensive notes in the Earl of Hardwicke's handwriting of their proceedings and of the evidence taken, in examining into the "engrossing and conspiracies to raise the price of meal and flour," that had then been set on foot.

In another part of his letter, Lord Hardwicke tells his son:—

"Lady Hardwicke joins with me in our most affectionate compliments & best wishes to yourself, Lady Grey, & the dear little babes. Tell Lady Bell that, as she loves sights, I can shew her two trees in my hot-house, that bear plenty of eggs, & are now full both of goose-eggs & hen-eggs. I desire she will examine her funny friend Dr Dell ab' it."*

Some disturbances were now beginning to arise in different parts of the country, on account of the recent Militia Act, which was about to be put in force, and to which the following passage in the same letter alludes.

"I hate riots, but it would be a little diverting to

* Hardwicke MSS., Wimpole.

have the popularity of the Militia Bill proved by riots against it, especially in the parishes of the *country gentlemen*. I have not yet heard any thing about the execution of it here. I fancy the backwardness in taking commissions will be found to be pretty general; & what His Grace said of Devonshire, I imagine was but guess."

On the 7th of August, the Earl of Hardwicke writes again from Wimpole to his son Lord Royston, at whose hospitable mansion Mr. and Lady Margaret Heathcote were then staying. An important piece of political intelligence, and a communication of interest relating to Lord Hardwicke's own sentiments on the war, are contained in this letter.

. . . "I may tell you *in confidence* that our master talks of making his separate peace as elector, & I suspect some steps had been taken towards that, or a neutrality before. Whether he will be able to obtain it now I can't tell; & perhaps y^e King of Prussia may run a race for it. My notion is that France would help him to a separate peace much sooner than they would the King. I would have the negotiation made general, & let us try to get out of this detestable ruinous war as fast as we can. We have no choice but of the lesser evil. My Lord Anson remembers that, when this war was first thought of, I said the next morning that we were going to risque old England for new England; & that crisis seems to be coming on apace. May Heaven avert the impending mischief!"*

The information in Lord Hardwicke's letter respecting His Majesty's intention to form a separate treaty for peace as Elector of Hanover, was derived from a

* Hardwicke MSS., Wimpole.

letter which the Duke of Newcastle had addressed to the ex-Chancellor, in which he also mentioned Mr. Pitt's repugnance to such a proceeding, who thought it would be even better to grant His Majesty a sum of money as Elector, towards carrying on the war, than to allow him to take this step, though on a subject of this kind his English ministers as such could not be called upon to advise him. The Duke was therefore desirous of ascertaining the Earl of Hardwicke's opinion of the matter, who tells him in reply,—

“ The opinions of the King's English servants seem to me to be asked, as if you were to ask the opinion of your lawyer or physician, without fully stating your case to them; for I do not find that you are yet authentically informed either of the circumstances leading to a treaty, previous to the action upon the Weser, or of the loss, circumstances, or consequences of that action.” *

Lord Hardwicke thought that an entire peace, if any, should be effected at once; but that the English ministers could not advise His Majesty against a separate peace without affording him pecuniary assistance as Elector to carry on the war, which he considered might be granted at once, to a reasonable extent.

By a letter from Lord Hardwicke, dated “ Powis House, Aug^t 20th,” which was addressed to Lord Royston, we are enabled to trace the writer's movements and occupations very accurately.

“ I came here on Thursday to dinner. . . . I purpose, God willing, to return to Wimpe on Wednesday. . . . On Thursday, at my coming to town, I found a letter from the Colonel to you, which he desired me to read & transmit, which I did by that

* Hardwicke MSS., Wimpole.

night's post. . . . I have attended the meeting of the King's servants, & we are trying to get some more friends, either for peace or war. The King told me that the Duke has now with him 40,000 men, no despicable number, if strongly posted. The King, (as they say,) does not know how ill H. R. H. is. His leg is exceeding bad. . . . I hope to-night that the rain is leaving us, which would be very happy for the country. I think the harvest lingers the more for want of hands, & no wonder, when so many are taken up in the sea & land service."*

The following extract from a letter to Lord Hardwicke by his nephew, Mr. Valence Jones, whose family the former has been accused of treating with hauteur and neglect, affords an additional refutation of the calumnies circulated against this great and good man, many of which have already been proved to be as unfounded as they are malicious :—

“ My mother & sisters, with myself, think ourselves highly honor'd by your lordship's and Lady Hardwicke's obliging remembrance of us ; and we beg leave to return our most grateful thanks for it, at the same time that we desire the acceptance of our most respectful compliments & humble duty. I am particularly sensible of your lordship's goodness in allowing me to have the pleasure of seeing Wimple ; and have only to wish that there was a fairer prospect of my being able to make use of the permission than, I fear, there is at present. In all times, & in all places, I hope your lordship will be assur'd that it is no less my inclination than my duty to take every opportunity of expressing the gratitude & attachment with which I must ever be, my lord, &c.” †

* Hardwicke MSS., Wimpole.

† Ibid.

Notwithstanding his hatred to the whole "house of Yorke," as Lord Hardwicke's family were sometimes facetiously termed, Horace Walpole, when anything was to be obtained by so doing, did not in the least scruple to recommend all due court to be paid towards them. In a letter to Sir H. Mann, written during the present year, he tells him, "if you could enter into a correspondence with Col^l Yorke at the Hague, he may be of great service to you. That family is very powerful; the eldest brother, Lord Royston is historically curious & political; if, without its appearing too forced, you could send him uncommon letters, papers, manifestoes, & things of that sort, it might do you good service."

The two letters which follow, from the Earl of Hardwicke to Viscount Royston, relate to a matter, already referred to, which was at this time the occasion of no inconsiderable alarm throughout the country,—the disturbances which arose in consequence of the Militia Act, and from which the neighbourhood of Wimpole appears to have been by no means exempt.

*"Wimple, Wednesday Evening,
Sept. 7th, 1757.**

"DEAR ROYSTON,—I am extremely sorry to hear of the continuance, or rather encrease, of the disturbance & riots in Bedfordshire. Those things are generally aggravated by previous rumours, & yet I fear there is too much ground for the apprehensions in this case. The Deputy-Lieutenants of Hertfordshire were to meet last Monday, in subdivision at Royston, to draw the lots; the Hertfordshire mob came, & were joined by that of y^e town; compelled the gentlemen to desist; to deliver up the lists; & to give their words they would act no

* Hardwicke MSS., Wimpole.

further in y^e execution of the act. Parties of them went afterwards to Sir John Chapman's & Mr. Hessel's, (two of y^e acting Dept.-Lieutenants,) broke some of their windows, & compelled them to give them drink & money. Tho' this is within six miles of me, they have not yet marched hither. I have already sent your letter, with one from me, in support of it to Lord Barrington, to be sent from the Post-house at Royston *immediately* by a flying packet, which is the most expeditious way of all. I have, also, by the same conveyance, writ to the D. of N., stated the case to him, & desired his Grace to support your request.

“As I know there is to be a meeting of the King's servants to-morrow night, to consider of these riots & this opposition to the Militia Bill, I have added my opinion that some method shou^d be taken by private intimations to the Lords-Lieutenants, to take handles for delay by adjourning the meetings to a long day. That at y^e beginning of y^e session the matter be reconsidered, & perhaps the bill remodeled into some practicable shape. In short if the gentlemen have not the lists, they can do nothing but adjourn; & tho' nobody is more averse to y^e giving up laws to popular fury than I am, yet this case is peculiar, because these people, returned and chosen, are to do personal acts by subscribing & swearing; which no body can force them to do, nor do for them. Therefore to raise all this ill-blood, & flame, for y^e sake of previous acts can end in nothing. As soon as I hear what they resolve, I will let you know.

“I am ever,

“Dear Royston,

“Your's most affectionately,

“HARDWICKE.”

In a letter to Lord Royston, written at Wimpole on the 18th of September, Lord Hardwicke tells him :—

“ It gave us all great pleasure to hear that you, Lady Marchioness, & the dear little babes were well, & that tranquillity is restored in Bedfordshire ; as it seems to be also here, for there has been no riot or rising of the mob since that of Thursday se’nnight, which was so opportunely quelled by the timely arrival of the Blues. They still continue at Royston, & I had their commanding officer, Capt. Killet, at dinner here last Sunday. He is a very alert, sensible officer, & has behaved extremely well ; & I shall be sorry to part with him, tho’ I am told that is likely to happen pretty soon, as that corps does duty as guards. . . . I am persuaded that many of the farmers have encouraged these riots, tho’ none of my tenants were in them, except from Morden, situate in y^e most disorderly circle ; & there they all pretend to have been forced, as their minister & mediator, Mr. Pease, represents to me. . . .

“ We live upon hopes of seeing the good company from Wrest, on Saturday, the first of October. We should have liked it better if it had been sooner, but submit to your convenience. We regret that some of our best fruit will be gone by that time, but you will have received ample amends by Wrest. Wray, who is so kind as to be here, & tells me he epistolizes you by this post, praises us much, both in *word* & *deed* ; & laments every day that it comes so much together.” *

After Lord Hardwicke’s resignation of the Chancellorship, his time was divided between Wimpole and London, though at the former he was now able to recreate himself more fully. It has been said that he did not

* Hardwicke MSS., Wimpole.

enjoy much popularity with his Cambridgeshire neighbours, and that he affected to despise the habits of country gentlemen. One of his biographers, several of whose calumnies against Lord Hardwicke have already been refuted in these pages, thus depicts the ex-Chancellor at his rural seat:—

“The stately and ceremonious reception of his visitors on a Sunday evening, was insipid and disgusting in the highest degree. Stranger as he was to the life & habits of country gentlemen, he treated them with insulting inattention and hauteur. Came they from ever so great a distance, either to visit his lordship, or to see his place, their horses were sent for refreshment to the ‘Tiger,’* a vile inn near half a mile distant, as I have experienced more than once. He submitted, indeed, like other lords, sometimes to entertain the *natives*, but with that visible and contemptuous superiority as disgusted rather than obliged them. When in high good-humour, he had two or three stock stories to make his company laugh, which they were prepared and expected to do. One was of his bailiff Woodcock, who, having been ordered by his lady to procure a sow of the breed and size she particularly described to him, came one day into the dining-room, when full of great company, proclaiming with a burst of joy he could not suppress, ‘I have been at Royston fair, my lady, and got a sow exactly of your ladyship’s breed and size.’

“He used also to relate an incident that occurred to him in a morning ride from Wimpole. Observing an elegant gentleman’s house, he conceived a wish to see the inside of it. It happened to be that of Mr. Montague, brother to Lord Sandwich, who, being at home,

* Yet in one of Lady Hardwicke’s letters to her son, she mentions Lord Hardwicke’s annoyance at the stables at Wimpole being for a time under repair, so as to afford no accommodation for their visitors’ horses.

very politely, without knowing his lordship, conducted him about the apartments, which were perfectly elegant ; and expatiated on the pictures, some of which were capital. Among these were two female figures, beautifully painted, in all their native naked charms. ‘ These ladies,’ said the master of the house, ‘ you must certainly know, for they are most striking likenesses.’ On the guest’s expressing his perfect ignorance, ‘ Why, where the devil have you led your life, or what company have you kept,’ says the captain, ‘ not to know Fanny Murray, and Kitty Fisher, with whose persons I thought no fashionable man could be unacquainted?’ On my taking leave, and saying, ‘ I should be glad to return his civilities at Wim-pole,’ what surprise and confusion did he express, on his discovering he had been talking all this badinage to Lord Hardwicke !” *

The same writer also says of his social habits—

“ He was a perfect pattern of temperance and sobriety. His meals were not even convivial. After his dinner, which was generally late, he latterly dozed for some minutes, during which his lady kept up some degree of cheerful conversation. On recovering, and her retiring, a stiff and ceremonious talk took place, in which to involve his son Heathcote, when he was of the party, he would observe, that Rutlandshire being the least county in England, his father, Sir Gilbert, was supposed to be in possession of one half of it ; and if he goes on to accumulate as he has done, bids fair to be the proprietor of a whole county, a point at which no man in England ever yet arrived. On this some sycophant would observe, that his lordship might perhaps be charged with a similar view, in regard to the county of Cambridge ; for though

* Cooksey’s Anecdotes.

Wimpole as yet bore no proportion to the whole, yet the title-deeds of a full moiety of it might already be found there :—a smile.”

Another of Lord Hardwicke’s biographers has, however, drawn a very different picture of his domestic and social life, and one much more in accordance with what we learn from his correspondence, and the accounts furnished by those who knew him :—

“ He rose from the fatigues and anxieties of business, to the enjoyment of the society of his family and his friends, with the spirits of a person entirely vacant and disengaged, preserving in old age the vivacity as well as appearance of youth, and ever uniting the characters of dignity and amiableness.” *

In the year 1757, several gentlemen of property in Cambridgeshire engaged in furnishing donations towards setting on foot a scheme to establish turnpike roads. “ By the liberal example of Lord Hardwicke,” † Lord Royston, and others, numbers were incited to subscribe for this purpose. Indeed, notwithstanding all that has been said of the avarice of the ex-Chancellor, it appears from undoubted testimony, that whenever charity demanded his aid, or any patriotic purpose required promotion, he was ever foremost to contribute from his purse.

Dr. Webster, being in great pecuniary distress during this year, petitioned the Archbishops and Bishops for relief, though with but little success. He afterwards published a narrative of his case, in which he “ acknowledges his great obligations to Lord Hardwicke, for a handsome present.” ‡ The unostentatious manner in which the Earl of Hardwicke dispensed his bounties,

* Life by Chalmers.

† Nichol’s *Literary Anecdotes*.

‡ Ibid.

seems to have been the real reason why he was so unjustly accused of avarice by his assailants.

In a letter to Lord Royston, dated October 30th, Lord Hardwicke says—

“Last night brought me a messenger from the Duke of Newcastle, but no news, except that the story of the plague at Lisbon grows more doubtful, there being letters from that place of the 13th inst^t, which take no notice of it. This gives me some pleasure, & I pray God the story may be false, & if not, to preserve this poor countrey from it; for such a calamity, added to our other distresses, would make a scene amazingly dreadful, & the more so from the ungovernable spirit of the people.”*

The extract which follows, from a letter written by Dr. Birch to Lord Royston in November, 1757, relates to an event of public interest at this period:—

“When I wrote to your lordship on the 3rd I had heard, but could not prevail upon myself to believe, what I am now going to mention, and find to be really fact. On Tuesday Mr. Blair came to my Lord Mayor with a message in His Majesty’s name, that an inquiry was actually ordered into the conduct of the late expedition. His lordship asking what use he might make of this, was answered such a one as his prudence should direct him to. He then desiring to have this message in writing, Mr. Blair told him that his commission did not extend so far; but upon his departure, his lordship committed the whole to paper, and on Thursday evening sent an account to the Half-moon Club. Upon the receipt, they sent to him to desire to know whether the King’s message had been given in writing, to which my Lord Mayor returned that this could not be in communications of this sort from His Majesty; adding that, if they intended to propose any question the next day, they must send him a copy, otherwise he would not suffer it to be put, but break up the court. One of the club asked why Mr. Pitt did not come himself to give them satisfaction.

* Hardwicke MSS., Wimpole.

And there are some who wish he had done so in his private capacity, rather than that His Majesty should, in the thirty-first year of his reign, stoop so much below his dignity.”*

A letter to the Earl of Hardwicke from his sister, Mrs. Jones, which bears date the 19th of January, 1758, acknowledges in warm terms his kindness and generosity towards her and her family. She says—

“ My daughters beg leave, in the most particular & respectful manner, to present their humble duty & most grateful & sincere acknowledgements to your lo^p for this fresh instance of your goodness & affection to them, in which acknowledgements my son desires to join very sincerely. . . . I am, with the most lively sense of all your favours, particularly this last,” &c. †

Parliament was opened by His Majesty in December. The speech delivered by the Sovereign on this occasion, as also the address of the Lords in reply to it, were entirely composed by the Earl of Hardwicke. In the former the King, after regretting that the success in carrying on the war had not been “equal to the justice of our cause, and the extent and vigour of the measures formed for that purpose;” and after alluding to the confidence which His Majesty reposed on “the spirit and bravery of this nation, so renowned in all times, and which have formerly surmounted so many difficulties;” and “the preservation of the Protestant religion, and the liberties of Europe;”—thus referred to the condition of the country at that period:—

“ MY LORDS AND GENTLEMEN—

“ I have had such ample experience of the loyalty and good affections of my faithful subjects towards me,

* Hardwicke MSS., Wimpole.

† Ibid.

my family, and government, in all circumstances, that I am confident they are not to be shaken. But I cannot avoid taking notice of that spirit of disorder which has shown itself amongst the common people in some parts of the kingdom. Let me recommend to you to do your part in discouraging and suppressing such abuses, and for maintaining the laws and lawful authority. . . . Nothing can be so conducive to the defence of all that is dear to us, as well as for reducing our enemies to reason, as union and harmony amongst ourselves.”*

A scrap of political intelligence of interest is contained in the following passage of a letter from Lord Royston to Lord Hardwicke, written on the 18th of March:—

“In talking of Mr. Fox’s *inactivity* this winter in parliament, Count Viri observed, that he was always busy in court intrigues, & that he had lately been making overtures to Leicester House; ‘Not,’ said the Count, ‘you may suppose, thro’ the hands of your neighbour, but through another quarter, which he thought might be more acceptable to him;’ meaning, I presume, L^d Bute; ‘but that he had not met with any sort of encouragement.’”

The extract which follows, refers to a speech of the Solicitor-General in the House of Commons:—

“I cannot conclude without allowing myself the pleasure of repeating to your lordship, that I think my brother’s speech yesterday in the House was as able a performance as I ever heard there. He urged everything that could be suggested, in support of his side of the argument, & with the greatest *judgment, firmness, decency, & manly eloquence*. It is but justice to him to

* Hardwicke MSS., Wimpole.

say this, & I pronounce upon his speech as an impartial bystander."*

The following account of the proceedings on the second reading of the Habeas Corpus Bill in the Upper House, is from the original, in the handwriting of Dr. Birch, and was probably noted down at the time.

"Second reading of the Habeas Corpus Bill in the House of Lords.
May 9, 1758.†

" E. of Hardwicke.

" Mansfield.

" Temple.

" Talbot.

" Hardwicke.

" Newcastle.

" Granville.

" Temple.

" Denbigh.

" Earl of Hardwicke.

" He opened the debate ; but I did not come in till he had spoken about ten minutes ; after which he continued to speak three quarters of an hour.

" His lordship urged several general objections to the bill, reserving himself for more particular ones to the committee upon it, if the House should send it to one.

" He showed that there was no occasion for such a bill, since all the advantages proposed by it were already secured by the common law ; and that the inconveniencies which would arise from it, would be great and extensive, and affect both private persons, and the judges themselves.

" That the discretion, so much of late the subject of exclamation, which is, and has been always, exercised by the judges, is not arbitrary, but merely judging according to law."

On the suggestion of Lord Hardwicke, certain questions were referred to the judges, with instructions to prepare another bill, to be submitted to the House at the commencement of the next session of Parliament.

Lord Lyttelton wrote to the Earl of Hardwicke on the morning of the day on which this debate took place, and

* Hardwicke MSS., Wimpole. † Dr. Birch's MS. Collect. Brit. Mus.

informed him of his being unwell, and that he was desirous to give Lord Hardwicke his proxy. He added—

“ It grieves me that I shall lose the pleasure of hearing your lordship to-day. If I can possibly attend on Thursday I will ; if not, your lordship will command the vote, as you always do the opinion of, &c., LYTTTELTON.”*

Lord Lyttelton tells Lord Hardwicke in another letter, written shortly after the above, referring to the late debate,—

“ It mortifies me extremely, that I lost the great pleasure & instruction I sho^d have had from your lordship’s two speeches upon such an occasion. Lord Granville is a strange man to putt himself, like a young volunteer, at the head of an attack upon Westminster Hall. But what makes it still worse for his dignity is, that he will not be at the head of this attack, but at the tail of Pitt & Lord Temple. His imagination has always been too strong for his judgement.”†

Among the MS. notes of Lord Hardwicke’s speeches, are the “ Heads of Objections to the bill for extending the Habeas Corpus Act,” in his lordship’s own handwriting. They are very voluminous.

The heads of objections commence thus :—

“ 1st. The principle on which it was originally proposed.

“ 2nd. The utility of the provisions cont^d in it.”

With respect to two of the grounds taken up by the supporters of the bill, viz.—“ that the Habeas Corpus Act only extended to cases of criminal commitment,”—and that, “ by common law a writ of Hab. Corp. ought to be granted of course, without laying before the court any

* Hardwicke MSS., Wimpole.

† Ibid.

probable cause, but that the judges had practised otherwise, in violation of the subject's liberty,"—his lordship observes in the above paper as follows :—

"Both these grounds appeared strange to me, who had been a diligent attender of West^r Hall, & presided in the two great courts which have the principal jurisdiction in these writs for 23 years."

The letter which follows, from Horace Walpole to the Hon. Seymour Conway, informs us of the issue of the proceedings with regard to this measure.

"Arlington Street, June 4, 1758.

"The Habeas Corpus is finished, but only for this year. Lord Temple threatened to renew it the next; on which Lord Hardwicke took the part of proposing to order the judges to prepare a bill for extending the power of granting the writ in vacation to all the judges. This prevented a division; though Lord Temple, who protested alone t'other day, had a flaming protest ready, which was to have been signed by near thirty. They sat last night till past nine. Lord Mansfield spoke admirably for two hours and twenty-five minutes. Except Lord Ravensworth and the D. of Newcastle, whose meaning the first never knows himself, and the latter's nobody else, all who spoke, spoke well."

In the political world, matters now appeared to go on pretty smoothly. The dread of foreign aggression kept parties together. The Commons were unanimous in point of feeling, and liberal as to their supplies.

Lord Chesterfield, in one of his letters to his son, dated the 17th of May, says,—

"Domestic affairs go on just as they did; the Duke of Newcastle & Mr. Pitt jog on like man & wife; that is, seldom agreeing, often quarrelling; but by mutual interest upon the whole not parting."

After Lord Hardwicke's retirement from the Chancellorship, he attended the House of Lords as one of the

law lords, on the trial of all important matters where the parties appealed to that house as the highest and ultimate judicial tribunal. Dr. Birch mentions, in a letter written during March :—

“Dr. Delany’s great cause was determined in the House of Lords on Monday the 6th instant, after three long days pleading of the council. And though the judgment of their lordships was more favourable to him in one point than the decrees of the late and present Lord Chancellors of Ireland, yet both the Lords Hardwicke and Mansfield, who spoke on the occasion, especially the former, did not spare the Doctor for several instances of ill behaviour in the course of his cause.”*

On the 20th of March, 1758, died Lord Hardwicke’s old and valued friend, Dr. Herring, Archbishop of Canterbury. Dr. Secker, Bishop of Oxford, through the influence of the Earl of Hardwicke, was appointed his successor. Horace Walpole, who seldom gave any body a good word, and who thought well of nobody that was connected with Lord Hardwicke, briefly characterizes Archbishop Secker as a man “who certainly did not want parts or worldliness.”

On the 16th of May Lord Hardwicke wrote from Wimpole the following kind and affectionate, and most admirable letter to his daughter, Lady Anson, on her husband being unexpectedly summoned from her to take the command of the fleet, and exposed to many dangers and hardships. The manner in which on this occasion the great ex-Chancellor counsels his beloved daughter, is worthy of the wisdom for which, in his public capacity, he was so eminently distinguished; and the kindness and consideration which he displays towards Lord Anson were no less characteristic of the more amiable qualities which adorned his private life.

* Dr. Birch’s MS. Collect. Brit. Mus.

Lord Royston, some time afterwards, wrote the subjoined note at the foot of Lord Anson's letter, which evinces the esteem in which he was held by Lady Anson's family:—"This domestic connection was the greatest private happiness I have yet enjoyed. Too soon, alas, cut short; but such are earthly enjoyments!"

*"Wimple, May 16th, 1758.**

"DEAR LADY ANSON.—My lord's letter of Saturday last filled my head with such various reflections, that I hardly know whether I write intelligibly. I was struck with astonishm^t & concern at the unexpected & rash step taken by Sir Edw. Hawke; with the former, from the opinion w^{ch} I had entertained of his prudence; with the latter, from y^e danger of y^e public losing y^e benefit of his service, at least for some time. My concern was still greater from the consequential trouble this event is likely to bring upon Lord Anson, tho' I must own, the part which he has taken is the only part of the whole which I look upon with approbation, for the more I revolve in my mind, the more I am convinced in my judgment that he took the manly, wise, & honourable resolution. And yet, affection imposes its drawbacks even upon this. I am troubled too, because I know it must give you great anxiety; but I know you are so prudent, that when you consider how he has hitherto been protected & blessed with great success, you will conclude with me in relying upon the same good Providence for the future. Ignorant as I am, I look upon his departm^t as more eligible than if he had y^e immediate command of y^e expedition; for I suppose y^e coming army is not responsible for y^e comm^t of y^e siege. How y^e board here will go on without him, is my chief doubt as to the pub-

• Hardwicke MSS., Wimpole.

lic affair, but I hope & imagine they will not take much upon them in his absence.

“ I told his lordship in my letter that if I co^d possibly be in any degree useful to him, I would come to London at an hour’s warning. I know his delicacy, & therefore repeat it to you, that if either he or you think so, a messenger may be sent to me. I don’t say this affectedly, but very sincerely ; for, as much as I like being here, I sho^d grieve for having been so, if my presence in town could be but apprehended to be of any y^e least service to him. As I know that so lately as Friday night there was not one line of instructions prepared for anybody, I take it for granted that he must make a trip to London before he sails, tho’ it may be necessary for him to repair immediately to Portsmouth, to revive y^e good order & y^e spirits of y^e fleet. Pray make him my most affectionate compliments, & assure him that my best wishes & prayers always attend upon him, as well as upon yourself, from

“ My dear child,

“ Your’s most affectionately,

“ HARDWICKE.”

Lord Hardwicke’s attention was at this time called to the case of the person mentioned in the extracts which follow from Dr. Birch’s correspondence with Lord Royston, which for some time formed the subject of deliberation with the government, and relating to which are very numerous documents, with Lord Hardwicke’s notes upon them, among his papers.

“ The physician, whom my last mentioned as having been seized by a messenger, is one whom I have had some slight acquaintance with for several years, but now find to be a Roman Catholic, as well as an Irishman, which indeed I was informed of before. His name is Hensey, and he has one brother a priest and chaplain to the Spanish Embassy

at Hague, and another at Ostend, with whom he carried on the correspondence which has brought him into his present distress, for he is now in Newgate, and is in a fair way of going thence to Tyburn. The notice of his practice is said to have been sent hither by one of our intelligencers abroad, and so all his motions were watched for some time before he was secured, and on the morning of it he was dogged from his lodgings to several places where he was permitted to go, in order that he might fill his pockets with such papers as unravel his business, which he accordingly had done.

"Carrington came up to him at Forrest's Coffee-House, near Charing Cross, and told him that he must go along with him. To his surprise he put his hand to his sword; but Carrington, pointing to two of his assistants, showed him that resistance was vain; and in fact there was a file of musketeers likewise at the door for his apprehension.

"While this was doing, his lodgings in my neighbourhood, in Arundel Street,* were searched, where copies of many of his letters were found, with his lists of our ships, men, guns, &c., and notes of the most practicable plans for a descent."

The following interesting particulars of the trial of Dr. Hensey are contained in the next communication to Lord Royston from Dr. Birch, and to which no further preface is needed.

Mr. Charles Yorke, who was at this time Solicitor-General, was engaged in the case. The judges who presided on this occasion were Lord Mansfield, and Justices Dennison, Foster, and Wilmot.

"The weather to-day, and an engagement to dine at Lord Charles Cavendish's to-morrow preventing my waiting upon your lordship at Richmond, I cannot dispense with myself from giving you some account of Dr. Hensey's trial yesterday, which I had the patience to attend throughout, though in no very convenient situation, being obliged to stand from ten in the morning till nine at night.

"The judges came into court at half an hour after ten, and the jury was sworn by a quarter after eleven. The Attorney-General† performed his portion well, showing the charge to be clearly within the nature of high treason, and the 25th of K. Edward III., and in explaining the kind of evidence to be produced in support of it. Mr. Carrington, the

* Dr. Birch lived in Norfolk Street, which adjoins. † Sir Charles Pratt.

messenger, gave an account of his having seized the prisoner, on the 31st of July last year, by a warrant from the Earl of Holderness, and then his papers, at his lodgings, at Mrs. Blount's, in Arundel-street, in the Strand. These papers were found in a bureau belonging to the prisoner, who having the key in his pocket, Mr. Carrington made use of one of his own to open it, and then, having marked all the papers in it, brought them. His evidence was supported by one or two of his assistants, by the maid-servant of the house, who confessed the bureau to have been made use of by the prisoner, and by his washer-man's servant, who had seen him take out his key and open a drawer, for his linen. That the paper there seized was the same produced in the court was proved by Mr. Carrington and Mr. K—, to whom Mr. Carrington delivered them; by Mr. Webb, to whom they were offered to Mr. K—, and by the translator, with whom Mr. Webb entrusted them for taking copies, in order for translations to be made. The handwriting of most of them was proved to be the prisoner's, by Mr. Em. de la Costa, and those who had known him for ten years; by Mr. —, the apothecary, who had seen him write, and had a prescription, and by a washerwoman, for whom he had written two prescriptions, and by one or two more persons. The intercepted letters from him were proved by Mr. Tood, inspector of the Foreign-office, at the Post-office. Upon offering the papers taken in his bureau, his counsel, Mr. Moreton, and the Honourable Mr. Howard, son of the late Earl of Suffolk and Berkshire, objected to it as not having been fully proved to be in his possession, since his lady's maid-servant had acknowledged that she had seen her mistress open the bureau in which they were; or to be of his handwriting. On this last head, they urged the case of the reversal of the judgment against Algernon Sidney, against the sufficiency of the proof of handwriting in a case of high treason. The objections were answered by the Attorney and Solicitor-General, and the court then gave their unanimous opinion for the reading of the papers, which, together, appeared such a chain of evidence of correspondence of the most criminal kind on the part of the prisoner, as left not the least doubt in the mind of any person who heard them.

“To confront this, no evidence was produced by the prisoner, whose counsel had nothing to say for him but to repeat their objections to the proof of their being in his possession, and of his handwriting; and to allege that the case was not within the tenure of K. Edw. III., and, in short, if it was, the facts were not proved to be where the indictment laid them, in the county of Middlesex, since the letters supposed to be written and sent by him were posted at the Post-office, which is in

the city of London. Mr. Solicitor's reply was a very full and satisfactory one, and my Lord Chief Justice Mansfield, having spent three quarters of an hour in summing up the evidence, the jury, after remaining out about half an hour, which they mostly spent in looking over the papers, which they were allowed to take with them, brought in a verdict of 'Guilty.'

"With regard to the reversal of the judgment in the case of Al. Sidney, it was shown by the Attorney and Solicitor-General, and admitted by the Lord Chief Justice, that the reversal of his sentence was founded upon several points, besides that of the invalidity of the proof of his handwriting, which proof had not been made by persons acquainted with his handwriting, and by comparing it with other specimens, which the jury were directed by the court to admit as evidence.

"With respect to the papers taken in the prisoner's possession, the cases of Lord Preston and Mr. Layer were cited as express in proof of possession."*

The prisoner, after being several times respited, was eventually granted a free pardon, on condition of his quitting this country.

In July of this year, the Earl of Hardwicke gave up his London residence, Powis House, which he had occupied ever since the commencement of his Chancellorship. In a letter to the Earl of Powis, to whom Powis House belonged, on the subject of the determination of the tenancy, Lord Hardwicke says,—

"I beg your lordship will accept my thanks for all y^e civilities w^{ch} I have received from you during y^e long time I have been your tenant; permit me to hope, at the same time, for being honoured with y^e continuance of y^t friendship & good correspondence which has hitherto subsisted betⁿ us."†

A mansion in Grosvenor-square was subsequently taken by the Earl of Hardwicke for his residence when in London, during the parliamentary session.

* Dr. Birch's MS. Col. Brit. Mus.

† Hardwicke MSS., Wimpole.

Mr. Foulis, of Glasgow, at this time sent the Earl of Hardwicke a present of two pictures, the productions of the Glasgow Academy, by the hands of Mr. Wedderburn ; which his lordship acknowledged in very complimentary terms to the donor.

Lord Hardwicke spent the autumn, as well as the summer of this year, at Wimpole ; and in one of his letters to Lord Royston, tells him of the rides he was in the habit of taking on horseback ; and of domestic intelligence sends him the following :—

“ Now is your time for wild turkeys, for they say I have 48. Enquire about the best time of removing them.”

During the autumn, the Earl of Hardwicke presented his portrait, painted by Ramsey, to Lord Lyttelton, and for which we find a warm letter of thanks from the latter to the ex-Chancellor, assuring him—

“ There can be no ornament in my new house which will please me so much as a picture of your lordship. I shall never look at it without the most agreeable sensations of friendship, & all the delight that gratitude gives, when one has a pride in being obliged. Besides, I have in me so much of the Papist, as to feel my devotion to virtue increased, & my mind lifted up above its own pitch, by beholding the picture of a good & great man. Mr. Ramsey, I think, has done his part very well, & given me your lordship's countenance as well as your features.” *

In the same letter Lord Lyttelton adds,—

“ Your lordship's encouragement gives me new spirit

* Hardwicke MSS., Wimpole.

to pursue my historical work with some diligence during my stay in the country ; but the tedious toil of revising & correcting the sheets I receive from the press is a great hindrance to me, & much of my time is devoted at Hagley, to the entertaining of my guests."

The extract which follows from one of Lord Hardwicke's letters to Lord Royston, written from Wimpole on the 11th of September, alludes to the procession to St. Paul's to return thanks after the arrival of the news of the conquest of Louisburg ; and to the Cambridge address to the King, to congratulate him on this occasion.

"What say you to the solemn procession, & the ceremony performed at St. Paul's? I suppose the precedent was taken from what was done by Qu. Elizabeth after defeating the Spanish Armada, but the occasion was very different. I thought the number of colours taken was not equal to the pomp, but find that those which accompanied Queen Bess were, accord^s to old Stowe, just eleven. . . . I want to see y^e account of y^e procession of y^e canon. A messenger, who came hither the other day, told my servants that your old acquaintance *Lig.** was to grace it in person, by riding to the tower on one of the guns ; which it might be worth while to go to London to see.

"The Vice-Chan^r & D^r Law are gone to London this day with an address from the University of Cambridge, which you will see in Tuesday's Gazette. I hope you will like it, for it was settled in this house last Monday, when Lord Kinnoul brought D^r Law, & D^r Caryll over with him for y^t purpose. I made them send for y^e Vice-Chancellor from Lincoln to be present at y^e congregation."†

* Ligonier.

† Hardwicke MSS., Wimpole.

An allusion to some of the members of the family is contained in the same epistle.

“Joe’s letter of anecdotes pleased the King most extremely, for which I had a gracious share of thanks. . .

“Your’s is the first intelligence of Master Sollicitor & his Lady, which we have had since they left this place. Charles impudently avows the being an abominable correspondent, & I think he has infected his wife, who of herself is disposed to be very good. They have made their tour longer than I expected, but I rejoice to hear they are so well. The Duke of Newcastle inquired the other day what was become of their Sollicitor.”

The gratification of the King, at the address of the University of Cambridge, the warmth of which seems quite to have melted the cold ordinary demeanour of the Sovereign, is described in another letter from Dr. Birch to the son of the High Steward of that learned body, under whose influence their loyalty seems of late to have advanced.

“His Majesty was so highly pleased with the address of the University of Cambridge, that after the presenting of it he stepped up to the Vice-Chancellor, and said to him that he was obliged to that University for their affection shewn to him on all occasions ; and that he was particularly so for their behaviour on this. The Duke of Newcastle took notice afterwards to the Vice-Chancellor and Dr. Law, that this was the first instance of the kind which he had ever known, since it has never been usual for His Majesty to say any thing when nothing had been said to him.”*

The distress of the poor old King at the disasters with which the latter part of his reign was for a period overclouded, is recorded in one of Dr. Birch’s epistles to the Yorkes. His Majesty ever appears to have taken the

• Hardwicke MSS., Wimpole.

most lively interest in all public affairs, and military transactions he both understood and personally engaged in.

“When I wrote to your lordship this day se’nnight, and even the day before, I was informed from private letters of Lord Howe’s death, and of our loss and disappointment at Ticonderoga; but I was unwilling to abate the joy of our success at Louisburg by ill news, till the certainty of the latter should arrive; which it did on Sunday morning. The King was at his levee, when the letters were brought to him, and upon the first opening of them said with some emotion that Crown Point appeared to be taken; but a little further perusal acquainting him with the truth of the fact, he closed the letters, without being able to read them through.”*

The anecdote of the King in the next letter, is in accordance with the account given by his biographers of his strict attention to his religious duties.

“His Majesty from a cold, which he had caught since his return from Kensington, did not appear with his usual vigour on his birthday; and on Sunday was advised by Dr. W. not to attend the Chapel, which occasioned him to remind the Dr. of the common reproach thrown upon the faculty of their want of zeal for religion.”†

The King continuing to suffer from indisposition, as mentioned in the last letter, Parliament was opened by commission, which was done on the 23rd of November; the speech delivered on this occasion having been revised by the Earl of Hardwicke, for which purpose the draught of it was sent down to him at Wimpole. The following extract from one of Lord Chesterfield’s letters may serve as a concise epitome of the history of this session.

“There never was so quiet, or so silent a session of Parliament as the present. Mr. Pitt declares only what he would have them do, and they do it *nemine contradicente*, Mr. Viner only excepted.”

* Hardwicke MSS., Wimpole.

† Ibid.

Mr. Horace Walpole, in a letter to Mr. Seymour Conway, says,—

“Though the Parliament is met, no politics are come to town ; one may describe the House of Commons, like the price of stocks ; debates, nothing done ; votes, under par ; patriots, no price ; oratory, books shut.”

On the 2nd of June, this easy, good-natured Parliament was prorogued.

Mr. Hugh Valence Jones, who was at this time the representative of Dover in Parliament, during the month of June was appointed one of the Commissioners of Revenue in Ireland, in consequence of which he became incapacitated from sitting for that borough any longer. Lord Hardwicke, on the promotion of his nephew, wrote to the mayor of Dover, to thank him and the rest of the corporation, for the favours conferred on Mr. Jones, which Lord Hardwicke told them he should consider as done to himself. He also assured them—

“I shall allways retain & exert the same disposition & zeal for your service, & for the interest & welfare of my native town, which I have hitherto endeavoured to show.” *

A melancholy event occurred in the happy and united family of the Earl of Hardwicke, during the month of July, 1759, the particulars of which are detailed by him in a letter to Dr. Freeman, whose sister Mr. Charles Yorke had married. It appears that in the beginning of the month, a fever broke out in Mr. Yorke's house, which first attacked one of the servants, afterwards Mr. Yorke's infant daughter, then Mrs. Yorke, and also two or three more of the servants. Dr. Heberden, Dr. Adding-

* Hardwicke MSS., Wimpole.

ton, and three other medical men attended the family, and pronounced the fever to be the putrid. The little girl died on the Sunday morning, which fact was concealed from Mrs. Yorke, who appeared to be going on favourably, when the following turn in the disease, as feelingly related by Lord Hardwicke, took place :—

“ And now I come to y^e fatal catastrophe, w^{ch} overwhelms me & all my family with grief, & can never be sufficiently lamented. Ab^t half an hour after 12, she woke in a violent delirium. Mr. Yorke, who wo^d continue in y^e house with her, was called ; he sent for Dr. Heberden & Dr. Watson, who came immediately ; but the delirium continu^d, & she incapable of taking anything, it pleased God to take this most amiable young woman to himself, ab^t two o’clock. This unexpected stroke was like a clap of thunder to me & Lady Hardwicke this morning. Poor Mr. Yorke is the most inconsolable person that I ever saw, & what both he & Mrs. Freeman feel is not to be described.

“ During the time that this dear creature had made my family happy, she had gained y^e affection of every branch of it, & y^e grief they feel co^d not have been exceeded for a child or sister of their own. Such sweetness of temper, & so many virtues, are seldom known to meet in one person ; but she is gone to receive the reward of them. For myself, I am particularly unhappy that my first correspondence with you sho^d be upon so melancholy & distressful an occasion. My chief consolation is, y^t no care or attention has been wanting, & for y^e dear pledge she has left behind her, he continues very well, so far happy y^t he is incapable of knowing his loss. May he live long to show forth his mother’s excellent qualities, & to preserve y^e connection betⁿ our two families.

Permit me at y^e same time to recommend him to y^r protection.”*

Nor was this calamity, great as it was, the only distress which at this period fell upon the family of Lord Hardwicke. A letter written by him from his new town residence, to his eldest son, on the 18th of July, informs us of another severe illness among the members of this circle, and from which Lord Hardwicke himself did not escape.

“ *Grosvenor Square, July 18th, 1759.†*
“ *Wedn. afternoon.*

“DEAR ROYSTON,—Amidst all the severe strokes of Providence which have fallen upon me of late, none has more affected me than the letter your servant brought concerning poor Lady Bell. I was then very ill myself, & the difficulty there was in procuring a proper physician to go down to Wrest, in a proper time, much encreased your mother's & my distress. However, tho' Dr. Taylor could not possibly go earlier, I hope he arrived in time, & that we shall hear, before this goes away by a messenger, that the means used have had the wished-for effect, & that the dear child is in a safe & good way.

“As to myself, I brought a very bad cold & sore throat from Richmond, on Monday noon, proceeding, I believe, from my riding too freely in New Park, (which I like so well that I could not help,) in the hot sun & east wind, operating upon that agitation & exertion of the bile in my constitution which the distress of my mind had occasioned; for Doctor Addington says my case was partly inflammatory, & partly bilious. Both Mr. Hawkins & the Doctor pronounced my sore throat, tho' bad enough, to be of y^e common sort only, & to have nothing

* Hardwicke MSS., Wimpole.

† Ibid.

of y^e malignant quality. Therefore the former took away ten ounces of blood, as soon as I came to town; & the latter, who did not come till Tuesday morning, gave me a purge of senna, saline draughts, &c. He thought yesterday that I had a good deal of fever, & a hard, labouring pulse; but this morning he has found the soreness of my throat almost gone, scarce any fever, & the pulse much nearer to its natural state.

“As to Lady Anson, she is not yet abroad; but it is agreed that she is nearly well, & her throat, in a manner, quite so. Indeed, I believe, what illness remains upon her, is more from her mind & spirits than from her body; for her spirits are such as make her feel every thing very strongly. The news of Lady Bell had affected her extremely.

“I hope in God we shall all get well in a little while; but His will must be submitted to; & tho’, from His wonderful goodness, my life has been a series of prosperity hitherto, we must not expect allways to receive good things at His hand, & not evil.

* * * * *

“6 o’clock.—I had writ thus far before my little dinner, & now a thousand thanks to you for your very kind letter by post. I trembled to open it, but it proved, when opened, an excellent cordial, & will, I believe, do me at least as much good as any of Dr. Addington’s prescriptions. Your mother & I have been in prodigious anxiety, heightened to the last degree by the consideration of you & dear Lady Grey, for whom we feel most sensibly. We desire both of you to accept our most affectionate congratulations & best wishes for yourselves & y^e dear babes I am ever,

“Most affectionately yours,
“HARDWICKE.”

“ Charles is still at Richmond, & was yesterday as well as could reasonably be expected after his great shock.

“ Let me know by the return of the messenger how you all do.”

On the 31st of July Lord Hardwicke wrote again to Lord Royston, from which letter we learn that both his own health, and that of his family, had then much improved.

“ Your letter of the 29th gave us much pleasure, by informing us of all your good healths. A refreshing rain is come this morning, which I hope will improve us all. As to myself, I am, thanks be to God, quite recovered of my distemper, tho’ not quite so strong as I was before ; & your mother is almost well, tho’ the doctor has not left her, nor she her room.

* * * * *

“ I have not yet been able to fix any day for going to Wimple. This rain makes me wish much to be in the country, but your mother must have time to get quite well, for long journeys are now very uneasy to her, even in health. This has made me think of making you & Lady Grey a visit at Wrest, & leaving your mother to take her own time to go to Wimple, & then going to her there. I desire, therefore, that you will be so good as to let me know, by the next post, when you expect any company to be in the house with you, for I would avoid that time, since I can chuse my own.” *

Mr. John Yorke, in a letter to his brother, Lord Royston, dated August 2nd, mentions as follows :—

“ There came last night an alarm from Scotland, of a

* Hardwicke MSS., Wimpole.

fleet w^{ch} had been seen off Aberdeen, of 24 ships, & 2 large men of war, & were thought there to be suspicious. This brought Lig. & Pitt to L^d A., who was just gone to Arthur's, after having called at L^d Hardwicke's, to tell him the news. He was soon fetched home, & they sat in council upon it 'till near eleven, having hooked in papa, who, while L^d A. was gone to call upon him, was come to make a visit to Lady A. with her stiff neck; & so was desired by his lordship as soon as he arrived, to walk down to his company. L^d Anson thinks it pretty clear that they are a Dutch fleet & convoy going north about. Those fellows go about frightening French & English out of their wits." *

In a letter which the Duke of Newcastle wrote to Lord Hardwicke on the 20th of July, 1759, is contained the following interesting narrative of a communication of an important nature from the Prince of Wales to the King, on the subject of which Lord Hardwicke's opinion was desired by the Duke.

"The P. of Wales sent a letter to the King this morning by my Lord Pembroke. His Majesty said nothing of it to the two secretaries; but, upon my coming in, he gave it me twice to read, & I thought with a design that I should keep it; but, however, I returned it to the King.

"The letter was in very respectful, submissive, but strong terms, to acquaint the King that, as His Majesty's dominions were now threatened with an invasion, as every zealous subject was offering his service for the defence of the King & his country, the P. of Wales would be very uneasy to remain in the inactive state in which he was at present; that hitherto he had applied

* Hardwicke MSS., Wimpole.

himself to other things, in order to inform himself & form his mind. But that now the King's dominions were attacked, His Majesty, whose own valour was so well known, would not be surprized that the blood which he had in his veins inspired him with different sentiments, agreeable to their rank & *station*. That he hoped that valour & that blood would enable him to inspire the people, when he should be present, with more zeal and activity for His Majesty's service than if he was not to be there : and, (tho' he owned his youth & inexperience,) might in some measure make up for age & experience.

“ That he had intended to have applied to the King directly on Tuesday last, but that he feared he should not do it so well, & therefore had determined to write.

“ The King asked me what answer he should return, & said, He wants to be *rising, monter un pas*. I told H. M. that I hoped he would return a kind answer ; that the letter was very respectful & submissive. The King here said that he would call my Lord Pembroke in, & say, *The time was not yet come ; that the case did not yet exist*. I told H. M. that I hoped he would not say that, for that was acquainting my Lord P. with the substance of the letter, which we should immediately have reported all over the town, *and such comments made as every one should think proper*. This convinced the King, & I believe no such answer was given.

“ The answer I took the liberty to advise was, very civilly to tell my Lord Pembroke that the King would consider the letter & send an answer, which he could not then do. H. M. did not say he would give it in those words, but I fancy it was something like it.

“ I forgot to tell you, that though the command in chief was not named, or any thing like it, the King took it to mean that ; &, indeed, that did seem to be the purport of the letter. I have since seen the lady* *alone*, who knew nothing but what I told her. She concludes the fear of the Duke is the cause of the letter, & in that I agreed with her. She thinks the answer I proposed a very proper one for the present ; but is of opinion that the answer to be returned should be that, if the French landed, the King intended to go himself, & would take the P. of Wales with him. That very thing occurred to me in the closet, tho’ I did not mention it. I beg you would be so good as to consider what it may be proper for the King to answer, & let me know your thoughts before Monday evening.”†

Lord Hardwicke, in a letter to Mr. C. Yorke, dated Grosvenor Square, August 16th, gives some account of His Majesty, whose spirits had been much raised by the satisfactory intelligence from abroad ; and the news of the victory of the allies near Minden :—

“ The King, who is at present the happiest man you ever saw, told me yesterday that he saw the hand of God in this event. That when he looked back to the situation of things on that side, as they stood before, it looked like a miracle. That it put him in mind of what is said in the Old Testament, that God Almighty sent out a destroying angel, &c., & what had happened to the French army looked like something of that kind. That the French owned they had lost 10,000 men. I took the liberty to ask His Majesty what he took the numbers

* Lady Yarmouth.

† Hardwicke MSS., Wimpole.

on each side to be before the engagement ; to which the King answered, Marshal Condades near 60,000, & Prince Ferdinand about 35,000, after the corps he had sent off with the Hereditary Prince, & his other necessary detachments. How shameful for the French !

“ The King was much the happier yesterday morning by having just received a messenger, with letters from Prince Ferdinand, containing an account of the French retreat, which they do *à toutes jambes*. Prince Ferdinand, in the pursuit, was got as far as Paderborn, & the Hereditary Prince was just at the heels of the French, with 15,000 men continually harassing them, making prisoners, taking cannon & baggage, and receiving their deserters, which are very numerous. Col. Luckner took Condades’ coach (like Cope’s) with his strong box of papers ; & what particularly delighted His Majesty, was that these papers had been just brought to him by the same messenger. The King told me he had been dipping in them ; that they were extremely material ; his correspondence with the French ministers ; their schemes & plans, & negotiations with foreign powers ; particularly in the Empire. That it appeared that M. Bellisle had sent him orders to make a desert of the King’s country, & that of his allies ; in short, as the King represented, to do by them as M. Turenne did by the Palatinate. I told His Majesty this was a good *contre coup* for Braddock’s papers, which the Court of France published, & it ought to be considered whether something of that nature might not usefully be done now. The King^s it shou^d be consid^d, & that, as soon as they cou^d be spared, they shou^d all be sent to me. I own I shall be very curious to see them, & do now invite Lord Royston & you to be treated with them at Wimple, as far as I shall be per-

mitted ; tho' I doubt whether L^d R. will have any *gout* for them. Don't you ?”

The subject of the news from abroad is alluded to by Lord Hardwicke, who was still in London, in a letter to Lord Royston, dated August 25th. After mentioning that on hearing the premature report of the King of Prussia's victory, he had determined to go to the King's levee on Wednesday morning—which he laid aside on finding the bad authority on which it rested—he says of Lord George Sackville,—

“ There came on Monday night the strangest letter from the Prince that I ever read in my life, to press his immediate recall, but these orders were gone six days before. . . . The pamphlet entitled a Vin-dication of L^d G. S., is a most absurd one, much in y^e style of some of Byng's.”

He thus characterizes some of the foreign papers lately captured.

“ I have read over all M. Condades' papers, & never read so much paper in my life with so little material in it, unless now & then a very long chancery brief made by an ignorant solicitor.”

The illness in Lord Hardwicke's family appears to have been of a more troublesome kind, and longer in duration than he had apprehended. However, in the beginning of September, a prospect opened of their restoration to health, and being enabled to go to Wimpole shortly. Lord Hardwicke tells Lord Royston, in a letter written to him on the 1st of September :—

• Hardwicke MSS., Wimpole.

“Thanks be to God, your mother is got quite well of her distemper, & is come down stairs, tho’ yesterday was the first time. . . . But I would not hurry her to a journey; so I propose to set out with your brother, & the most part of the family, on Monday morning next, for Wimpole, & am to send back the coach for her when she shall like to bear the journey; which I hope will be in no great number of days. A room & bed shall be well aired & ready for you against Wednesday night, & Jack & I shall expect you at dinner that day before three o’clock, when I shall rejoice to receive you in good health. I have ordered a whole buck to be sent to the Rose that evening; for as I expect the Cambridgeshire Militia should fight well, I would have them fed well; & upon their performing any material service, shall be ready *to repeat the dose*, as our friend Huske’s Major, (Marley,) said the day after the Battle of Dodenhause, when he gave each man of the Welch Fusileers a pound of beef, accord^g to the General’s standing instructions. Huske shewed me the letter, & said, *I never give soldiers money or drink. Give them money, and they lay it out in drink. Drink hurts them; but meat heartens & does them good.*

“Poor Charles has been in town all this week attending upon Mrs. Freeman, who has been ill of a fever. She is now better, & he is gone this day to Moor Park. I have been very sorry for his being obliged to this attendance; but he is well in his health, & better in other respects than I sho^d have expected.”*

The Duke of Newcastle tells Lord Hardwicke, in a letter written to him from Claremont, on the 27th of September:—

* Hardwicke MSS., Wimpole.

“I found His Majesty in perfect good humour, talking over all affairs, declaring his dependence upon me; speaking with the highest regard of y^r lordship, (altho’ I had before read over a paragraph out of your letter relating to Mr. Pitt, which then seemed to make some impression, at least occasion’d no *hard words*;) that my Lord Hardwicke was his man, or to that effect; that *you must take care of me*, meaning the electoral affairs, rather disinclined to peace.”*

In the course of another conversation with the Duke of Newcastle, shortly after the above, His Majesty’s good humour appears to have deserted him. The following was the polite opinion expressed by the King on the latter occasion, of two of his ministers, as mentioned in the same letter to Lord Hardwicke.

“His Majesty said that the two greatest rogues were Hunter & Fox, Paymaster-General, (why he brought in *Fox*, I did not *then* know.) The King then went on in a stile we are but too well acquainted with. He had nothing to say to Mr. Protocolle; we did as we pleased; he was *nothing* here. That he wished he had staid at Hanover in 1755.”

The King afterwards proceeded to express his sentiments on the subject of the noble Duke himself, who had so long been devoted to his Majesty’s service. The ex-Chancellor was somewhat favourably compared with his Grace.

“He said that the D. of Devonshire was a very good man, but that he was a coward, as well as myself; & that my Lord Hardwicke had more courage, & that I would have given up *the habeas corpus affair*, if it had not been for my Lord Hardwicke & my Lord Mansfield.”

* Hardwicke MSS., Wimpole.

On the 28th of September Lord Hardwicke, in a letter to Lord Royston, thus speaks of himself:—

“Thanks be to God, I am very well, & much the better for the country.”

It appears, however, that not long after this he had a very severe attack of illness, which caused among his friends the most alarming apprehensions. On the 30th of October Mr. John Yorke writes to Lord Royston, from Wimpole:—

“My Lord seemed more in spirits yesterday than the day before; so that he was able after you left us, to make a draught of a speech for His Majesty; ^{we}^{ch} he told me he could not have done on the preceding day. His appetite was also good I told him after dinner, that the D^r wished him to go to town as soon as he could, for reasons of prudence, not of immediate necessity, & that he had desired me to tell him so. All the answer my lord made me was, that he could not go sooner than he could. He slept well last night, took some manna this morning, & has given me leave to say for him this afternoon, that he finds himself better, & easier from pain, than he has been yet. I observe that his voice is come more to itself, & his looks are mended.”*

On the first of November, Lord Hardwicke wrote to Lord Royston, sending him an account of his progression towards recovery. His physicians, however, he says,—

“Pressed me extremely to get back to London as fast as I could, & immediately to send for Sir Edw. Wilmot & Mr. Hawkins, & follow their advice; and if I continue

* Hardwicke MSS., Wimpole.

as well as I find myself to day, I intend (God willing,) to set out on Saturday morning, &, if I can, to dine as usual at Hoddesdon.

“ If these gentlemen are in the right as to the cause of my disorder, it affords but a melancholy prospect for the remainder of my life. But what enjoyment of life can any body propose after 69? & I have the greatest reason thankfully & devoutly to adore the Divine Providence for the long continuance of ease, health, & spirits, which I have enjoyed. *Durum! sed levius sit patientiâ quicquid corrigere est nefus.* However, I shall be glad to find Sir Edw. Wilmot & Hawkins differ from them.”*

Accordingly the next letter which Lord Hardwicke addressed to Lord Royston was dated in London; which is the following one containing an interesting account of his interview with Mr. Pitt.

“ *Grosvenor Square, Monday Morning,
Nov. 19th, 1759.*†

“ DEAR ROYSTON,—I had the honour of a visit of two hours, which passed with the greatest good humour, satisfaction, & reconnoissance to me that you can imagine. ‘ I had made him very happy.’ I went thro’ the whole with him, & happened luckily to be in so good spirits, that I was almost as eloquent as he. I went thro’ the whole of Joe’s affair from beginning to end. I will tell you how I began—‘ I had a favour to beg of him, not upon the foot of modern connections, but of old friendship; not as from the *Earl of Hardwicke* to the *Secretary of State*; but as from the old *Baron of Hardwicke* to *Mr. William Pitt.*’ I immediately saw this had a good effect. I then stated y^e whole, & fully detailed my Lord

* Hardwicke MSS., Wimpole.

† Ibid.

Holdernesse's part *en son plein jour*, without minding anything, & yet without using one harsh word. He was struck with it. Said, *I need not have said the tythe of what I had said to make him do what ever I pleased on this subject.* To make short, he said every thing I cou^d wish, & more than I expected. Treated the thing as the slightest thing in the world, & faithfully promised me that he wou^d come into, & support any thing, & every thing that I shou^d desire or propose to give me satisfaction, repair Joe in point of honour, & set the whole right; and that he wou^d of himself talk with the D. of Newcastle upon it at court this forenoon. The proof of the pudding will then be known.

“I have let the Duke of Newcastle know all this.”

Lord Hardwicke, in a letter to the Duke of Newcastle, written about the same time, tells him—

“The first desire of my soul is to see union & good harmony restored; the King thoroughly supported; & his Majesty's business carried on with complete success, which can only be effected by preserving his administration entire & cemented.

“Whatever be my own lot, I should dye with comfort, could I see security & ease procur'd to His Majesty for the remainder of his invaluable life. . . . I look with admiration on His Majesty's conduct; so truly generous, & so full of greatness of mind.”*

From the following passage in a letter of the Duke of Newcastle to Lord Hardwicke, which bears date December 12th, it would seem that the veteran lawyer had at length regained his usual health and strength, and that his forebodings as to the serious nature of his disorder had proved groundless.

* Hardwicke MSS., Wimpole.

“ I rejoiced to see your lordship so well last night, acting with the same vigour & chearfulness that I have ever known. I pray God this may continue for the sake of us all.”*

The note which follows was addressed by Lord Hardwicke to Mr. Pitt, congratulating this great war minister on the news, which had then just arrived, of the taking of Quebec.

“ *Wimpole, Octo^r 18, 1759.*†

“ DEAR SIR,—With the greatest pleasure I lay hold on this first opportunity to thank you for the honour of your very obliging note, which I received by yesterday’s post.

“ As a dutiful subject to the King, & a lover of my country, & a sincere friend to this administration, I do, upon the happy event of the conquest of Quebec, most cordially congratulate you in a particular manner. This important &, at the instant it came, unexpected success has crowned the campaign on the part of England in the most glorious manner. God grant that it may lead to what we all wish,—an honourable & lasting peace. The King has now great materials in his hands for this good work; & I make no doubt but His Majesty & his ministers will make the wisest & the most advantageous use of them.

“ I have nothing to add but my best wishes for your health, & the sincerest assurances of that perfect respect & esteem, with which I am,

“ Dear Sir,

“ Your most obedient &

“ most humble servant,

“ HARDWICKE.”

* Hardwicke MSS., Wimpole.

† Ibid.; Correspondence of the Earl of Chatham.

To this letter Mr. Pitt replied as follows * :—

“ MY LORD,—I am too sensible to the honour of your lordship’s very obliging attention, in answer to the short bulletin from my office, to defer expressing my best thanks for such a favour. The defeat of the French army, & the reduction of Quebec are indeed matters for the warmest congratulations between all faithful servants of the King & lovers of their country. In the many & remote prosperities which have been given to His Majesty’s arms, the hand of Providence is visible, & I devoutly wish that the hand of human wisdom & of sound policy may be conspicuous in the great work of negotiation, whenever this complicated & extensive war is to be wound up in an honourable & advantageous peace. Perhaps it is not too much to say that sustaining this war, arduous as it has been & still is, may not be more difficult than properly & happily closing it. The materials in His Majesty’s hands are certainly very many & great, & it is to be hoped that in work^s them up in the great edifice of a solid & general pacification of Europe, there may be no confusion of languages, but that the workmen may understand one another. Accept my sincere wishes for your lordship’s health, & the assurances of the perfect respect & esteem with which I have the honour to remain

“ Your lordship’s most obedient

“ & most humble servant,

“ W. PITT.

“ May I here beg to present my best compliments to Lord Royston, if with your lordship.

“ *Hayes, Octob^r y^e 20th, 1759.*

* Hardwicke MSS., Wimpole.

Horace Walpole, in one of his letters to Sir Horace Mann, dated January 6, 1757, states :—

“ There is another paper, called the Monitor, written by one Dr. Shebbeare, who made a pious resolution of writing himself into a place, or the pillory ; but, having miscarried in both views, is wreaking his resentment on the late Chancellor,* who might have gratified him in either of his objects.”

Lord Hardwicke, who is acknowledged to have been most humane in his exercise of the great powers intrusted to him, did not care to punish his vituperator, but was little likely to bestow rewards on an unprincipled scribbler, though it might tend to his own advantage to do so. That he was in no respect wanting as a patron of real merit, sufficient has already been adduced to show.

In the end, however, this reckless libeller's perseverance met with the reward which it deserved ; and, on the 28th of November, 1759, Dr. Shebbeare, who had been tried in June before Lord Chief Justice Mansfield for some treasonable expressions in a publication called *Letters to the People of England*, and found guilty of the charge, was sentenced to stand in the pillory, to be imprisoned three years, and to find security of £1000 for his good behaviour for seven years following.

Horace Walpole states that the most remarkable part of this trial was the Chief Justice laying down for law that satires even on dead kings were punishable.

On the 5th of December the Doctor stood in the pillory, with a footman holding an umbrella to keep off the rain. The mob received him with cheers, having

* The Earl of Hardwicke.

been previously invited by him in printed handbills, by the title of the friends of the liberty of the press, and of old England, to see the British champion at Charing Cross. Beardmore the undersheriff was afterwards punished for a contempt of court in neglecting duly to execute the sentence on Dr. Shebbeare, having allowed him to stand upon the pillory, whereas his sentence was to stand in it.

The following letter was addressed to the Earl of Hardwicke by Colonel Clive, afterwards known as "the great Lord Clive," in reply to one from the ex-Chancellor, the contents of which are unknown:—

"To the Right Honourable the Earl of Hardwicke."*

"MY LORD,—Words cannot do justice to my sentiments, or express what I think of the honour done me by your favour of the 11th Nov., 1757. If there be any merit due to the success of our arms, it is more than rewarded by meeting with your lordship's approbation. Accept in return, my lord, all that the most grateful heart can offer.

"As it may be some amusement to your lordship, in your leisure hours, to have the particulars of the late extraordinary revolution, give me leave to recommend to your lordship the bearer, Mr. Walsh; from him you will have a circumstantial account of an event fraught with many advantages to both public & private; an event which may hereafter be made subservient to very great purposes.

"Notwithstanding the arrival of Mons^r Lally with a very considerable body of land forces, & the reduction of Fort St. David, we entertain great hopes that in all, next

* Hardwicke MSS., Wimpole.

year, we shall be superior to our enemies, the French, in every part of India.

“ I am, with the greatest deference & respect,
 “ Your lords^{ps} most devoted, hu. servant,
 “ ROBERT CLIVE.”

In the parliamentary discussion for increasing the salaries of the judges, which took place in the present session, Mr. Charles Yorke defended both the judges and the measure, the latter, we are told, with more success than the former; yet, as the stories to their prejudice were neither flagrant nor of very recent date, the best apology was the little tangible evidence against them. The additional salary was voted by 169 to 39; which occasioned Charles Townshend to say that “ the Book of Judges had been saved by the Book of Numbers.”*

The correspondence which follows took place between the Earl of Hardwicke and Mr. Pitt during January, 1760, on the subject of the instructions given to the Earl of Kinnoul, who had been recently appointed Ambassador Extraordinary and Plenipotentiary to the Court of Portugal, to remove the misunderstanding which had arisen between the two crowns, in consequence of Admiral Boscawen’s squadron having attacked and destroyed some French ships under the Portuguese fort in the Bay of Lagos. The first of the letters is from Lord Hardwicke to the great orator and statesman :—

“ *Grosvenor Square, Jan. 15, 1760.*†

“ DEAR SIR,—You do me a great deal of honour in sending for my perusal the draughts of instructions for the Earl of Kinnoul. I should have given you no trouble but by returning them, had you not required me to transmit to you any observation that might occur to me. These

* Burroughs.

† Hardwicke MSS., Wimpole; Correspondence of the Earl of Chatham.

draughts are, in my humble opinion, very judiciously adapted to the occasions of his lordship's mission, and there is but one observation which occurs to me ; that arises upon the distinction, allowed by many of the best writers on the laws of nations, between the beginning of an aggression against an enemy, or continuing a mere chace within the territory of a neutral friend, and continuing the pursuit of a flying enemy, after a battle fairly begun and carried on in the open sea, even within gunshot of the forts, or to the entrance of the port of a neutral friend.

"That you may see how far this is allowed, I have, (to save you the trouble of looking for it in your library,) sent herewith Bynkershock's "Questiones Juris Publici," which is a book of the best authority. This distinction is laid down and argued, lib. i. cap. 8 ; and I have inserted a paper at the place.

"I apprehend that the intent of this extraordinary embassy is to prevent any dispute, and therefore do not mean to suggest anything that may raise one. I would only submit to your better consideration, whether it may not be advisable to insert some saving words, that may avoid any prejudice being inferred from this instance to other cases that may happen.

"Permit me only to add, that I beg pardon for this freedom, which your commands have drawn from me ; and that I am always, with the greatest respect and truth, dear Sir,

"Your most obedient and most humble servant,

"HARDWICKE."

The following is Mr. Pitt's answer to Lord Hardwicke :—

"MY LORD,—I have many thanks to return your lordship for the trouble you have been so good to take, and for the favour of your observations on the draught of particular instructions. The saving words which your lordship has proposed appear highly proper, and more particularly so, as they tend to shut the door to all discussion, at the same time that they avoid any prejudice being inferred from this instance to other cases, not quite so unfavourable to us as I conceive that in question to be. The circumstances unfavourable to us, on Bynkershock's principles, seem to be that it was not strictly *calente negotio*, the fleets having lost sight of each other, and a considerable interval of time having intervened ; and further, which is more essential, the fire of our ships threw down a piece of parapet of a Portuguese fort, (though

we affirm the fire was not directed at the fort, but at the French ships,) and persons on shore were, I understand, killed by our shot, which is directly contrary to that *indispensable caution* laid down as requisite by the same authority. These are the principal circumstances of the case, as transmitted by Mr. Hay, which I presume your lordship is not unacquainted with. I do not, however, mean to offer them by way of objection to what your lordship proposes to be inserted as well as omitted, it being wise at all times to guard against possible inferences to our prejudice.

"I beg to repeat my best thanks to your lordship on this occasion, and to assure you that I am always, with the truest respect,

"Your lordship's most obedient and most humble servant,

"W. PITT.

"*St. James Square, Jan. 18th, 1760.*" *

The notices from the public journals, which follow, contain an account of a remarkable occurrence that happened at this time, and which caused the greatest sensation throughout the country. On the trial occasioned by this catastrophe the judicial and legal talents of Lord Hardwicke were again called forth.

"*Wednesday, Jan. 23.*—An express arrived in town from Leicestershire, with an account that a person of high distinction shot his steward dead in the parlour. The balls entered on one side of his belly and came out of the other. An express was immediately sent to his brother, who had leave granted him to come to town on this occasion. The coroner's jury have brought in their verdict *wilful murder.*"

The person of distinction here alluded to was Lawrence Earl Ferrers. It is further stated in the above narrative:—

"The old gentleman lived about nine hours after he was shot, and gave the following account:—'That his lordship had sent all his servants out of the way but one, when he called him up to deliver in his accounts; that when he entered the room he observed that he turned the key upon him, and, when he presented his papers, he expressed some discontent, and bid him fall upon his knees; the old gentleman expostulated with him, desiring to know in what he had offended;

* Hardwicke MSS., Wimpole.

he doubted not but, upon examination, he would find his accounts exact, and, as they had always been to his satisfaction, he beseeched his lordship to give him leave to explain them. His answer was, that he did not doubt his accounts, but he had been a tyrant, and he was determined to punish him, and insisted on his falling on his knees to make his peace with God, for he never should rise again till he rose at the resurrection. The old gentleman then fell upon one knee, and besought him to consider his age and his services ; that he had been thirty years a faithful servant in the family, and that he could never be charged with wrong to any man. His lordship made answer, that he must neither be a rogue to him nor to others, and pulling a pistol out of his pocket, and cocking it, bid him instantly fall upon both knees and pray to God, for now was the last moment he had to live. He then obeyed, and his lordship discharged the pistol full at his body. He dropt, and his lordship raising him, asked *how he felt himself now*, to which he replied, *like a man who has but a few moments to live*. Then, said he, *make good use of your time*, and, taking him in his arms, placed him in a chair. The only servant in the house, his lordship sent for a surgeon, and when the surgeon came, he took him to the room where the steward was, and bid him take care of him ; but at the same time, with the severest menaces, threatened that if ever he said a syllable about the wound, he would with the other pistol, which he pulled out and shewed him, serve him just as he served old Johnson, (that was the steward's name.) The surgeon, with great presence of mind, answered that there would be no occasion to say any thing, for the man would be *well* in twenty-four hours. But when he was got out of his reach, he then applied to a neighbouring justice, told him of the case, and desired that his lordship might be secured, which was done accordingly. He was first confined in his own house, from whence he endeavoured to make his escape ; but on the man's dying he was committed to the county prison, from whence he will be removed in due time, and tryed by his peers."

"*Monday, March 17.*—A copy of the bill found by the grand jury at Leicester, against the unfortunate earl now in the Tower for murder, was presented to the House of Peers, and a writ of *certiorari* is sent down to Leicester to send up to the house the original bill ; after which his lordship will be arraigned.

"*Wednesday, April 16.*—The trial of Lawrence Earl Ferrers, for the murder of Mr. Johnson, his steward, began before the House of Lords, at Westminster Hall, Lord Keeper Henley being appointed Lord High Steward of England on this occasion. The prisoner, in his

own coach, attended by the Major of the Tower, arrived at half-past ten, at Westminster Hall, and was immediately followed by the Lord High Steward in his state coach, drawn by six horses, who was preceded by five of his Grace's coaches, with his arms and livery, and followed by the twelve Judges and Masters in Chancery. All the Crown evidence, and part of his lordship's, were this day examined."

On the trial in question, Mr. Perrott, subsequently a Baron of the Exchequer, opened the case against the accused, and after him the Attorney-General, Sir Charles Pratt, whose career has already been described, addressed the House, in a very clear and temperate speech.

The Solicitor-General, Mr. Charles Yorke, then proceeded to examine the first witness.

Lord Ferrers himself cross-examined the witnesses brought against him, and examined those in his favour in a very pertinent manner. Lord Hardwicke and also Lord Mansfield followed up the examinations of some of them on certain points, and took part in the proceedings.

The following discussion occurred during the trial :—

One of the questions put by Lord Ferrers to a medical witness was, "Please to inform their lordships whether any, and which of the circumstances which have been proved by the witnesses are symptoms of lunacy."

"*Attorney-General.* My lords, if the noble lord means to insist upon that question, I object to it.

"*Lord High Steward.* Lord Ferrers, do you desire your counsel to be heard upon that?

"*Earl Ferrers.* I do.

"*Earl of Hardwicke.* My lords, this question is too general, tending to ask the doctor's opinion upon the result of the evidence, & is very rightly objected to by the counsel of the Crown; if the noble lord at the bar will

divide the question, & ask whether this or that particular fact is a symptom of lunacy, I dare say they will not object to it.

“ *Mr. Att.-Genl.* My lords, I shall not.

“ *Earl Ferrers.* My lords, I submit to go on the way recommended by Lord Hardwicke.”*

Lord Ferrers had counsel retained for him to argue any points of law that might arise, but no occasion for their assistance occurred.

In addition to the facts already detailed respecting the murder, it appeared, from the evidence afforded on the trial, that this unfortunate nobleman was of a violent temper, and had committed many outrages, and in the opinion of many who were acquainted with him had exhibited decided proofs of insanity. His behaviour towards Lady Ferrers had been so brutal that a separation had taken place, and an act of Parliament was obtained to effect this. The deceased steward had been appointed receiver of the estates at Lord Ferrers's own request. His conduct, however, had given offence to Lord Ferrers, whose disposition was naturally both jealous and vindictive, and who imagined that all his own family had conspired against his interest, and that Johnson was an accomplice with them. Lord Ferrers also believed Johnson to have been instrumental in obtaining the act of Parliament already mentioned, which his lordship considered as a great hardship on him. Johnson had, moreover, disappointed Lord Ferrers in a matter relating to a contract about certain coal mines; and on the whole the Earl suspected that there was a collusion between Johnson and his Lordship's adversaries. He had given Johnson notice

* State Trials.

to quit a farm which he held on the estate; but the trustees interposed here, and insisted on his remaining. At the time of the fatal occurrence, Johnson supposed that Lord Ferrers's resentment had quite subsided, as he had of late behaved to him with great complacency. On Johnson's coming into the room where Lord Ferrers was, the latter wanted him to sign a paper acknowledging himself a villain, which he refused to do, whereupon the unfortunate nobleman proceeded to shoot him as described.

When Johnson's daughter came to the house, on hearing of what had befallen her father, she was met by Lord Ferrers, who told her he had shot him on purpose, and with deliberation. He also made the same declaration to the surgeon. Lord Ferrers appeared then to be anxious about Johnson's recovery, but stated he did not repent of what he had done, and that Johnson was a villain who deserved to die. He said that his intention was to kill Johnson outright; but, as he still survived, he hoped he might recover. He continued drinking that evening, until he became quite intoxicated, when all his rage and animosity against the wounded man returned, and he went into his chamber and abused him, and could hardly be restrained from committing further acts of violence. The next morning Johnson expired in great agonies. A number of armed men were assembled to seize the prisoner, who at first threatened resistance, but was soon taken, while endeavouring to make his escape.

From the time of his apprehension, he appeared very calm, composed, and unconcerned; conversed coolly on the subject of his imprisonment; made some very sensible remarks respecting the Habeas Corpus Act, of which

he hoped to avail himself, and desired he might not be visited by any of his relations or acquaintance.

Lord Ferrers pleaded insanity as his defence. He said, "this ground of defence has been a family complaint; and I have heard that my own family have of late endeavoured to prove me such. The defence, I mean, is occasional insanity of mind; and I am convinced, from recollecting within myself, that at the time of this action, I could not know what I was about." * To establish this plea, he called a great many witnesses to prove the disordered state of his mind, on several occasions. It was asserted that he was constantly haunted by imaginations of plots and conspiracies. Instances of unconnected ravings, strange fits of musing, incoherent ejaculations, sudden starts of fury, denunciations of unprovoked revenge, frantic gesticulations and a strange caprice of temper were shown to have distinguished his conduct. It also appeared that several of his relations had been afflicted with lunacy, his uncle, the late Earl Ferrers, having been in confinement; and that a solicitor of high standing had renounced Lord Ferrers's business, in the full persuasion of his being disordered in his mind, and had neglected, on that account, to keep an appointment that he had made to meet him. His nearest relations had deliberated on the expediency of taking out a commission of lunacy against him, and were only prevented by the apprehension of being convicted of *scandalum magnatum*, should the jury find his lordship *compos mentis*. A physician of eminence declared that the account given of Lord Ferrers's conduct indicated insanity. Several of his friends and acquaintances had long considered him a madman; and on the occasion of the bill relating to the separation between him and Lady Ferrers being introduced into the House of Lords, Lord Talbot

* State Trials.

is said to have prophesied of him, that "not being thought mad enough to be shut up till he had killed somebody, he will then be thought too mad to be executed."* It appears, however, that Lord Talbot was present at the trial, and voted Lord Ferrers guilty. A number of very extraordinary and unaccountable acts were proved to have been committed by the prisoner, which the medical witnesses declared to be symptomatic of insanity.

Mr. Charles Yorke, as Solicitor-General, replied to the defence set up by Lord Ferrers, in a speech of great learning and power. He cited Sir Matthew Hale's definition of insanity, and urged, with respect to the evidence of lunacy that had been adduced, that his lordship was never so much deprived of reason but that he could distinguish between good and evil; that the murder was in revenge for a supposed injury of some standing; that the malice was deliberate, and the plan artfully conducted; that Lord Ferrers's conversation and reasoning after the act, were cool and consistent, until he drank himself into a state of intoxication; that, in the opinion of the greatest lawyers, no criminal can avail himself of the plea of lunacy, provided the crime was committed during a lucid interval; but his lordship, far from exhibiting any marks of insanity, had in the course of this trial displayed great understanding and sagacity in examining the witnesses, and making many shrewd and pertinent observations on the evidence which was given.

Mr. Yorke eloquently concluded thus :—

"MY LORDS:—In some sense, every crime proceeds from insanity. All cruelty, all brutality, all revenge, all injustice, is insanity. There were philosophers in ancient times who held this opinion, as a strict maxim of their sect; and, my lords, the opinion is right in philosophy, but dangerous in judicature. It may have a useful and a noble influence to regulate the conduct of men; to control their impotent passions;

* H. Walpole's Correspondence.

to teach them that virtue is the perfection of reason, as reason itself is the perfection of human nature ; but not to extenuate crimes, nor to excuse those punishments which the law adjudges to be their due." *

The Peers unanimously found Lord Ferrers guilty of murder ; and sentence of death was passed upon him by the Lord High Steward.

On the 5th of May he was executed at Tyburn, where he went in his own landau, gaily dressed in his wedding-suit. He behaved to the last with composure and decorum.

The brief which was delivered to Mr. Charles Yorke, as Solicitor-General, for the prosecution of this unfortunate nobleman, together with the notes of the trial made by Lord Hardwicke ; as also a letter from Lady Ferrers, addressed some time before to Lord Hardwicke, thanking him for his assistance during the progress of the act of Parliament alluded to, are still among the Hardwicke MSS. at Wimpole.

The trial of Lord Ferrers will always possess a great degree of importance, as one of a leading nature connected with a class of cases in a branch of jurisprudence which in the present day has become of great interest and consequence—the medical jurisprudence of insanity.

The simple point at issue in the above case was, whether Lord Ferrers was sane or insane, and whether he ought to have been acquitted on this ground, and confined in a madhouse, instead of being consigned to the gallows. With respect to the very able and learned argument of Mr. C. Yorke, who contended that though Lord Ferrers might be afflicted with insanity, yet as the offence was committed during a lucid interval, this excuse could not be allowed ; and that the apparent rationality of the prisoner since the occurrence and during his trial, rebutted

* State Trials.

the supposition of his being insane,—it may be observed that while the Solicitor-General seemed to admit the fact of the prisoner being subject to madness, by supposing the crime to have been committed during a lucid interval; by modern writers and practitioners, who possess unquestionably a far clearer and more correct knowledge of the mysterious and complex character of this appalling malady, the very existence of any such thing as a lucid interval, during which the patient is actually free from the influence of the disease, is entirely denied. This apparent soundness and tranquillity are too often but the sullen calm which immediately precedes the outburst of the tempest, and some of the wildest and most ferocious acts of which maniacs have been the perpetrators, have taken place during what were supposed to be lucid intervals. Nor, according to the knowledge and opinions that are now possessed of the features of this disease, did the learned Solicitor-General sufficiently distinguish between the different forms in which insanity develops itself. Thus, a person may be under a morbid impulse which may irresistibly lead him astray, and yet be able to reason well; or he may be labouring under delusions which, until the effect of them has been experienced in some flagrant act, do not become openly developed. In these cases, what are termed lucid intervals are not really sound states of mind. They are not the subsiding of the disease, but merely of the appearance of it. The seeming rationality of the prisoner during his confinement and trial would not now be reckoned as conclusive evidence of his sanity; an entire calmness of demeanour, and the utmost apparent soundness on certain points, being often observable in persons thus afflicted, while under restraint, when extraordinary shrewdness is not unfrequently displayed by them. Besides this, the strict discipline and

regimen of the prison would be the most likely course to reduce the malady, and tranquillise the patient. It may be also observed that the suspicions and jealousies with which his mind was haunted, and the causeless aversion to Lady Ferrers, were just the distinguishing features which insanity so often exhibits; and the rushing into certain destruction by the rash act in question, without taking any precaution to avoid the consequences, was of itself precisely and only the conduct of a man bereft of his senses, of which, in the opinion of those best able to decide the point from their constant observation of him, we are told was the case with this unfortunate nobleman, whose near relations had also been afflicted with this malady, which is believed to be peculiarly hereditary in families.

On the other hand, it must be remarked that no one act really amounting to insanity could be specified by all the numerous observers of Lord Ferrers's conduct, out of medical attendants, relations, and servants who had every opportunity of watching him, and were acquainted with his whole life; and who were also most anxious to rescue him from his ignominious fate, by proving him a lunatic. He had appeared in the House of Lords, and been admitted on all occasions without any suspicion of his being incompetent for the important duties of a legislator; and though one peer is said to have declared him long ago insane, yet, on the trial, Lord Talbot and the other lords unanimously pronounced Lord Ferrers guilty. Duties of a complicated and difficult nature he had discharged well. His conduct to his wife was not at all an uncommon occurrence in general society, and the suspicions which he entertained of his victim, and others, were by no means groundless. Every act which he had perpetrated might be fully accounted

for as the effect of a furious and brutal temper, which had been allowed to gain the mastery over him, and had become invigorated by constant indulgence in it, and by the practice of intemperance. If it be said that his very relations had long believed him insane, and had thought of putting him in a madhouse, there is one decisive answer to this argument;—that they did not do it. This is the more extraordinary, and is inconsistent with their strong opinion of the necessity of the measure, and their apprehensions as to what he would do. They never even seem to have moved in the matter. We must necessarily, therefore, suppose that their statements here were highly coloured and exaggerated. The relationship of Lord Ferrers to persons who had been treated as insane could hardly be allowed of itself as evidence in his behalf. If it were so, there would probably be but few who might not safely plead lunacy, and establish it in this manner. In Lord Ferrers's case, wealth and influence obtained for the unfortunate delinquent all the assistance he could desire, and the natural aversion of the peers to stigmatize their order by consigning one of their number to an ignominious death created every prejudice in his behalf. The deliberation with which he committed the act was a circumstance greatly against the supposition of his being insane.

On the whole, therefore, taking a fair review of the case, it must surely be concluded that Lord Ferrers was a victim not to insanity of mind, but to strong natural passion, which had been long unrestrained, and heightened by indulgence in excessive intemperance, that there was no satisfactory or even reasonable proof of his being a lunatic:—although undoubtedly the theory of this disease was not nearly so well understood then as it is now. His execution must therefore be considered as quite just.

Perhaps in some cases, where far less doubt of the mental soundness of the culprit exists, the dread of physical suffering and disgrace might effectually deter from the commission of crimes of violence and bloodshed. Reasoning enough generally remains to secure this, which even the mere animal instinctive feelings and impulses would effect.

Previous to the publication of his "Principles of Equity," during this year, Lord Kames, the eminent Scottish judge and writer, communicated the introduction of the work to Lord Hardwicke, on which the Chancellor addressed to him a letter, being a dissertation on some of the topics proposed for discussion, and which has been inserted in the first volume of Lord Kames's *Memoirs*, written by Lord Woodhouselee.

Lord Campbell, who is in every respect a most able and competent authority on such a subject, thus speaks of Lord Hardwicke's "celebrated letter to Lord Kames."

"That profound jurist and philosopher, about to publish his treatise on 'Equity,' sent the introduction, explaining his general views on the subject, in manuscript, to the great ex-Chancellor, whose fame was, if possible, higher in Scotland than in his own country. Lord Hardwicke's answer is a very masterly performance, and shows that he might have left some permanent monument of his fame to have placed him in the same category as Sir Thomas More, Lord Bacon, and Lord Clarendon,—great English judges, who enriched the literature of their country. He not only gives an admirable sketch of the origin of equity jurisdiction in England, but enters deeply into the general principles on which the essential distinction between law and equity rests, and on which they are respectively to be administered. Unlike mere Chancery practitioners, whom favour or accident has elevated to high judicial office, and who, religiously persuaded that Chancery practice is the perfection of human wisdom, sincerely and strongly think that whatever differs from it must be absurd and mischievous,—while he contends, like Lord Bacon, that the administration of law and equity should be committed, not to the same court, as in Scotland, but to separate courts, as in England,—he liberally admits that there are

partial advantages and inconveniences belonging to both systems, and that there is ground for considerable difference of opinion upon their rival pretensions. He afterwards discusses, in a most luminous manner, the important question, how far, in the Prætorian jurisdiction, the conscience of the judge, or *arbitrium boni viri*, is to be controlled; and beautifully shows the advantage of general rules in restraining caprice as well as corruption, and in letting the world know how civil rights are defined, and will be adjudicated.”*

During the summer of the year 1760 the Earl of Hardwicke and all his family sustained a severe loss in the death of Lady Anson, some of whose clever and entertaining letters to her brother, General Yorke, between whom there had ever subsisted the warmest attachment, have appeared in these pages. On this occasion we find a letter of condolence to Lord Hardwicke from his friend the Duke of Newcastle, in which he repeats those strong declarations of regard and attachment he had so often expressed for the ex-Chancellor.

The concern of the King on this event, and the kindness manifested by him towards his old servant and his family, exhibit the real goodness of heart which he occasionally displayed.

“*Kensington, June 2nd, 1760.*†

“MY DEAREST LORD,—My heart is too full, & my affliction too great, to suffer me to conceal from your lordship what I feel for the severe stroke, which you & yours have had,—the loss of the best daughter, & one of the best of women. May Providence bless you long, with the happiness, health, & prosperity of those who remain. I will trust in God that that strength of understanding, with which you have so often assisted others, will now upon this great trial be of use to yourself.

“Could any thing that could come from others be of any assistance to you, it would & ought to be the most

* Lives of the Chancellors.

† Hardwicke MSS., Wimpole.

tender, the most gracious & unaffected concern, which His Majesty, almost the moment I came into the closet, expressed for your lordship, & particularly also for poor dear General Yorke ; & ordered me particularly to assure your lordship, Lord Anson, & General Yorke, of the sincere part he took in it. And His Majesty, as a further proof of it, & of his desire to give, especially at this time, a publick testimony of it, has ordered me in the most gracious manner to acquaint you, that as he hears the Dean of Windsor is extreamly ill, of which I have received an account this morning, His Majesty designs the Deanery of Windsor for your son, Mr. James Yorke. I most heartily congratulate you, my dear lord, upon this unfeigned mark of the King's regard & affection for you.

" We dared not acquaint the Duchess of Newcastle last night with the melancholy news. But I know too well the impression it will make upon her.

" I hope Lady Bell Grey is so much recovered that there are no apprehensions for her.

" May I beg your lordship would say every thing that a sincere & devoted heart can say, from me, to my poor Lady Hardwicke, whom I pity from the bottom of my heart.

" I am, if possible, more than ever yours,

" HOLLES NEWCASTLE."

In a letter which Lord Hardwicke wrote to Mr. Pitt from Wimpole, on the 29th of September, in reply to one from the minister on public business, he says :—

" Permit me to profit of this occasion to acknowledge the great honour you do me by these communications, which I esteem as fresh marks of that confidence whereof I am very proud. I wish it was in my power to make any return which might be agreeable to you, and at the same time useful to His Majesty's service. . . .

"I continually hear from my friend the Duke of Newcastle, how harmoniously you go on together, which gives me the greatest pleasure. I have also heard that you are making a very interesting operation in your family by inoculating some of your children. I know how affecting a crisis that must be to the mind of so tender a parent, and beg leave to offer my sincerest vows for the happy success of it."*

The Earl of Hardwicke, as was his usual custom, was enjoying himself with his family around him, in his favourite retirement at Wimpole, when he was at once startled and grieved by the sudden and unexpected announcement contained in the following letter, which was sent to him from the Bishop of Bristol, by direction of the Duke of Newcastle.

" *Claremont, Oct. 25, 1760.*†

" MY LORD,—The Duke of Newcastle has this moment receiv'd the following sad billet from Kensington.

" 'The King died this morning about seven o'clock. J. K.'

" His Grace begs you to come immediately to town.

" I am your lordship's

" most obedient servant,

" P. BRISTOL.

" L^d Hardwicke."

On the morning of the 25th of October, the King, being then at Kensington, rose at his usual early hour, which was about seven, and exhibited no signs of indisposition. He called his page, drank his chocolate, and inquired about the wind, as if anxious for the arrival of the mails. He then opened his window, and looking out of it, and seeing it a fine day, said he would walk in the gardens. This passed while the page attended him at breakfast; but on leaving the room the servant heard a

* Correspondence of the Earl of Chatham.

† Hardwicke MSS., Wimpole.

deep sigh, immediately followed by a noise like the falling of a billet of wood from the fire, and returning hastily, found the King dropt from his seat, as if in attempting to ring the bell. His Majesty exclaimed faintly, "*Call Amelia,*" and then expired. He was instantly raised and laid upon a bed, the Princess was called, who was told he was dead upon her entering the room, but being a little deaf, and her spirits being hurried by the alarm, she did not understand what was said; and ran up to the bedside, and stooping tenderly over her father, as thinking he might speak to her in a low voice, she then first discovered he was dead; this shock so sudden, so unexpected, and so violent, threw her into an agony, and produced a disorder from which she did not for some time recover.

The King in the fall received a small hurt on his temple, and his physicians and surgeons being sent for, came instantly to his assistance, but without effect. An attempt was made to bleed him, but the issues of life were dried up. The key of his bureau was found in his hand. On examining the body, all the vital parts appeared very much decayed. His Majesty died in the 77th year of his age, and the 34th of his reign.

The news of this event, which threw the court into the utmost consternation, was immediately carried to the Secretaries of State. Mr. Pitt, whose coach was ready at the door to drive to his country seat, was then ordered instantly to Kew, where he acquainted the Prince of Wales with the great event in form, who had, however, before heard of it on the road, as he was riding out, by a messenger who had been despatched by one of the pages of the presence, on which he turned back, and at Kew he received a letter from the Princess Amelia, soon after which Mr. Pitt arrived. He was accordingly pro-

claimed King, by the title of King George the Third ; and made the usual declarations before the Privy Council, who were resworn in his presence.

The letter which follows was written by the Duke of Newcastle to the Earl of Hardwicke the day after King George the Second died, and contains an account of all that took place on this melancholy occasion. Lord Hardwicke it will be seen only came to town at the urgent solicitation of the Duke of Newcastle ; and there is consequently no ground for the invidious assertion that, “ as soon as Lord Hardwicke heard of the decease of George II., he hurried to Carlton House.”*

“ *Cockpit*, Oct. 26, 1760.†

“ MY DEAREST LORD,—Forgive me for saying that the first time in my life I think I see not quite so much consideration for your poor friend in distress, as I have always, in every instance, before found, & acknowledged with the utmost gratitude. God knows, & my friends know, the distress I am in. Nobody’s advice equals your’s with me, & my fate, or at least my resolution must be taken before to-morrow evening, & therefore I most ardently beseech your lordship to be in town, so as to dine with me to-morrow.

“ I will give you a short account of what has passed since our ever to be lamented loss. Mr. Martin had orders to send to me yesterday upon the road, to come immediately to the new King at Carlton House. I just went to Kensington, & then put on my cloaths, & went to Carlton House, where I expected to meet the Council. But upon my arrival found Mr. Martin, & he explained it that I was to come alone.

“ Immediately my Lord Bute came to me, & told me

* Lives of the Chancellors.

† Hardwicke MSS., Wimpole.

that the King would see me before any body, or before he went to Council. That compliments from him, L^d Bute, now were unnecessary. That he had been, & should be my friend, & I should see it. I made suitable returns, & was called in to the King.

“ He began by telling me that he desired to see me before he went to council, that he had had always a very good opinion of me. He knew my constant zeal for his family, & my duty to his grandfather, which he thought would be pledges, or proofs of my zeal for him. I said very truly, that no one subject His Majesty had wished him more ease, honour, tranquillity, & success, in the high station to which Providence had now called him ; & I think I can’t shew my duty to my new Royal Master better than by contributing the little in my power to the ease & success of the reign of his grandson & successor. His Majesty said these remarkable words. *My Lord Bute is your good friend. He will tell you my thoughts at large.* To which I only replied, that I thought my Lord Bute was so.

“ Mr. Pitt was not sent for to Carleton House, until some hours after I had been there ; & suspects, & indeed said, the declaration was concerted with me. Whereas, I did not know one single word of it, ’till the King communicated it to my Lord Hol^{ls}, Mr. Pitt, & myself, & ordered me to read it, which I did very clearly & distinctly. His Majesty said these words, *Is there any thing wrong in point of form?* We all bowed & went out of the closet. Mr. Pitt afterwards said he did not hear it distinctly, particularly the last words. I then from memory repeated it to him. He wrote last night to Lord Bute. He had a conference of two hours, & told me that, as far as related to himself, Pitt, it was as satisfactory as he could wish. In short, Pitt was extremely

hurt with the declaration, projected, executed, & enter'd in the council books, of w^{ch} he had no previous notice. It was at first engaged in a *bloody war*. That says Pitt is false, in the English part of it. . . . & that the last words about peace, certainly hurt him. He said some words were left out, & to be short, it is alter'd, & Mr. Pitt's words put in, but Lord Bute is not pleased.

"I was to have had my meeting with His Ld^p this morning, but he has put it off till to-morrow morning. That is for some reason. My opinion is they will give me good words, & conclude as is true, that I shall willingly go out. I must have y^r advice. The King has distinguished nobody more than me; was very generous, asked when you would come, & the solicitor & I earnestly beg you would dine with me to-morrow.

" Ever y^{rs},

" HOLLES NEWCASTLE."

Lord Hardwicke therefore returned to London, in accordance with the Duke of Newcastle's wishes. In a letter to Lord Royston, dated Nov. 6th, he stated:—

"This day, at noon, I received a summons in form from the Earl Marshall to attend the late King's funeral. . . . I am a little embarrassed about such a night attendance; & yet, out of respect to His late Ma^{ty}'s memory, am inclined to go, provided I continue as well, & the weather no colder than it is at present. Few families have more substantial obligations of a lasting kind than mine to that Prince; & I should be sorry to give a handle to any body maliciously to suggest that a grateful respect had not been shewn to his remains, which I am sure would be the case if none of us should attend.

“The boarded way is to be covered over, & according to my memory of the late Queen’s funeral, the great crowd, & great number of flambeaus, made it rather warm than cold.”*

The following graphic description of the funeral of the late King is from the pen of Horace Walpole. It took place in Westminster Abbey, on the night of the 11th of November:—

“It was absolutely a noble sight. The Prince’s chamber, hung with purple and a quantity of silver lamps, the coffin under a canopy of purple velvet, and six vast chandeliers of silver on high stands, had a very good effect. The procession through a line of foot guards, every seventh man bearing a torch, the horse guards lining the outside; their officers, with drawn sabres and trape sashes, on horseback; the drums muffled, the fifes, bells tolling, and minute guns—all this was very solemn. But the charm was the entrance of the Abbey, where we were received by the Dean and Chapter in rich robes, the choir and almsmen bearing torches; the whole Abbey so illuminated that one saw it to greater advantage than by day; the tombs, long aisles, and fretted roof, all appearing distinctly, and with the happiest *chiaro scuro*. . . . When we came to the chapel of Henry the Seventh, all solemnity and decorum ceased; no order was observed, people sat or stood where they could; the yeomen of the guards were crying out for help, oppressed by the immense weight of the coffin; the Bishop read sadly, and blundered in the prayers; the fine chapter, *Man that is born of a woman*, was chaunted, not read; and the anthem, besides being immeasurably tedious, would have served as well for a nuptial. The real serious part was the figure of the Duke of Cumberland, heightened by a thousand melancholy circumstances. He had a dark brown adonis, and a cloak of black cloth, with a train of five yards. Attending the funeral of a father could not be pleasant: his leg extremely bad, yet forced to stand upon it for two hours; his face bloated and distorted with his late paralytic stroke, and placed over the mouth of the vault into which, in all probability, he must himself so soon descend! . . .

“This grave scene was fully contrasted by the burlesque Duke of Newcastle. He fell into a fit of crying the moment he came into the

* Har.dwicke MSS., Wimpole.

chapel, and flung himself back in a stall, the Archbishop hovering over him with a smelling-bottle ; but in two minutes his curiosity got the better of his hypocrisy, and he ran about the chapel with his glass to spy who was or was not there, spying with one hand and mopping his eyes with the other. Then returned the fear of catching cold ; and the Duke of Cumberland, who was sinking with heat, felt himself weighed down, and, turning round, found it was the Duke of Newcastle standing upon his train, to avoid the chill of the marble. It was very theatric to look down into the vault, where the coffin lay, attended by mourners with lights."*

The death of a sovereign who had reigned over his people so many years as George the Second had done, necessarily created a great blank in the nation, and occasioned a wide feeling of desolation ; and the successor being so young a man, with feelings, and friendships, and tastes so different to those of his predecessor, the change thus produced must have been as extensive as possible. To those about the court, and the old members of the government more especially, the alteration was both marked and painful.

The late King, however, must have been on many occasions far from agreeable to his ministers, especially when they were so unfortunate as to differ from him on any point in discussion, and, above all, if Hanover or its interests were involved in the dispute. Lord Hardwicke seems to have had more personal influence with him than any of the other members of administration, and was several times deputed to have an interview with him on matters of nicety and difficulty. The King, too, appears to have been always disposed to listen to Lord Hardwicke ; and though the Chancellor had sometimes a perplexing task to perform in controverting the opinions of his sovereign, yet the King ever exhibited his regard for him, and

* Horace Walpole's Letters.

no instance is recorded of an outbreak of ill-feeling against him ; though more than once the greatest excitement seems to have agitated the royal mind during Lord Hardwicke's conferences with His Majesty.

Lord Waldegrave, in his Memoirs, remarks of King George the Second, as regards his conduct towards his ministers :—

“ He is accused by his ministers of being hasty and passionate, when any measure is proposed which he does not approve of ; though within the compass of my own observation I have known few persons of high rank who could bear contradiction better, provided the intention was apparently good, and the manner decent.”

This remark is, to some extent, borne out by the records which Lord Hardwicke has left of his own interviews and conversations with the King, when His Majesty certainly does not seem to have been impatient of contradiction, or to have resented a fair representation made to him of the state of affairs.

Lord Waldegrave continues :—

“ When any thing disagreeable passes in the closet, when any of his ministers happen to displease him, it cannot long remain a secret ; for his countenance can never dissemble : but to those servants who attend his person, and do not disturb him with frequent solicitations, he is ever gracious and affable.”

Of his qualities as a gallant, the same writer observes,—

“ In the drawing-room he is gracious and polite to the ladies, and remarkably cheerful and familiar with those who are handsome, or with the few of his old acquaintance who were beauties in his younger days.

“ His conversation is very proper for a tête-à-tête ; he then talks freely on most subjects, and very much to the purpose ; but he cannot discourse with the same ease, nor has he the faculty of laying aside the King in a larger company ; not even in those parties of pleasure which are composed of his most intimate acquaintance.”

Lord Chesterfield describes King George the Second

as a man of very moderate capacity, and as having a little mind. He also says that the King

“Was generally reckoned ill-natured, which indeed he was not. He had rather an unfeeling than a bad heart; but I never observed any settled malevolence in him, though his sudden passions, which were frequent, made him say things which in cooler moments he would not have executed. His heart always seemed to me to be in a state of perfect neutrality, between hardness and tenderness.”

It has been stated, indeed, that he occasionally evinced considerable humanity and feeling; and that, except in cases of murder, he would never sign a death-warrant without betraying every symptom of reluctance and displeasure, twirling his hat, and walking in apparent anger round the room, and condemning, in bad English, the severity of English laws.

In the case, however, of those convicted of being concerned in the rebellion of 1745, he does not seem to have displayed much of this humane disposition; and he has been censured for the stern manner in which he refused to listen to any intercession for mercy on behalf of the unfortunate delinquents who suffered on that occasion. Lord Cromartie, indeed, he was induced to pardon. And at other times he evinced a great degree of tenderness and humanity. His concern for Lord Hardwicke, on the death of Lady Anson, and his kind efforts to alleviate the distress on this occasion, have already been mentioned.

Lord Chesterfield thus describes a peculiar trait in the King's character :—

“Little things, as he has often told me himself, affected him more than great ones; and this was so true, that I have often seen him put so much out of humour at his private levee, by a mistake or blunder of a valet de chambre, that the gaping crowd admitted to his public levee have, from his looks and silence, concluded that he had just received some dreadful news. Tacitus would always have been deceived by him.”

Of his death, Lord Chesterfield remarks: "He died unlamented, tho' not unpraised because he was dead."

A singular superstition had been current among the common people, about two years before, as to the time when the decease of this monarch should occur, which it was believed by them would inevitably take place whenever the old lion in the Tower died, and who made his exit in the year 1758.* What the connection between the fate of the British monarch and the monarch of the forest was, we are not informed. Both, indeed, were of foreign birth and habits, and neither appears to have relished his detention in a land alien to him. Many a monarch has found his prison in the Tower; and some of them have not been a whit less cruel, or less bloodthirsty than the grim monster who at this period ended his life there.

The position of King George the Second must be admitted to have been both a singular and a difficult one, called upon, as he was, to be the ruler over a great people, to whose country he was a foreigner, and whose manners and habits, and even language, he never well understood.

Perhaps the best negative description of him is, that he was not a gentleman, nor an Englishman; he wanted the refined polish of the one, and the high, generous tone of feeling of the other; and with his subjects he failed to sympathize in their ideas and tastes, and they to participate with him in his pursuits and partialities.

The very characteristic portraits of him which are extant, appear to afford a tolerably exact notion of his figure, and manner, and expression; and exhibit strongly the hasty temper, the diminutive stature, and pinched features which marked this sovereign.

* Lord Mahon's Hist. of Eng.

Of the sallies of indignation, possibly not always altogether virtueless, which on special occasions were wont to emanate from this monarch's lips against certain of his ministers, a remark may perhaps be hazarded that the King at all events uttered then more truth to his courtiers than the courtiers ever told to the King.

His utter neglect of literature, and aversion to men of genius, were the almost necessary result of his own narrow capacities, and the insignificancy which the sovereign must have felt in the presence of men who were as much superior to him in personal endowments, as he was superior to them in political rank. The death of his admirable consort, Queen Caroline, who was the entire reverse of His Majesty here, was in this respect, though not in this alone, a loss truly national.

On some occasions and on certain topics, it must however be admitted that considerable shrewdness was displayed by this King. The state of continental affairs he understood well; and, above all, the interests of Hanover, which were ever uppermost in his mind. He also seems to have possessed great discernment of character, both as regarded the abilities of the men he selected for his ministers, and the degree of confidence he should repose in them. Of these, Sir Robert Walpole and Lord Hardwicke appear to have been the most marked by his esteem and regard.

To a large extent, however, he was not only the chooser of his own ministers, but the director also of all the most important measures propounded by them; and into every political step taken he seems to have entered fully, even to the very details. As a politician, his great fault, especially for a king, was his being so decided a partizan. He was the sovereign and the head, in fact, not of the English people, but of the Whig party.

In many respects, indeed, the conduct of this sovereign was highly reprehensible, and deserving of the utmost censure. His domestic life appears to have been embittered by his violent temper. The interests of his British dominions were ever rendered subservient to his Hanoverian predilections. Though an avowedly constitutional monarch, he was hardly less fond of arbitrary rule than the most absolute sovereigns. As King of Great Britain, his government and policy were in many respects as injurious to his subjects, if certain of his measures were not as directly unconstitutional, as those of James the Second.

His frequent and long-continued visits to Hanover not only displayed an offensive partiality for that country over England, but were highly detrimental to this nation, without materially benefitting the other; and were in some instances undertaken against the urgent solicitation of ministers, and pursued merely for his own selfish test of gratification.

His appearance at the battle of Dettingen, where he acquitted himself with undaunted bravery, was the last occasion on which a British sovereign graced by his presence the battle field. And it must be admitted that the behaviour of the monarch, in this the closing act of the martial career of the royalty of England, was in all respects worthy of the courage and spirit which had always characterized the arms of this nation in the contest of war.

One act of George the Second's career,—the greatest that man goes through,—took place in this country, and, with his funeral here, served to connect him more closely with it. Here, at least, he did advance a step beyond his royal father and sovereign predecessor, whose last breath was exhaled, and whose bones were laid, in a

foreign land. But in neither of these, nor in one more than the other, was the sovereign of whom I have been writing a willing agent.

That peculiarity, or failing, if we may so term it, which most contributed to lower his popularity with his subjects—and which was singularly unfortunate for one in his position, having a rival to the throne whose boast was his British descent and blood—was this strong partiality for Hanover, which he exhibited on all occasions. Indeed, he seems never to have even tried to conceal his preference for that country, and for its interests too, over those of England.

No one had a right to complain of his being a foreigner; for which his subjects, not himself, if any one was censurable, were to blame: nor ought they to have found fault with his habits and accent being un-English; which were, of course, a consequence of the other. But he was clearly open to strong condemnation,—if a sovereign may be considered to have duties to discharge as such, correlative with the powers and privileges which he possesses,—on account of his strong predilection for a foreign nation, while occupying the throne of these realms; for his constant visits to Hanover, involving the desertion of this; and for his ever willingness to sacrifice the interests of his subjects and supporters in England, to serve those of his countrymen and people in Hanover.

Had he devoted himself,—as he was in duty the most solemn bound to do,—to the interests of England, the circumstance of his foreign extraction and manners would have been wholly unimportant. This was not only no more than what might have been expected of him, but what has since been performed in the case of those illustrious alliances with the royal family of this country which have of late years been formed, the members of which

have made Great Britain the land of their adoption, though another clime has claimed them as her own ; and by studying the laws and constitution, cultivating the habits, and meriting the esteem and affection of a nation,—one of whose most marked and striking characteristics is its freedom from narrow partialities of country, and its opening to the whole world its avenues to the highest wealth and station, have established their connection with its interests, and their claims to the regard of its people, on a basis far more durable and more satisfactory than any mere adventitious circumstance of place of birth, or genealogical descent, could ever afford ; and the unvarying rule of which grand nation it has ever been to acknowledge those as its truest members, who best prove themselves to be worthy of a citizenship so illustrious.

CHAPTER XIV.

1760—1762.

ACCESSION OF KING GEORGE THE THIRD—HIS RECEPTION OF LORD HARDWICKE—THE KING'S FIRST SPEECH—MEASURE FOR ESTABLISHING THE INDEPENDENCE OF THE JUDGES—VERSES BY LORD HARDWICKE—MINISTERIAL ARRANGEMENTS—ANNOUNCEMENT OF THE KING'S INTENDED MARRIAGE—ARRIVAL OF THE PRINCESS, AND ROYAL WEDDING—DEATH OF THE COUNTESS OF HARDWICKE—RESIGNATION OF MR. PITT—OFFER FROM THE KING TO LORD HARDWICKE OF THE PRIVY SEAL—RESIGNATION OF THE DUKE OF NEWCASTLE—DEATH OF LORD ANSON—LORD HARDWICKE AT COURT—HIS CONFERENCE WITH LORD BUTE—PENSION TO DR. JOHNSON—RETIREMENT OF THE EARL OF HARDWICKE FROM PUBLIC LIFE.

THE accession of King George the Third was a national event of the highest importance, and one which was productive of extensive influence throughout the kingdom. Not only was there a change from one person to another as regarded the government of the country; but in this case, the great difference between the successor and the preceding sovereign rendered the alteration as marked as possible. In the place of a king, who at the time of his death was the oldest monarch in Europe, a youthful prince was now called to preside over the councils of the state. And a sovereign of English birth and education, and all whose feelings were in accordance with those of his countrymen, now ruled in the room of one whose habits and tastes were alien to the body of the nation. In George the Third the people had a king who was divested of the strong personal,

political, and national prejudices which had animated his grandfather, and by some of which his father also must have been in a still greater degree influenced, had he ascended the throne at this period. The early age at which George the Third began to reign, afforded him time to obtain the fullest experience in matters of government, when the most eventful occurrences arrived, and called for the personal interference, and required all the wisdom and judgment of the sovereign.

In the case of the two predecessors of George the Third, their popularity was never at a very high point, although the office itself which they filled might be respected. The young monarch who now filled the throne, became at once a personal favourite among his people, and was, towards the close of his reign, revered for his age, and the numerous train of associations and recollections connected with him. He continued long to live, and to be a sovereign too; but latterly existed only as a melancholy and pitiable proof, how little the greatest monarchs may be exempt from the most appalling calamities common to the meanest of their subjects. A morn of such glory and brightness, followed by gloom and tempest ere the day declines, affords a no less frequent, and no less instructive spectacle in the individual than it does in the diurnal career!

Perhaps there has never been a king concerning whom not only such various but such opposite opinions have been expressed at different periods. While some have extolled George the Third for each great and good quality which could adorn the monarch or the man, and proclaimed him to be the noblest sovereign that ever reigned over this nation, others have cast upon him aspersions of every variety, both as a politician and a private person, and denied him to be worthy of any

high rank among the monarchs of whom history may be proud to narrate.

During the first part of his reign he was probably much swayed by the events of his early years. The estrangement of his father, and also of his mother, from King George the Second, and the consequent private life led by them, had much influence here. Besides which, the strict discipline under which the young Sovereign was held, both by his mother and those placed about him, kept him as much as possible in the back-ground, so that until he came to the throne he was but little acquainted with state affairs. He found himself, almost at once, master of himself and of a kingdom.

His mother's influence over him had much effect in many ways ; and, for some time after he attained the sovereignty, he was still reminded of the early maternal admonitions that had been instilled into his ear ; and occasionally, we are told, exhorted to preserve his independence by her inspiring exclamation, " Be a king, George ! "

Whether he was or was not entitled to the rank of a great king, the following considerations may conduce to enable us to judge. No hereditary sovereign ever did so much by his own individual measures to advance the real power and welfare of his country as he did, or was more jealous of his own and his people's honour. Many single acts of his are alone sufficient to give him a high character in this respect, not only among rulers, but among patriots. His public efforts were not only very great but very various in their nature. Napoleon never even professed to do, for the general advancement and glory of his empire, what George the Third performed for his people. To the personal exertions of George the Third are we indebted for the extension of our dominions in our

colonial possessions ; the progression of science in its most important branches ; the promotion of art, and the encouragement of literature. To the interest of our manufactures was his attention ever directed ; and the pursuit of agriculture he not only upheld, but practically studied. The Royal Academy was founded by him. In the prosecution of the numerous nautical discoveries, which during this reign were made, the projectors were personally aided and encouraged by the King. And the grand constitutional measure which graced the commencement of his sovereignty, in the establishment of the independence of the judges of this great jurisprudential nation, not only conferred high honour on his was the spontaneous act of his mind.

It would be enough to render his name illustrious, that all these mighty achievements and advancements were effected during his sway. But how much more does it contribute to his renown to state, that to his exertions mainly are many of the most important of these chiefly to be attributed. Added to this, the high personal character and benevolent feelings of this sovereign, which rendered him not only beloved by, but a pattern to, all his subjects, seem only necessary to complete the real description of "a patriot king."

His reign too, in a political sense, was eminently prosperous and glorious to his country. While all the kingdoms on the continent were convulsed and revolutionized, his alone stood firm and secure. While nearly every other monarch was shorn of his authority, or hurled from his throne, he remained unmoved ; and this, too, though against him, in a pre-eminent degree, was the wild fury of the storm for a time directed.

The favour with which Lord Hardwicke was regarded by George the Third, when Prince of Wales, has already

been mentioned, and the desire expressed by him for the veteran Judge again to occupy the high official station in which he had so long and so ably presided. On the young King's accession to the throne the same feeling appears to have actuated him to the full. In one of Mr. John Yorke's letters to Lord Royston, written from Wimpole on the 31st of October, he says:—"I rejoice much in the reception we^h papa, y^r ld^p, and my brother, have met with from George the 3^d. . . . The compliment paid to the Duke of Newcastle by all parties of the Court is a very uncommon one, and will make a very distinguished figure in his Grace's history.*"

The Duke of Newcastle, however, in a letter written to Lord Hardwicke on the 6th of November, states:—

"The King has been remarkably cold and ungracious, insomuch that I could hardly get one word, or y^e least mark of approbation, at my naming a proposal of raising twelve millions for him. This is rather a new turn.†"

The Duke tells the ex-Chancellor, in a letter addressed to him on the 7th of Nov., that Lord Bute had "said this remarkable thing. 'The King would have everything go on for the present as it was in his Grandfather's time, and 'til the several officers are appointed, after the expiration of the six months; but when the new appointments are made, the King will then declare whom he will call to his cabinet council.' . . . For myself, I am the greatest cypher that ever appeared at court. The young King is hardly civil to me, talks to me of *nothing*, and scarce answers me upon my own Treasury affairs, so that at present I am not even my Lord Wilmington, to carry Treasury warrants. . . . I hope to re-

* Hardwicke MSS., Wimpole.

† Ibid.

ceive the draft of the speech to carry with me to Claremont.”*

To Lord Hardwicke was committed the task, which he had so long been entrusted with, of preparing the speech from the throne, which on the present occasion required great judgment and skill in the composition of it. Lord Hardwicke accordingly wrote out a draught of the speech proposed for His Majesty, as his address to the Parliament which was to meet on the 18th of November. It was sent to the Duke of Newcastle, and by him forwarded to Lord Bute. The letter which follows is from the Duke of Newcastle to Lord Hardwicke :—

“ Claremont, Nov^r 6th, 1760.†

“ 25 m. past one.

“ MY DEAREST LORD,—I sent your 1st draught, as you know, to my Lord Bute, very early yesterday morning, and to my great surprize I received this moment the enclosed letter, and paper from my Lord Bute. I make no observation, but that this method of proceeding can’t last. We must now, (I suppose,) submit. I will send the alteration to my Lord Holderness (and M^r. Pitt) to insert it in his draught, which is to be laid before the King to-morrow in Cabinet Council. That I conclude cannot be avoided. *His Majesty will have them inserted, and for that purpose wrote them out himself.* There must be some notice taken of these *Royal Words*, both in the *motion* and *address*. I suppose you will think *Britain remarkable*. It denotes the author to all the world.”

The inclosed letter referred to was from Lord Bute to the Duke of Newcastle, and in which the following passage occurs :—

* Hardwicke MSS., Wimpole.

† Ibid.

“I return the speech, and by the King’s commands enclose the words his Majesty will have inserted, and has for that purpose wrote out himself.”

The paper inclosed was in His Majesty’s handwriting, and was in these words:—

“Born and educated in this country, I glory in the name of Briton ; and the peculiar happiness of my life will ever consist in promoting the welfare of a people, whose loyalty and warm affection to me I consider as the greatest and most permanent security of my throne.”

Lord Mahon states with regard to this matter :*—

“I have heard it related, but on no very clear or certain authority, that the King had in the first place written the word ‘Englishman,’ and that Lord Bute altered it to ‘Briton.’”

In Nicholl’s *Recollections and Reflections* it is asserted that Lord Hardwicke censured the passage introduced, saying it was an insult to the memory of the late King.

The paragraph which follows, Lord Hardwicke tells his son, “was inserted in the Lords’ address in return to the words which were added *by Command*,” and which the ex-Chancellor says, “I thought of upon my pillow, & inserted them in the draught this morning:”†

“We are penetrated with the condescending and endearing manner in which your Majesty has expressed your satisfaction in having received your birth & education amongst us. What a lustre does it cast upon the name of *Briton*, when you, Sir, are pleased to esteem it among your glories !”

On the 18th of November the Parliament met. The address in the Commons was moved by Lord Royston, of

* Hist. of Eng.

† Hardwicke MSS., Wimpole.

whose performance Mr. Pitt thus spoke in a letter to Lord Hardwicke, written on the 21st of November:—

“I now come with great impatience to what is so interesting to your Lordship, as well as matter of most particular satisfaction to myself; that is the great & able, as well as truly candid & handsome manner, in which Lord Royston acquitted himself yesterday. I assure your Lordship that I make no compliment when I say that I never heard a more judicious performance, or more exactly adapted to a most solemn and particular situation. It was truly becoming the occasion, and becoming himself.”*

Col. Yorke, in a letter to Sir Andrew Mitchell, says that the King on this occasion spoke his speech with great grace and dignity; and in the same letter he states that:—

“Lord Hardwicke has been much caressed by the King and his ministers, and continues to give his helping hand without place or pension.”†

Horace Walpole thus describes the levees of the new King at St. James's, in which a satirical description of the demeanour on such occasions of the lately deceased monarch is obviously aimed at:—

“The King himself seems all good-nature, and wishing to satisfy everybody; all his speeches are obliging. I saw him again yesterday, and was surprised to find the levee-room had lost so entirely the air of the lion's den. This sovereign don't stand in one spot, with his eyes royally fixed on the ground, and dropping bits of German news; he walks about, and speaks to everybody. I saw him afterwards on the throne, where he is graceful and genteel, sits with dignity, and reads his answers to addresses well.”

* Hardwicke MSS., Wimpole.

† Ellis's Original Letters.

The Lord Keeper Henley, on the 16th of January, delivered up the Great Seal to His Majesty, and received it back again, with the title of Lord Chancellor.

On the 3rd of March a measure of the highest constitutional importance was recommended by His Majesty to the consideration of Parliament, the liberality and patriotism of which will be duly estimated by every lawyer. In the reign of William the Third, it had been enacted that the commissions of the judges should be made out, not as formerly, during pleasure, but during the faithful discharge of their duties ; so that it might be lawful to remove them on the address of both Houses to the King. On the death of the sovereign their commissions expired, and which had not, in every case, been renewed by the successor. His Majesty, therefore, in a speech to both Houses of Parliament, which was prepared by Lord Hardwicke, recommended that further provision should be made for continuing them in office at the commencement of a new reign, without the necessity of a new commission.

The Earl of Hardwicke moved the address in the House of Lords, in reply to the above speech ; and, as having so long presided as the head of the law, and the chief judge in the land, no one could have been found so fit for the discharge of such a duty, or to whom the constitutional advantages of the proposal must have been more apparent.

The notes which follow are those which were made by Lord Hardwicke, preparatory to his speech in the House of Lords, on moving the address on the subject of this great and important constitutional measure.

“After a great part, &c., spent in the administration, &c.—Great comfort, &c.

“ When the only opening—the single chasm left for influence, &c.

“ Cannot begin upon this subject without taking notice, that from the day we lost my late royal and gracious master, &c.

“ A prince, whom to name is sufficiently to praise ; upon whom I will attempt no panegyric after that only true panegyric of kings, the universal voice of the people—

“ I say, from that day, *ille dies*, &c., but four months have passed ; and, in that short space of time, His Majesty has done two public acts of such extraordinary goodness and confidence towards his people, that they are sufficient to mark the annals of a long reign with lustre and reputation—

“ 1st. The whole hereditary revenues of the Crown.

“ 2nd. This now brought before your lordships, of the tenure of the judges in their offices—(follow the course of the speech).

“ His Majesty is pleased to acquaint us that he had granted new commissions to the judges, that is, to the judges in being, &c.

“ Shewn several great qualities.

“ His discernment and knowledge of men—could not have found men of greater ability or integrity than the present set of judges. His disinterestedness not to take an advantage which the law gave him, to gratify any predilection.

“ His equity towards his successor—not to make use himself of a prerogative as to which he designed to shut the door against those who should come after him.

“ His Majesty next takes notice of the Succession Act of the 12th and 13th of William 3rd. That after the said limitation shall take effect, judges’ commissions shall be made ‘*quamdiu se bene gesserint*,’ and their salaries ascertained and established ; but, upon the address of both Houses of Parliament, it may be lawful to remove them.

“ The consequences of this act His Majesty has stated very truly, both in fact and in law.

“ From the revolution, that great æra of liberty, the judges’ commissions had, by the justice of the Crown, without any obligation, been made during good behaviour. In 1700, the Parliament took the matter up as they found it, and bound the Crown to do that which our great deliverer had done of his own motion.

“ Upon the death of King William, this great point came in question.

“ By the opinion of Holt, Chief Justice, and of all the judges then in town, who met for that purpose, it was held that their patents, though made *quamdiu se bene gesserint*, determined by the death of the King.

“ Two judges were then left out, the rest renewed.

"Much discourse and speculation in the public about this decision, and the practice consequent upon it.

"Not necessary now to give an opinion; I will not do it; but I will say, that great part of the doubt in the world has proceeded from not knowing the strong grounds and reasons which that great man went upon. I have a copy of his argument—a very learned and able one. He first goes through the various methods of constituting the judges, historically and from records.

"Shews they have frequently been made to hold '*quamdiu se bene gesserint*.'

"The barons of the Exchequer, even down from the time of Henry the 6th to the Restoration, and many others at different times.

"Then he shews from records—

"1st. That, in fact, upon the demise of the Crown, they have, though under commissions '*quamdiu se bene gesserint*,' in all times been held to be determined by law, and new commissions granted to the same persons, or new judges appointed in their room. This practice uniform.

"2nd. Next he proves it from reasons of law.

"1st. That all those constitutions have relation to the person of the King granting them.

"The grantee is appointed *Justiciarum nostrarum*, not *hæredum et successorum nostrorum*.—*Cap. Just. nostrorum ad placit. nobis tenenda*. I know this has been slighted as a superficial reason, but let it be examined with the authorities and reasons of the common law in other cases. At common law, before the stat. 1 Ed. 6, c. 7, was made, all actions, suits, and process commenced in one King's reign, even at the suit of private parties, were discontinued; that is, were out of court by the death of that King, and could not be proceeded upon in the reign of the successor, without a writ of re-continuances or re-summons.

"What was the reason of that?—because it was commenced in one King's court, and could not be carried on in another's without his proper authority.

"The very writs of re-summons and re-attachment import and speak this.

"The King recites that the action was commenced *in curiâ domini Henrici nuper Regis Angl.*, and commands the parties to appear again *in curiâ nostra*, &c., *coram Justic. nostris apud Westm.*, &c. And so uniformly in every instance, till this great inconvenience and delay was cured by the stat. 1 Ed. 6—an enacting law.

"At this day, if a writ of error be brought in one King's reign, of a

judgment given in the reign of his predecessor, that writ is made returnable *in curiâ domini Regis nunc*, but recites the judgment to be *in curiâ domini nuper Regis*.

"He argues farther from judgments given upon grants to lords of liberties, &c., to corporations, of consuance of pleas; which is like the power of lords of regalities in Scotland to repledge from the King's Courts, shows that it had been solemnly adjudged that if the grant by one King was to have consuance of pleas *extrâ curias nostras*, omitting the words *hæredum et successorum nostrorum*, the grantees could have or demand consuance of jurisdiction of those causes only during that King's life, because the description is confined to the courts of that King who makes the grant, and can in law extend no further. Upon the demise of Queen Anne the same point came in question. At that time it was found that the act had made no alteration, had only used words of which the law had settled the construction, &c. Three judges left out, and all the rest had new commissions. Upon the demise of Geo. I. the like happened, but only one left out. This was the state of the law upon this point in which his present Majesty found it; and I own a happy state it was compared with the situation in the three reigns before the Revolution—all *durante bene placito*, except Lord Clarendon's time.

"In what a condition the subjects then were, the histories, the trials, the judgments of those times show.

"The virtue and firmness of men were tempted above what they were able. The cases of ship money, of loans, of the dispensing power want no aggravation or explanation.

"But though this change was excellent, yet here was still a chasm—a cloud which might arise *in futuro*.

"Some points in prerogative might come in question—favorites with most Kings in possession or reversion.

"Besides, it gave the judges a new heterogeneous and unconstitutional dependence. They were sworn to one King, and depended upon a future King in expectancy. His Majesty has demonstrated his wisdom in chusing to shut this door. In the first place, to secure his people; in the next place, to prevent encouragement to divisions in a place where division must always create the worst and most disagreeable faction in the state.

"For doing this, His Majesty has laid his reasons before you. They are such as might have become, as they are truly worthy the most renowned legislators of antiquity, (read them from the speech.) The importance of this to the liberties and rights of the people is proved.

The importance of it to the impartial administration—evident from the same reasons.

“His Majesty infers and concludes like a great King, and a good patriot—that all this must certainly be most for the honour of the crown of Great Britain.

“But I cannot quit this subject without stopping to observe a little upon the state of the administration of justice in this country.

“How happy in all respects, especially when this single weak place shall be fortified.

“Look round the other nations of Europe—

“Judges during pleasure ;

“Or else their places venal by law, continued in the same families by survivances, whether of persons qualified or unqualified. Solicitation of judges in causes allowed—expressed.

“In the best policed countries abroad, judges do not give the reasons of their judgments in public and openly.

“I have always looked upon this as one great security.

“Some persons prefer the reputation of their understanding to that of their conscience—would be ashamed to talk nonsense to the world in support of a judgment that they would suffer themselves to give silently.

“This, which is the only defect remaining, His Majesty voluntarily, and of his mere motion, invites you to cure.

“Reflect upon the histories of former times, with what difficulty such acts have been obtained, I was going to say extorted, from the Crown by your ancestors—after many struggles—sometimes after more than one negative from the Throne. Accept it now with thanks. Every one of your lordships feel that gratitude in your own breasts. I shall very imperfectly explain in the motion, &c.”*

This patriotic measure was shortly afterwards passed into a law, and the young monarch obtained great praise for his wise and liberal conduct.

Such a proposal as this was, indeed, one of the highest constitutional importance, and that more especially on two accounts distinct from each other. In the first place, it secured the absolute independence of the judges as regards the Crown. And, in the next place, it

* Hansard's Parl. Hist.

obtained for them the character of being thus independent, and removed them from all suspicion of court influence ; a point scarcely less important than the other, in a nation whose jurisprudential system is so essentially free, and whose administration of justice is watched with so jealous an eye by the people.

This was indeed, therefore, a truly just, and patriotic measure—one worthy of being distinguished as among the first recommended by the great constitutional monarch who now ascended the throne ; and worthy of being also distinguished as one of the latest in which the experience and wisdom of the great constitutional lawyer, the subject of this memoir, was employed to advocate, and to aid in carrying into a law.

It might, indeed, be said that under a monarch who was so liberal and so patriotic as to recommend such a measure, the measure itself was almost unnecessary, as from such a monarch no abuse or unconstitutional act, such as here guarded against, could be apprehended. This however must not, of course, be allowed to derogate from the real merit of the proposal ; and, indeed, it has sometimes happened that those periods, when the sovereign appeared most desirous of extending the liberties of his people, and thus securing their applause and confidence, are those which have proved most perilous to the liberty of the subject.

A striking instance was, in a subsequent part of his reign, afforded of the noble and generous spirit of George the Third, and how little he allowed any private feelings of his own to interfere with his discharge of his duty towards his country,—in his promotion to the chancellorship, and subsequent advancement to a high rank in the peerage, of the judge* who had not only fearlessly

* Lord Camden.

decided a case of great public importance against the Crown, but given an adverse decision in a matter where the King himself was personally concerned.

On the 19th of March Parliament was prorogued by the King in person, after a speech from the throne, expressing His Majesty's entire approval of the measures which had been adopted. The draught of this speech is in the handwriting of Lord Hardwicke. During the month of April Parliament was dissolved by proclamation.

The following extempore addition was made by Lord Hardwicke, in the early part of this year, to some verses which Lord Lyttelton had composed on the Countess of Egremont. The manuscript from which the lines are copied is in the handwriting of the noble and learned lord. The verses were sent by him to Lord Lyttelton :—

“ FAME TO VIRTUE.

“ Fame heard with pleasure,—straight reply'd,
First on my roll stands Wyndham's Bride.
My trumpet oft I've raised to sound
Her modest praise the world around ;
But notes were wanting ! Canst thou find
A muse to sing her face, her mind ?
Believe me, I can name but one,
A friend of yours —'tis *Lyttelton*.”*

Lord Lyttelton on this wrote to Lord Hardwicke, and sent him a poetical reply to his effusion :—

“ *Hill Street, Feb. 26, 1761.*†

“ MY LORD,—A thousand thanks to your lordship for your addition to my verses. If you can write such *extempore*, it is well for other poets that you chose to be a L^d Chancellor rather than a laureat. They explain to me a vision I had the night before :—

* Hardwicke MSS., Wimpole.

† Ibid.

"Methought I saw, before my feet,
 With countenance serene and sweet,
 The Muse who in my youthful days
 Had oft inspired my easy lays.
 She smiled and said, 'Once more I see
 My fugitive returns to me!
 Long had I lost you from my bower,
 You scorned to own my gentle power;
 With me no more your genius sported,
 The grave Historic Muse you courted;
 Or, straining hard with lifted eyes,
 Pursued Urania thro' the skies.
 But now to my forsaken track
 Fair Egremont has brought you back;
 Nor blush, by her and virtue led,
 That soft, that pleasing path to tread:
 For there, beneath to-morrow's ray,
 Even Wisdom's self shall deign to play.
 Lo! to my flowery groves and springs
 Her favourite son the goddess brings,
 The council's and the Senate's guide,
 Law's oracle, the nation's pride.
 He comes!—He joys with *thee* to join
 In singing Wyndham's charms divine.
 To thine he adds his noble lays,
 Even thee, my friend, he deigns to praise!
 Enjoy that praise; nor envy Pitt
 His fame with Burgess or with Citty;
 For sure one line from such a bard
 Virtue would think her best reward.' "

The subjoined notice appears in one of the public journals of a disagreeable incident which occurred to Lord Hardwicke's second son, whose rural retreat at this time was at Acton:—

"*Monday, 18 May, 1761.*—The Hon. Charles Yorke, Esq., was robbed near Acton, by a single highwayman."

Lord Hardwicke, after the prorogation of Parliament, went down to Wimpole.

Some time previous to this period, certain of the members of the Whig party began to think that circumstances would authorize them to commence that gradual change of ministers and of policy which they had long contemplated. The Marquis of Rockingham informed Mr. Nicholls, that about the end of February he received a message from the Duke of Newcastle, requesting an interview ; and that, on his entering the room, his Grace ran up to him and said, " We have received a message from the King of great importance ; he wishes that the Earl of Holderness should resign the place of Secretary of State for the Northern Department, receiving in lieu of it the Wardenship of the Cinque Ports ; and that the Earl of Bute should be appointed Secretary in the place of the Earl of Holderness." When this subject was discussed, Lord Hardwicke strongly recommended a compliance with the King's desire, without any opposition ; adding, that " this was the first instance in which he had interfered in the nomination of ministers, and that resistance to his wishes might excite an ill-will, which they would afterwards regret." The Marquis said that he himself rather objected, and urged them to consider whether, " if they admitted in February, 1761, that the Earl of Bute was fit to be a Secretary of State, they could say, in the following year, that he was not fit to be Prime Minister ?" Lord Hardwicke's advice, however, prevailed, and Lord Bute was appointed Secretary of State. Lord Barrington was nominated to the Board of Trade.*

We find a letter of very extraordinary dimensions from the Duke of Newcastle to Lord Hardwicke, which was written on the 17th of April, in which he gives an account of " three very material conversations," which

* Nicholls's Recollections, &c. Hughes's Hist. of Eng.

his Grace had that day had "with the King, Lord Bute, & Mr. Pitt." The first two, he says, were entirely to his satisfaction; but "the last,—viz., that with Mr. Pitt, who had a long audience with the King, as bad, as unjust, as hostile, and as impracticable, as ever came even from him."*

During a great part of this year Lord Hardwicke remained in London, in constant attendance upon his duties as a councillor of his sovereign, which he continued assiduously to discharge without pay or pension. He tells Lord Royston, in a letter written on the 27th of June—

"I suppose you hear that we are very diligent councillors. I am almost as much tired as with Chancery or Parliament, for we have sat on *Wednesday & Friday* from a little after one till almost seven. Nothing has passed that one is at liberty to say one word of."†

To his youthful grandchildren the great ex-Chancellor thus refers in the same epistle:—

"We are all very glad that the dear little ladies are such sound sleepers. Youth and innocence are great helps to it. Your mother says she finds want of ears has something of the same effect, tho' from a very different cause."

On the 2nd of July Lord Hardwicke, who was still in London, wrote to Lord Royston, and told him—

"A summons for a general council has been sent about this day, to meet on Wednesday next. Whether your new porter will transmit it to you I can't tell, but I send you this notice, because it is expressed in an unusual form—*upon the most urgent and important busi-*

* Hardwicke MSS., Wimpole.

† Ibid.

ness. Notice is sent by messengers to all the lords of the council, even at the greatest distance, at least within England. All the world will conclude this *important business* to be the peace, but that is not the case, nor am I at liberty to tell you in this way what it is. But you must, out of duty & decency be there, & fix your journey to Wrest for such day afterwards as you shall think fit.”*

The urgent and important business was not, indeed, the announcement of a peace, but of an alliance of a nature which, as Lord Hardwicke's Chancery judgments unfortunately show, does not always lead to a pacific result. On this occasion His Majesty declared his intention of forming a matrimonial union with the Princess Charlotte of Mecklenburgh Strelitz. The matter had, indeed, been kept a profound secret until the declaration was made.

The Duke of Newcastle at this period appears to have been as little disposed to a *Peace* with his ministerial allies as ever, and the good offices of Lord Hardwicke were still required for negotiating a cessation of hostilities between his Grace, and the powers of Pitt, Bute, and other warring political forces. The interesting and exciting topics of “coldness” and “misunderstandings” are discussed in some of Lord Hardwicke's letters on this occasion; but the agreeable termination of the correspondence and conferences was that, “his Grace declared himself fully satisfied with the explanation.”

Lord Mansfield, who went the Norfolk circuit during the summer of this year, was expected to pay a visit to Wimpole, where Lord Royston was to receive him. Lord Hardwicke, in a letter to his son, regrets that his official

* Hardwicke MSS., Wimpole.

engagements will not permit him to be there. He says he much longs to be at Wrest:—

“ But I am still detained here by the apprehension of being sent for back as soon as I arrive. I really begin to be tired of this political attendance. . . . I am vexed by being tied by the legg, & dare not venture to fix any day for setting out 'till Monday next at soonest.”*

The approaching coronation to which they were all now looking forward, is thus alluded to in the same letter:—

“ By your mother's desire I applied the other day to the Duke of Newcastle to get a place for Lady Margaret at Lord Lincoln's, to see the coronation in the Hall. I had then Lady Bell in my view, but chose not to mention it, 'till I saw how this should succeed. But His Grace did of himself add Lady Bell, which was very obliging; so, if you & Lady Grey like it, she may be accommodated there I believe with more convenience than any where else. I understand that you Privy Councillors will be allowed four tickets apiece. I wish you could spare one for Lady Downing, for Sir Jacob has epistolized me for two, & I am not sure whether we shall have five or six apiece.”

The indisposition of His Majesty with a troublesome disorder, was mentioned by the Duke of Newcastle, in a letter which he wrote to Lord Hardwicke on the 22nd of July:—

“ The King has the chicken pox. I had a note of it from my Lord Bute last night, at 11 o'clock. I have

• Hardwicke MSS., Wimpole.

seen His Majesty this day. He is very full, but very well, & D^r. Wilmot tells me there is not the least doubt but that it will be over in a very few days, & he hopes it will do the King good.”*

A more agreeable subject connected with His Majesty is contained in a letter from the Duke to Lord Hardwicke of the 1st of August. The following extract alludes to the departure of the lords who were sent to bring the intended Royal Bride to England :

“ Lord Harcourt sets out this day. Lord Anson, (now made Admiral of the Fleet, as Lord Bute told me,) goes the middle of next week. His Majesty seems highly pleased, & shewed me the present he has sent the Princess by my Lord Harcourt, of his own picture, richly & most prettily set round with diamonds, & a diamond rose.”†

At the beginning of August, Lord Hardwicke paid Lord Royston a visit at Wrest, but returned to London in a few days accompanied by Mr. Wray. On the 8th he wrote to his son, giving him an account of the journey to town :—

“ Thanks to you & my dear Lady Grey, for all your goodness to me, which I received at Wrest, which was indeed very great. My fellow traveller & I called and drank tea with Charles in his new house, and Wray allows D^r. Birch’s description to be just. We arrived here in good time, and found your mother pretty well for her present state, & without having had any attack of any of her complaints during my absence. It was with great regret that I made my stay with you so short.”‡

* Hardwicke MSS., Wimpole.

† Ibid.

‡ Ibid.

Alluding to a messenger from Paris whose expedition had been such that "he brought letters dated at Paris on the 4th of August, & got to London on the 6th," the learned ex-Chancellor observes :—

"It is not pleasant to be put in mind that they are such near neighbours."

On Lord Hardwicke's return to London, he had an audience with the King, of which he furnishes us with an account in a paragraph in the same letter :—

"I will now tell you the occasion of my taking an audience of the King. When I came to town, I found a very polite letter from my Lord Bute, which I enclose, & desire may be returned. This pleased me, because it put an end to all Joe's reasoning in his letter to me ; proved that I had taken good care of his point, & saved me the trouble of further negotiation. I, that night, writ his lordship a very civil answer ; as he deserved, & on Friday went into the King's closet to return my thanks, & to lay Joe at his feet. His Majesty was extremely gracious, & said, (amongst other kind things,) that he had nominated him, because he knew that nobody else would be so agreeable to the States, nor execute the office more ably for his service.

"The King is got extremely well, & in haste for his new Queen. He has given Lord Anson, (who went away on Thursday evening for Harwich,) a paper of instructions, a full sheet, all writ with his own Royal hand. The two ladies whom he has taken in tow are y^e Dutchesses of Hamilton & Ancaster, both invalids.

"I enclose for Lady Grey's & your amusement, & Lady Bell's study, the translation of a letter from the Nabob of Arcot to the King. I desire the younger of

the two ladies will turn to her books of history and travels, & give me an account of some of the heroes, to whom his Britannic Majesty is so like. I this moment received a letter from Joe, dated the 4th, which I don't enclose because it contains nothing but his having had notice that he was appointed Ambassador Extraordinary as above. . . . It rains letters; since I writ the last four lines, another is come in from Joe."

In the meantime the indefatigable ex-Chancellor continued in London, and appears to have been in constant attendance at council meetings, of which he affords us an account in a letter to Lord Royston, written on the 22nd of August :—

"We had two meetings this week ; the same persons present, 12 in number. On Wednesday, from two o'clock to 8, and on Thursday from two to a half an hour after five. All was calm and decent. The great points, liberty to fish in the Gulph of St. Laurence, and an *Abri*. Many speeches,—at last *both* agreed to by *all*. Those who had the most violently opposed, professing to acquiesce in the opinions of others for the sake of preserving unanimity in the King's council."*

Some intelligence about the new Queen is contained in the same letter.

"As to our future Queen, they are in daily expectation of her. She was to embark at Stade yesterday. Her future progress will depend on the wind ; which, as it is in London, is at present contrary, but that is not always a rule to judge what it is at sea. Some are so hasty as to make her land on Monday ; others on Tuesday or Wednesday. The King intends to meet her at Green-

* Hardwicke MSS., Wimpole.

wich, & to go only with his usual attendants, without any extraordinary parade. The Duke of Devonshire, (as Lord Chamberlain,) goes as far as Gravesend. His Grace told me yesterday that His Majesty said to him: 'Nobody shall kiss her hand till she is Queen, except my Lord Chamberlain, & you must when you first see her.' His Grace told me further, what is more material to Lady Grey & you to know, that it is expected that all Peers, Peeresses, and Privy Councillors should be at St. James's to walk at the wedding, which is to be the first night. . . . I thought to have excused myself from the crowd on the wedding night, but fear I must be an old beau at that ceremony."

The winds, however, proved as perverse and disloyal and unaccommodating as could have been apprehended; and it was not until the 6th of September that the yachts, with the new Queen, reached our coasts. A note written by Lord Hardwicke to Lord Royston, who, with Lady Grey, had just gone out of town, contains a picture of the excitement produced in London by the intelligence that the expected royal bride at length approached the shores of Britain.

"I am just come from St. James's, where every thing is in motion. This forenoon, about eleven, different letters came from private hands, one or two to Lord Bute's office, that the yachts & the men of war were seen off Lowestoffe, in Suffolk, yesterday, at five in the afternoon, bearing up against the wind; but, as they were about six leagues from the shore, they could not land the Princess that night, as the wind & tide was, nor could any boat come ashore. But just as the King went out of the drawing room, about a quarter after three, an express came to His Majesty, (I fancy by Lord

Anson's order,) that the fleet was off Orford Ness this morning at six o'clock, & they expected to land the Princess within the course of this day. If so, she may come part of the way to-day, & may possibly be married to-morrow night. This is the more possible, because the King himself told me that he had seen a letter from Whitby, in Yorkshire, wherein it is said that the squadron had been seen off that place *last Friday*, & that the writer knew, *by the best authority*, that the Princess had not been sick during the voyage. . . . Every body at Court is in amazement how Lord Anson has made the passage, & suppose he has either sent to Lapland for a wind, or rowed her along. . . . The guns both of the Park & the Tower have been fired."*

Mr. Horace Walpole, in a letter to Mr. Conway, gives the following graphic account of the arrival of the Princess :—

"The Queen is come; I have seen her, and have been presented to her. The yacht made the coast of Suffolk last Saturday, on Sunday entered the road of Harwich, and on Monday morning the Princess landed. Yesterday, at a quarter after three, she arrived at St. James's. In half an hour one heard of nothing but proclamations of her beauty; everybody was content, everybody pleased. At seven one went to Court. The night was sultry. About ten the procession began to move towards the chapel, and at eleven they all came up into the drawing room. She looks very sensible, cheerful, and is remarkably genteel. To-day was a drawing room; everybody was presented to her, but she spoke to nobody, as she could not know a soul. The King looked very handsome, and talked to her continually with great good humour. It does not promise as if they two would be the two most unhappy persons in England."†

The marriage ceremony was performed by Lord Hardwicke's old friend the Archbishop of Canterbury, Dr. Secker, who had both baptized the King and placed

* Hardwicke MSS., Wimpole.

† Lord Orford's Works.

the crown on his head. The Duke of Cumberland gave the Queen's hand to His Majesty, and immediately on the joining their hands the Park and Tower guns were fired.

Their Majesties, after the ceremony, sat on one side of the altar, on two state chairs under a canopy; her Royal Highness the Princess Dowager of Wales sat facing them on a chair of state; on the other side, all the rest of the Royal family on stools; and all the peers, peeresses, bishops, and foreign ministers, on benches. There was afterwards a public drawing room, but no person presented. The houses in the cities of London and Westminster were illuminated, and the evening concluded with the utmost demonstrations of joy.

On the 9th instant, the day after the ceremony, there was the most numerous levee ever remembered at St. James's of the peers and peeresses, and gentlemen of the first distinction, with the Spanish, Dutch, Tripolitan, and Morocco ambassadors, all in full dress, as also all the foreign ministers. Each of Her Majesty's bridesmaids appeared in the dresses they had worn at the royal wedding.

Lord Hardwicke attended the levee. Horace Walpole records the conversation between the Sovereign and his venerable minister, which seems principally remarkable as evincing how universally popular a topic of conversation, from the highest to the lowest, is that of the weather. The King said to Lord Hardwicke, "It is a very fine day." Lord Hardwicke made a peculiarly suitable reply to His Majesty: "Yes, Sir; and it was a very fine night."

A very important and melancholy event in Lord Hardwicke's family, of which, however, his papers furnish no particulars, prevented both that nobleman

and his family from the pleasure they had been anticipating of being present at the coronation. This was the illness and subsequent death of Lady Hardwicke, which took place on the 19th of September at Wimpole, and is thus recorded by Lord Hardwicke in his Diary :—

“ 19 *Sept.*, 1761.—At 25 minutes after ten in the morning died my dear wife Margaret, Countess of Hardwicke, after having lived together in perfect harmony 42 years, 4 months, & 3 days.”

The author of the anecdotes of Lord Hardwicke, already several times quoted from in these pages, thus describes Lady Hardwicke :—

“ If Cornelia, the mother of the two Gracchi's, was, as Pliny tells us, honoured at Rome with a public statue for having produced and educated such meritorious sons, much more ample praise and public acknowledgments are due to the merit of this lady, for having given birth and exquisite culture to five sons and two daughters, the most accomplished of the age they lived in, and promising, in their progeny, to transmit a succession in every political and private virtue to the latest posterity. This merit was exclusively her own; for I know, from a source of undoubted authority, that she has often humorously laid claim, (as she had good right to do,) to so much of the merit of Lord Hardwicke's being a good Chancellor, in that his thoughts and attention were never taken from the business of the Court by the private concerns of his family, the care of which, the management of his money matters, the settling all accounts with stewards and others, and, above all, the education of his children, had been wholly her department and concern, without any interposition of his, farther than implicit acquiescence and entire approbation. She first found out the true medium that decided the long-disputed question of preference between a public and a private education, by instituting, at Hackney, under the direction of Mr. Newcome, a kind of seminary, consisting of such a number of young gentlemen as sufficed to excite a spirit of emulation, and contribute to social and improving converse; yet, not admitting more than the master could carefully attend to the improvement and conduct of. Never did pupils do more honour to their tutor or mode of education. Unhappily for Oxford, the purchase of Wimple, in

Cambridgeshire, left no choice as to the university which finished their studies ; and their mother had merely the colleges and tutors, who gave and received equal honours from the great and good qualities with which they all set out into public life.” *

A correspondent of the writer last quoted from mentions his often having been at Powis House, where he has seen Lady Hardwicke and her daughters in private ; and that he used to observe them in a morning, coming to their mother’s apartment—

“Where he had the honour of attending her during the settling her domestic accounts on Monday mornings, and, with the most graceful deference, asking what company was expected, and in what manner they should dress for the day. Having received her ladyship’s directions, they courtesied and withdrew.”

The same writer also says, in reference to an article already described,—

“Wimple possesses, and will long possess, a signal, and literally a *shining* proof of the good management, sagacity, and foresight of this most excellent lady. The purse, in which the Lord Chancellor always carries with him the great Seal of England, is decorated with the king’s arms and other devices curiously embroidered, by the most ingenious in that way possibly to be procured. This purse and embroidery, by ancient custom, is annually renewed ; and that of the former year, not at all the worse for wear, usually remained a perquisite, of no considerable value, to some one or other into whose hands it happened to come. Lady Hardwicke observing and availing herself of this custom, caused the new annual decorations of the purse to be embroidered in its usual form, on a large piece of rich crimson velvet, of a dimension corresponding to the height of one of the state rooms at Wimple, as if she had foreseen the number of years her Lord would enjoy the post of Chancellor. The purses, just twenty in number, complete the hangings of the room, and the curtains of a bed, singularly magnificent. The rich embroidery on each piece, like trophies, unwarlike, indeed, but bearing honourable memorial of the number of years that high and important post was held by the founder of the family. Nor is it less to the honour of the economy and foresight of Lady Hardwicke, that, without the least injury of any one, she contrived, at a trifling expense, to put that

* Cooksey’s Anecdotes.

family in possession of such memorial, so unique in its kind, and so superior to any magnificence in furniture, and display of grandeur, that the most lavish expenditure could supply. With a just abhorrence of the abuse and misapplication of riches, no one ever knew better their use, or applied them with more propriety in the supply of every expense becoming her lord's rank and station in life. She would often smile at hearing the idle and malevolent tales of the cold chine being turned, and found bare; the potted sawdust to represent lamprey, and the want of Dr. Mead's kitchen to be added to Powis House; and only observe, that, uncertain as was the time of the Lord Chancellor's dining, and the company that would attend him, yet, if it should happen that he brought with him an ambassador, or person of the highest rank, he never found a dinner or supper to be ashamed of."

The union between Lady Hardwicke and her noble husband, had been most affectionate and constant; and her private virtues and endowments, says a contemporary writer, "will render her memory for ever dear by all who had the happiness of knowing her."*

In Doddridge's *Diary and Correspondence*, there is a letter to him from Lady Hardwicke, dated Nov. 8, 1744, thanking him for a letter and sermon that he had sent to her, which he had lately preached for the county hospital, at Northampton. Lady Hardwicke says, "I have ever thought relieving the poor, when illness renders them incapable of providing for themselves, the most becoming charity." She also alludes to a visit which the Doctor had lately been paying at Powis House, and concludes with compliments from the Chancellor to her correspondent.

There is another letter from Lady Hardwicke to that eminent nonconformist, which bears date Oct. 27, 1748, in which she says, after thanking him for two books which he had sent to her, "I most sincerely wish that more of our writers employed their pens in endeavouring to better their own hearts, and those of their readers, and

* *Annual Register.*

then the press would not abound, as it does, with books calculated to destroy both our civil and religious liberties.
 My son Charles is much obliged by your kind inquiries after him, as well as by the favourable representation Mr. Lyttelton was pleased to give of him."

In a letter to Lord Royston, dated "Highgate, Tuesd. morn. Sept. 29th, 1761." Lord Hardwicke thus expressed himself in reference to the melancholy event which had so lately occurred. He was then staying with Mr. Charles Yorke:

"I am extremely obliged to you for your very kind letter of yesterday, and for all the marks of duty and affection which you have shewn me under the severe loss which we have all sustained. It is in such melancholy situations that the kindness and attachment of friends is shewn, and I have experienced them in so strong a manner from dear Lady Grey, yourself, and the rest of my children, that I shall ever remember it during the short remains of my life." *

He afterwards mentions that he had been tempted to take a ride out each day of late, and with advantage, as he finds his spirits and sleep better than when he first came to Highgate. On a matter of public import, he thus advises his son in the same letter, and mentions his intention as to his own movements at that time:—

"I am glad you are preparing the Cambridgeshire address, and when it is to be presented, pray consider whether the sheriff, Mr. Hagar, sho^d have the compliment of knighthood. As to the Queen, my own notion is that it would be improper to make it a general rule personally to address Her Majesty. The compliment to her

* Hardwicke MSS., Wimpole.

is regularly conveyed thro' the King.
My intention is to come to town to-morrow, to dinner, after getting one ride more, if the forenoon is good. My landlord, * (who sends his best compliments to you all,) proposes to stay until Thursday. I hope & pray to find you all in perfect health. My most affectionate compliments attend dear Lady Marchioness & the children."

The Duke of Newcastle wrote to Lord Hardwicke about this time, informing him as regards a letter which the ex-Chancellor had written to him :—

"I made the proper use of your letter, by shewing the material parts of it to the King, with which his Majesty was extremely pleased; & talked with the utmost affection & respect of your lordship, as I conclude my Lord Anson has acquainted you." †

In another part of this letter, the Duke states :—

"The King seems, every day, more offended with Mr. Pitt, & plainly wants to get rid of him in all events. I am not sure his minister is not of the same mind; & I believe the Duke of Devonshire would not oppose it. For my own part, I believe the King must get rid of Mr. Pitt; for I don't suppose he will in earnest quit."

For some time, indeed, Mr. Pitt had not acted cordially with his colleagues in office; and, one occasion, according to Dr. Birch, Lord Hardwicke and the "Great Commoner" came into collision. No reference to this, however, appears in any of Lord Hardwicke's letters. Dr. Birch, in a letter to Lord Royston, written towards the end of August, stated as follows :—

"What was the particular subject of the recent meet-

* Mr. C. Yorke.

† Hardwicke MSS., Wimpole.

ings of the cabinet council yesterday se'nnight, as well as on Thursday se'nnight, & what was the result of their deliberations, is not known out of doors, tho' many pretend most particular information. And it is affirmed that Mr. Pitt & Lord Hardwicke appeared of different sides of the question, & that the former made a strong speech in answer to the latter, to which his lordship replied with great spirit." *

On the 5th of October, Mr. Pitt resigned the Seals Lord Hardwicke gives us an account of this event in a letter to Lord Royston written the day after.

"Mr. P. quitted yesterday with great civility & professions to the King. Lord T.† has not, but is gone into the country, 'tis said only for a few days. Upon His Majesty's talking graciously to Mr. P. yesterday, it is said he shewed a disposition to accept some place of advantage, or other grace, (some guess *Irish pension*,) from the Crown. If so, that would do a great deal. *But of this Ne verbum quidem.*

"Mr. G. G.‡ came to town on Sunday. The D. of N.§ told Lord H. yesterday that Lord B. said at noon, he thought he would accept. If all this be true, the family don't mean to make themselves desperate."||

The further progress of the important political movement in question is thus further detailed by Lord Hardwicke, in a letter to Mr. Charles Yorke, which bears date, Grosvenor Square, October 10th.

"A great change was made in the political wind-dial before you left us ; & you know as far down as Monday

* Dr. Birch's MSS. Collection, British Museum.

† Temple.

‡ George Grenville.

§ Newcastle.

|| Hardwicke MSS., Wimpole.

night. The next forenoon, (being no levee day,) the *principal person* made visits, at least to some, & did me the honour to call at this door. I was not at home, but, considering the condescension of making the first visit on such an occasion, I returned it y^e same day at noon.

“ On Wednesday I saw him at the King’s levee, & on Thursday at the Queen’s drawing-room. Mutual complim^{ts} passed, very civil, but rather grave. However, both parties said they would take another opportunity. What is more material is, that, in the meantime, a negotiation has been carrying on, which has been listened to. Some place was at first proposed, & a new one thought of—*Governor of Canada*—with a great sallary. That was treated seriously. Strange! However, it would not do, for it would put us out of the House of Commons absolutely, without a particular act to enable us. It has at last ended in a peerage to Lady Hester, descendible to his issue male, & a pension of £3000 p^r ann. on the duty of four & a half p^r cent. on sugars, for his own life, & any other two lives he shall name. This thought was taken from my suggestion in the case of Mr. Onslow, & agreed to now, because he wou^d not be on the Irish List. By this time I am sure you begin to wonder. It will be in the *Gazette* to-night. Lord Bute called upon me yesterday noon, & staid an hour & an half. He shewed me the letters w^{ch} had passed between him & Mr. P. on this occasion. Those of y^e latter more stiff & laboured even than usual. Vast professions to the King; & none to any body else; but most gratefully accepting the thing in his own & Lady Hester’s name. Lord B. was very complaisant. Said many obliging things of me and my sons, & indeed did *you all* justice, not only in his own name, but the King’s. Lord Egremont is Secretary of

State of y^e Southern Province, & accepted the Seals yesterday; & I am going immediately to his door. Lord Temple resigned his seal yesterday noon, at w^{ch} I am a little surprised, considering the part his chief had taken. I was told that he made great professions to His Majesty, but appeared much embarrassed in manner & discourse. Lord B. did not seem to expect any other resignations. That is uncertain; but how can a man, who goes out with a great compensation, expect his friends to quit for him *gratis*? Lord T.* indeed, had engaged himself.

“ The arrangem^t for the Ho. of Commons has ended in what we heard of. Geo. G.† remains Treasurer of the Navy, & is to be y^e declared man, & *porter la parole* there. This every body in the town has agreed to, particularly L^d Barrington. It falls under Gil Blas's chapter of *what Gil Blas did when he cou^d do no better*. The precedents for it are Mr. Walpole, Paymaster, at y^e head of y^e House of Commons, & Mr. Pelham y^e like, both for a short time. You will say they don't run *quatuor pedibus*. However, I don't see that we are concerned in this more than others. Those who have abilities, will have *beau jeu*. The great difficulty is the chair, not yet settled, tho' high time. None have been started but those you heard of. *Prowse* won't go down with the party. Sir G. S. is now most thought of. Highly proper in figure & estate; but I fear *with*^t some qualities that are necessary, & *with* some others not so proper. I sho^d think D^r Hay best fitted for it in some respects, were he not a Scotchman, & so low in his original. 'Tis open, it you like to be the speakerly Mr. Onslow, of Q. Eliz.'s time. But I only jest, tho' not in jesting mood.

* Temple.

† Grenville.

"Thus things stand at this hour. I think the peerage & pension will operate well for the present *on both hands*, & surely must procure some quiet at least for this session, which will be a good thing *pro tanto*. I hope you will keep your time fixed for coming to town. I hear my pretty godson is well. God bless you both.

"H.

"I had yesterday a very kind melancholy letter from poor Joe, who did not know the sad event till last Tuesday."*

Dr. Birch, in a letter to Lord Royston, affords a vivid picture of the sensation created among the admirers of Mr. Pitt, by his extraordinary conduct, so unbecoming his high character and station in the country.

"The late Secretary's acceptance of honours and emoluments begins to have the proper effect of lessening his popularity, and will probably hinder the Common Council on Tuesday from returning him, as they intended, their thanks for his past services, and expressing their regret for the necessity of his resignation.

"Mr. Wright, one of His Majesty's Chaplains, told me yesterday, that on Thursday evening he met my Lord Mayor in a visit at a friend's, when his lordship gave an account that he had not believed the report of Mr. Pitt's resignation till he had it confirmed from his own mouth that morning, having been sent for by Mr. Pitt the night before, as I hear from another. The reason assigned by Mr. Pitt for it was that the rest of the Cabinet Council would not concur with his advice of sending a fleet of twenty men-of-war to demand an answer from the Court of Spain concerning their disposition and intentions towards France. He added that he should go into the country on Saturday, and not return to town, nor even come up to Parliament, unless he had a call; I suppose he meant the call of the House.

"The Lord Mayor said that he had had many applications for a Common Council on this occasion, some persons proposing an address to Mr. Pitt. But his lordship for his own part did not understand how the city could take up the affair between the King and one of his ministers otherwise than by instructing their members.

* Hardwicke MSS., Wimpole.

"The declaration of the Court of Spain of their pacific temper is a very unfortunate incident for Mr. Pitt's excuse for his resignation.

* * * * *

"The Gazetteer of yesterday mentions the report of Mr. Pitt's pension and the peerage to his lady, as what *could not be supposed to be true, but merely calculated to cast a damp upon a certain lustre*. Mr. Strutt, the solicitor, who had just been at court with the King about private business in his profession, when he met me yesterday about three in the afternoon, exulted much upon the triumph over the rigid virtue of our English Cato. But Mr. Hall, of the Exchequer, upon my informing him of the fact, broke from me with the repetition of *I am sorry for it*. I am afraid that the poetry and rhetoric of his friend in Craven Street will be absolutely disconcerted by so unexpected an event. And the clerk of the House of Commons will think the glory of that house departed, and the minutes of its future proceedings scarce worth the taking."*

The conduct of Pitt, in thus accepting the peerage and pension referred to, was indeed at once extraordinary and humiliating, and such as at first could hardly obtain belief. The champion of the people becoming a pensioner of the Crown, and the great patriot of the day securing a peerage for his wife, might well be discredited by those who had judged of his character, only by his professions in public. Lord Waldegrave remarked of him, in 1758,—†

"At present he is the guide and champion of the people,—whether he will long continue their friend seems somewhat doubtful. But if we may judge from his natural disposition, as it has hitherto shown itself, his popularity and zeal for the public liberty will have the same period; for he is imperious, violent, and implacable—impatient even of the slightest contradiction, and, under the mask of patriotism, has the despotic spirit of a tyrant."

No departure, however, from the principles he had avowed is here charged upon Mr. Pitt. Nor am I at all desirous of lowering the character of this great statesman, on account of his conduct on this occasion,—a character which is, in many respects, one

* Dr. Birch's MS. Collect. Brit. Mus.

† Memoirs.

of the noblest in history, and conferring honour on his country ; but it is but fair towards others, who have not received that fulsome measure of laudation poured upon Lord Chatham, to point out that the most exalted and high-minded are sometimes not more free than their inferiors, from every suspicion of disinterestedness and want of independent feeling. Public characters are public property, and the depreciation of their value is the sorest loss which a great nation can sustain. But the foibles of a great mind,—the spots which obscure the face of the brightest luminaries,—are often beneficial to contemplate. These, in many cases, must be considered to detract not so much from the individual as from human nature. They show the imperfection, and littleness of the latter, through the type of its most perfect and boasted models. They prove to us that the strongest are not wholly exempt from the frailties of the weakest, nor the wisest altogether free from the errors of the most insignificant.

Lord Chatham is one of those characters not very uncommon in history, who shone so magnificently among his contemporaries, but who among posterity is regarded in a comparatively humble light:—a striking instance how much better the age which follows a man is able to judge fairly about him, and upon surer evidence as to his real merits, than that in which he lived. The facts on which the decision respecting him should rest, are often better proved in the latter case, and many things which were necessarily concealed at the time, are at length fully revealed ; and the correspondence which was carried on between himself and those associated with him, and which affords the best evidence as to his real character, is then for the first time made known.

But posterity has a great advantage over a contem-

porary age, in judging of the character of a public man, as it is free from that prejudice and party bias which are the main obstacles to forming a right decision, both with respect to men and measures with which we are personally connected. How different are the feelings of contemporaneous readers, and of those who ponder over the account of an event in after times, as a matter of history. Party feeling in a state is analogous to passion in an individual, which blinds his reason, and prevents his forming a fair judgment of the question before him.

Perhaps it might be urged, as some excuse to Mr. Pitt for seeking office,—as certain of his letters show that he did, with rather more eagerness than any of his contemporaries supposed,—that he was conscious of the great powers which he possessed to fill it with high advantage to his country's interests, and by which his means of promoting those ends which he believed to be, and which probably were, most beneficial, would be increased. He certainly evinced no reluctance to relinquish it, when by holding it he could no longer promote this object; and no desire to return to it unaccompanied with the power to effect this, though his acceptance of the honours and emoluments mentioned was not very consistent with the high position he assumed. Something, however, was surely due to the long services which he had now rendered to his country as a statesman, while out of office; and something to the sacrifices which he had undoubtedly made in his refusal to accept office, on occasions when others would have been less scrupulous, and less disinterested.

The conversations with this great statesman, recorded by Lord Hardwicke in the preceding pages, afford the noblest ideas both of the sincere patriotism, and consummate wisdom of Mr. Pitt. The vast extent of

knowledge, the grand comprehensive views, and the sound reasoning there displayed, fill us with the highest admiration of him, and perhaps even equal all that his fondest adulators have uttered. His lofty ambition, it may be, was but a part of the greatness of his mind; and his haughty demeanour was inseparable from his stern independence.

On the whole, the character of Lord Chatham is one which was, probably, as unduly extolled by his contemporaries, as it has been unduly depreciated by posterity. He was neither the wholly disinterested patriot, nor the utterly reckless renegade he has been alternately described. He was a great man,—but only a man!

But, however wide may be the diversities of opinion which must and will exist as to the conduct of Lord Chatham, more especially on this eventful occasion, yet none will surely be found as to the stupendous power of his abilities as a statesman, to which not only posterity but the world has long done homage; and all must agree in admiration of his eloquence as an orator, founded as that was, as regards his style, on the purest and noblest models of antiquity; breathing, as its sentiments, ideas the loftiest and most patriotic; and exhibiting views and systems of policy, the most grand, enlightened, and comprehensive.

Contrasted with this great power which Mr. Pitt possessed of expressing himself with such force and eloquence, and with his own full consciousness of his vast abilities and acquirements, what a singular termination was the following to a letter addressed by him some years before to Lord Lyttelton, in reference to Lord Hardwicke:—

“ I beg you will mend the English in my answer to the Chancellor, if there are slips.”*

* Phillimore's *Life and Correspondence of Lord Lyttelton*.

But it was the characteristic of Lord Chatham to be made up of contrasts, if not of inconsistencies, which exhibited strange and unaccountable vagaries in, if they did not render dubious his whole career.

Some rumours were at this time afloat that the Earl of Hardwicke was about to take office again. He tells Lord Royston, in a letter dated October 12th,—

“The lying papers have published me to-day for Privy Seal. But I assure you nothing has been said of it to me, nor by me. Sure I am that I will not ask it, & doubt whether I should take it if offered. I hear it is already put into commission to the clerks of the council, as usual, for it can't stand still.

“Jemmy Grenville has resigned the cofferer to-day. This is strange after what Mr. Pitt has accepted; but it is said there is a breach amongst them, which I can hardly give credit to. I am glad you like the Gazette. I hear it operates.

“You may be Speaker if you please. Mr. Onslow has put down your name in his list.”*

Lord Hardwicke expresses his sentiments in the following terms, respecting the scurrilous attacks on the government which were at this time prevalent, and the mode in which these ought to be dealt with, in a letter to Lord Royston, dated October 17th, and in which his opinion also of Mr. Pitt's letter to the Public Ledger is given.

“I agree with every word you say as to the neglect and obstinacy in not publishing proper answers to the ribaldry wth w^{ch} the papers abound against the administration, nor proper defences of their own conduct. As to what you were told was said at Newcastle House, I

* Hardwicke MSS., Wimpole.

am sure it was not meant with regard to the paragraphs in the St. James's Chronicle, but to such as have been published reflecting upon & provoking to Mr. Pitt; whereas those in that chronicle were extremely decent & civil to him, & only stated facts in their true light. But I must confess that I have, not only now, but formerly, observed too much timidity & weakness upon such points, & have often animadverted upon it. Nothing can be more mistaken than to think things of this nature will alter Mr. Pitt's conduct. His provocations, as well as his conduct, will be taken from higher sources. The material point is to set the public right as to measures & facts, & not to let misrepresentations take root. That was the view of the paragraphs in the St. James's Chronicle, & extremely well executed it was; & I think you have been much in the right to condemn the trifling foolish *remarks* made upon those paragraphs. The weakness and emptiness of them appear upon reading, & they did deserve an answer. In truth ministers should retain persons who can write well to do that business for them; but, if they neglect that, it is not to be expected that their friends, however zealous, should expose themselves to the personal resentments & animosity of their enemies, by doing what they decline to do for themselves.

“ But I suppose now that every body, however great, will think fit to appeal to the mobb in this way. I never was more surprized in my life than with the letter published in the Public Ledger of this day. I had not seen it but by being told of it, & was told at the same time (*i. e.*) betⁿ one & two o'clock, that these papers sold for five guineas apiece. I w^d not honour it with such a price, but procured a MS. copy of it, which I enclose to you. It is the copy of a letter from Mr. P. to Ald. Beckford. I am told the King, as he justly may, is

extreamly offended with it. But I shou^d hope it wo^d rather do good than harm. You will observe four things strongly marked in it. 1st. He vows the sole cause of his resignation to be the point of Spain. 2nd. He publishes the proceed^s & opinion of the cabinet, w^{ch} ought to be secret, & to w^{ch} y^e councillors are sworn. 3^d. The King clearly & strongly approved & followed that opinion, tho' he drops that. 4th. He betrays the strongest sensibility of having lost y^e good opinion of many of his friends, & a passionate resentment for it. You will make other remarks for yourself.

“ Mr. Prowse has declined the Speaker's chair, merely on account of his health, diabetes, & shortness of breath, & it is said y^e causes alledged are true.—Where will they go ? ” *

The letter which follows was at this time written by the Earl of Hardwicke to his friend Lord Lyttelton, in which he alludes to his recent bereavement; as also to an interview he had lately had with Mr. Pitt, and the general state of public affairs.

Grosvenor Square, October 17th, 1761. †

“ MY DEAR LORD,—Under the greatest afflictions, it is some degree of consolation to be kindly remembered by our valuable friends at a distance. In this light I consider the honour your lordship has done me by your most obliging letter, which demands my best thanks. I am too sensible how little pretence I have to any of those great qualities which your partiality gives me; but I have learned, both as a man and a Christian to submit with humble resignation to the wise dispensations of Providence, however severe and trying—*resigno quæ dedit*; tho' I cannot forget my own melancholy situa-

* Hardwicke MSS., Wimpole.

† Phillimore's Life and Correspondence of Lord Lyttelton.

tion kept me for some time out of the world, factious and disagreeable as it is. The *extraordinary* events your lordship mentions, have happened since my strictest confinement was over, and when I see your lordship (a pleasure which I perceive is not far off) I will acquaint you with such circumstances as have come to my knowledge too long, and some of them not quite so proper for a letter by the post. The world is surprised at the last scene; since which I have had a conversation with Mr. Pitt, who talks with much temper & moderation. I hope that temper will be preserved, and am persuaded that, when he accepted these graces from the King, it was his intention, *servetur ad inum*, tho' I find that begins to be doubted of.

"It is no news to you that Lord Egremont has the seals of the Southern Province. You know how much I esteem and honour that noble Lord, and I fear nothing in his case but his precarious health. I heartily wish that this addition of one friend more of yours to the administration may turn out as it ought to your Lordship's advantage; I should have added to that of the public and of your humble servant. The Duke of Newcastle is much flattered by your obliging remembrance of him; makes no doubt of the sincerity of your good wishes, and hopes you do not distrust his.

"As Mr. G. Grenville is to have the conduct of the business in the House of Commons, Mr. Prowse is the person thought of for Speaker. In this dearth of objects for the chair, I am very creditably assured that this is not at all disagreeable to the Whigs; but, whether he will accept or not I have not yet heard.

"I hope your lordship enjoys good health,—happy amidst the beauties of Hagley,

Inter Sylvas reptare salubres,
Curantem quicquid dignum sapiente bonoque est.

"I am always with the utmost truth and esteem, my lord, your lordship's most faithful and obedient humble servant,
 "HARDWICKE."

The extract which follows is from Lord Hardwicke's own diary, from which it would seem that the "lying papers" were not, after all, so mendacious as the ex-Chancellor supposed.

"16th Novr. 1761.—Lord Bute, by His Majesty's command, offered me the Privy Seal, (lately resigned by Earl Temple,) in y^e presence of the Duke of Newcastle; but I declined it with great duty to the King, & strong professions of zeal for his service, wishing it might be disposed of in such a manner as might best promote that service, in this difficult & critical conjuncture. This His Majesty was pleased to acknowledge to me the same day in his closet, as a very disinterested instance of my zeal for his service, & to enlarge much on his esteem for me, & his protection & favour to me and my family. The Privy Seal was given to the Duke of Bedford."*

Lord Chief Justice Willes died during December of this year, to which the following allusion is made by Lord Hardwicke in a letter to Mr. C. Yorke. To his early friend, Lord Chief Baron Parker, the Earl of Hardwicke stood true to the last.

"Poor Willes is gone at last. Will the Attorney† be his successor? I should think, in the present circumstances, he would wish it, provided his *great friend*‡ will permit him. I suppose you are too young, & in too great a career *to lay yourself upon a shelf yet*, as my Lady Jekyll called it in my case. If both y^e Attorney & Soli^r-Gen^l are out of y^e question, I sincerely think that

* Hardwicke MSS., Wimpole. † Sir Charles Pratt. ‡ Mr. Pitt.

my Lord Chief Baron cannot be passed by ; and, in this sense, I have already writ both to the Duke of Newcastle & my Lord Chancellor." *

The following account is given in that very scurrilous and not less incorrect chronicle, Horace Walpole's *Memoirs of George III.*, of the legal appointments which took place at this period. A liberal allowance must of course be made for the writer's strong antipathy to Lord Hardwicke and the Yorkes, and for the unscrupulosity with which he ever gratified his passion.

"The ministers were solicitous to remove Pratt from the House of Commons, and offered him the dignity of Chief Justice of the Common Pleas. He demurred ; but was forced to accept it, for they would not only have removed him from being Attorney-General, a post that required a more pliant officer, and which he was willing to give up : but they had the injustice to refuse him his gown as King's counsel, and he must have pleaded below the bar, or have quitted his profession. Mr. Yorke was made Attorney, and Norton, Solicitor-General. This enforced destination of Pratt to be Chief Justice preserved the constitution afterwards from the same men, whose policy exerted such rigour against him. Mr. Yorke had lost the precedence over Pratt when the latter was made Attorney-General. It was on the coalition of Mr. Pitt, after the affair of Minorca, with the Duke of Newcastle and Lord Hardwicke. Pitt then offered to restore Lord Anson to the lead at the Admiralty, or to make Yorke Attorney, but would not grant both. Lord Hardwicke preferred his son-in-law to his son : a partiality which the latter, whose eye was on the Great Seal, and which, by these means, Pratt afterwards obtained to his prejudice, never forgave to his father."

No tokens, however, of any disagreement, or even coldness, between Lord Hardwicke and Mr. Charles Yorke appear among their correspondence ; but the kindest and most affectionate feeling seems ever to have subsisted throughout the family towards each of the members of it. The preference here asserted by

* Lord Hardwicke's friend, Sir T. Parker.

Walpole to have been shown to Lord Anson, to the prejudice of Mr. C. Yorke, is most improbable, considering Lord Hardwicke's peculiar anxiety about the professional rise of his son.

What a chequered and varying career was that of this eventually successful lawyer and very distinguished judge, Lord Chief Justice Pratt. At twenty-four he commenced his professional life at the bar, with every hope, from his father's name and extensive connection, of attaining a success corresponding with the abilities of which he himself was conscious. At thirty-eight, he found himself desponding, from an absolute destitution of practice, and had determined on abandoning the law for a condition where all his ambitious hopes must at least have been subdued. Only a few years subsequent to that he was made Attorney-General. He was on the present occasion advanced to the Chief Justiceship of the Common Pleas, where he at once obtained for himself a great judicial reputation, on a question of the highest legal and constitutional interest and importance. Ere long he was created a peer of the realm for his distinguished merits. After this, he became Lord High Chancellor. For many years he filled a prominent post in the government, and was eventually raised to an earldom. His reputation is one so intimately associated with the constitutional history of his country, that it is likely to be permanent. His independence and patriotic love of constitutional liberty must ever render his name at once famous as a jurist, and dear to all lovers of freedom. His great virtues have, by their glare, obscured the lesser deformities by which a mind so magnanimous was occasionally distorted.

The veneration of Sir Charles Pratt for Lord Hard-

wicke, he was wont to express in the strongest terms. His intimacy with Charles Yorke, especially during the earlier part of their official career, appears from their correspondence;—Pratt's letters to Yorke generally commencing "Dear Charles," and ending "Your's, affectionately." An invidious spirit of rivalry, not always avoidable in professional pursuits, even among the most generous and noble-minded, seems at a later period rather to have subdued than obliterated this feeling of regard, which a subsequent very melancholy occasion served to rekindle.

During December Lord Hardwicke still continued in London, taking his daily rides in Hyde Park, as he tells Lord Royston, which, however, he says "is not, in my opinion, to be compared to New Park." He proposes to pay his son a visit at Richmond shortly, when he bargains for very moderate terms of accommodation.

"I was in hopes to have had the pleasure of seeing you at Richmond either this day or to-morrow, but have been unavoidably hindered by some private business; & now it is driven so near to New Year's day, y^t I propose then to pay my duty at Court, especially as there is a general council summoned for y^t day. After that, if you continue your rustication, I live in hopes of wishing you, Lady Grey, & the dear little ladies, a happy new year on Saturday in the forenoon, with an intention to continue there all the next week, provided you will not suffer it to be any constraint upon you or your family, for you know I shall want only the use of a bed, a table, & two or three chairs, & should hope you would make no scruple of leaving me in possession. As I am thrown so near to Friday, I chuse the rather to

stay that day, because the Duke of Newcastle presses me much to dine with him & the Duke of Devonshire, as he says, upon business.

“I think the riding of these two days has done my cold a great deal of good, and hope to finish it at Richmond.”*

Lord Hardwicke's friend the Duke of Newcastle must, however, at this time have been rather an uncomfortable companion, judging from the dissatisfied and peevish tone of his letters. He writes thus to Lord Hardwicke on the 30th of December, and gives a striking picture of the insignificance and contempt into which this once all-powerful and influential minister was now fallen, who had injudiciously clung to office long after the period for his exercising its functions had passed away, and a new era, both as regards men and things, had commenced:—

“Was ever any man in my station, or infinitely less, treated with so much slight & contempt? When I had wrote to the *minister* particularly to be informed when there was a council for the declaration of war, when that letter was shown to the Secretary of State, & when that Secretary sent me a note this morning, & ment^d the declaration of war not having been settled; to have (if this sho^d be the case) a council fixed for this very declaration of war, & to have no notice of it from either Secretary's office, is an indignity, I believe, which was never before put upon a minister of my rank, station, age, & experience. . . . When the great & fatal news came of the rupture with Spain, I was summoned the next day but one to the meeting of the Lords. When I came to St. James's, the two Secretaries were

* Hardwicke MSS., Wimpole.

in with the King. When they came out, neither of them said one word to me by way of consultation. Every thing had been settled before; & at council y^r lords^p saw how little passed, & since that you know all that has happened."

He thus expresses his determination to Lord Hardwicke, whose advice he solicits :—

"In this situation I cannot, *I will not*, go on. To execute the most burthensome, the most difficult, the most responsible office in the whole kingdom, without original concert, confidence, & communication; & that I desire my Lord Bute may be told. I have my doubts whether any, the best, instead of the worst behaviour towards me, could or should induce me to expose myself any longer in the station I am now in. I wish y^r lordship would say what you think proper, at least upon that part which relates to the council & the communication."*

In a postscript to this letter, the Duke of Newcastle tells Lord Hardwicke that he shall send the letter to be delivered to him at the council at St. James's :—

"As, to be sure, the King & the council may be surprised not to see me, upon so great & so solemn an occasion, I wish your lordship would have the goodness to explain that part of my letter in all events. To my Lord Bute you will also say what you may think proper of the secrecy, or little attention, which has been observed towards me, & find out the cause of my having had no answer from his lordship."

The Duke had, however, very soon, it seems, mis-

• Hardwicke MSS., Wimpole.

givings arising in his mind as to the renouncement of office, for he concludes his postscript thus:—

“As to my continuing in office, that may be reserved to a future occasion. I wish to have one word from y^r lordship by the return of Dick, any part of this day.”

On the 4th of January, 1762, war was formally proclaimed against Spain.

The ministry, says Walpole, were much divided and embarrassed on the war with Spain:—

“Unavoidable as it was, the Dukes of Newcastle and Bedford, Lord Hardwicke and Lord Mansfield, were against engaging in it; and Lord Hardwicke, when the affirmative was decided, declared he would return no more to council. But Lord Bute, Lord Granville, Lord Egremont, George Grenville, and, I think, Lord Ligonier, prevailed for the declaration of war. Lord Anson was ill, and the Duke of Devonshire out of town.”*

Lord Hardwicke was occupied during January, 1762, in the preparation of a speech for the opening of Parliament, and of an address in reply to it to be proposed in the House of Lords. A letter from Lord Bute thanking him for his services here, and expressing the writer's opinion of the “great force and clearness” of the documents in question is among his papers. The advice of Lord Hardwicke was also sought by the minister as to the course to be pursued with regard to a person named Barrisdale, who had been some years previously imprisoned on account of a conviction against him of being concerned in some rebellious and lawless outrages in Scotland, and had been in custody for eight years. The father of the man in question, says Lord Hardwicke, “was a man of an infamous character, notorious for depredations in the Highlands, & kept an engine of torture in his house, which obtained y^e name of a *bar-*

* Memoirs.

risdale. It was seized during the rebellion, & I saw it in London.

“As to y^e son, who makes this application, I never heard any thing particular of his character; but as the late King thought fit so far to extend his mercy to him as to spare his life by so long a reprieve, & he has almost laid in prison eight years, I could not give my advice to His Majesty to order execution; & to keep a man who is in the vigour of his age in custody for life, would be nearly, if not full as severe.

“As your lordship is pleased to command my opinion, I will frankly tell you that I think there can be no objection ags^t His Majesty’s granting him a pardon as to his life & liberty, if such shall be his royal pleasure.”*

Lord Hardwicke’s recommendation here, on the side of mercy, deserves more particularly to be recorded, on account of the aspersions that have been undeservedly cast upon him, in the case of Dr. Archibald Cameron, whose execution has been so severely, though, under all the circumstances, very unjustly censured.

The composition of the royal speech alluded to, terminated the labours of Lord Hardwicke in this capacity, in which for a very long series of years, commencing so far back, indeed, as the year 1733, he had been more or less constantly engaged. Considering the characteristics of kings’ speeches at this time, which were generally, though indirectly, addressed to the nation as well as to the Parliament, and were intended to serve as declarations to the people at large on occasions and topics of the most important kind,—the proceedings of the Parliament not being made public as they now are,—these sessional orations were of much more consequence,

* Hardwicke MSS., Wimpole.

and excited much more interest than they do at present, forming the only public indications of the design of the government as to the political measures to be propounded.

Very different, therefore, in all their essential qualities and nature, were the speeches from the throne prepared by Lord Hardwicke, to those ingenious and eloquent emanations of statesmanlike wisdom with which the nation in our day is enlightened. While by the former the most important results were effected, and a direct meaning was conveyed, the grand aim in the style of the latter would appear to be to avoid all meaning, and to conceal any object that may be intended. And Lord Hardwicke's compositions of this kind, if judged of by those standards of merit, the royal speeches of the present enlightened age, must be acknowledged to be but clumsily contrived in this important respect, and most unwarily to promise specific measures and courses of policy which might in the result be found most inconvenient to the minister to perform or to pursue. Possibly, it was on this account that that equally profound thinker and honest critic, Horace Walpole, so fiercely attacked the political character of the subject of this memoir.

As has already been mentioned, Lord Hardwicke, after his resignation of the Chancellorship, was constant in his attendance on the House of Lords, in cases of appeal to that court, and also on questions relative to claims of peerages. The note which follows, of a resolution of the House in the case of Sir Thomas Kennedy claiming the title of Earl of Cassillis, is in the handwriting of the Earl of Hardwicke.

“*22d Jan. 1762.*—After time taken for consideration on debate, but witho^t any division, the Lords resolved

that Sir Thomas Kennedy, as heir male, was entitled to the titles and honours of Lord Kennedy and Earl of Cassillis, and so reported to the King.

“The grounds were two.

“1. That no partic. limitation or constitution of the fief appearing, it ought to be presumed to be a male fief, that being y^e most usual and customary limitation in those ancient times, especially in y^e case of an earldom, which was originally *an office*.

“2d. That the resignations and new charters of 1642 & 1671, did not comprise, or extend to, the dignities and honours, but only the estate, *i. e.* the earldom erected, & y^e lands.

“Lord Marchmont differ’d.”*

A letter was addressed, on this occasion, to Lord Hardwicke, by Lord Mansfield, stating his own views on this matter, which coincided with those of the ex-Chancellor, and referring to cases and precedents bearing on the points before them.

Since the retirement of Mr. Pitt from office, a want of unanimity in the cabinet had been still felt. On Lord Bute’s determination to withdraw the British subsidy from the King of Prussia, as the readiest means of forcing that monarch into a peace, being made known to the cabinet, the Duke of Newcastle waited on Lord Bute, and insisted on £2,000,000 being appropriated to the payment of his subsidy, and the prosecution of the continental war. When his lordship expressed a decided repugnance to this proposal, the Duke immediately declared his intention of retiring from office, unless it were conceded. To this intimation Lord Bute drily replied, ‘that if he resigned, the peace might be retarded;’ but

* Hardwicke MSS., Wimpole.

he never requested him to continue in office, or said a civil thing to him afterwards, while they remained together. His Grace went immediately to St. James's, demanded an audience, and announced his unalterable resolution to relinquish his station, if the subsidy to Prussia was not continued. The King replied, 'that he should regret such a determination, because he was persuaded that the Duke wished well to his service,' and thus ended the interview.*

The Duke's resignation took place on the 14th of May. According to Horace Walpole, when the Duke acquainted the King with his determination, the latter replied, coldly, "Then, my lord, I must fill up your place as well as I can." The same authority says, that Lord Mansfield, according to the Duke's statement, had pleaded with Lord Bute above an hour, and could not extract a wish from him that the Duke should continue in the Treasury. Walpole adds, that Fox asked Lord Mansfield if this was true? He replied, "Not an hour, for I soon saw it was to no purpose." His final resignation took place on the 26th.

Very different, however, was the conduct of this veteran minister, who had made enormous sacrifices out of his own private fortune, in his zeal for the service of the country, and the House of Hanover, to that of another statesman whose flaming patriotism and ostentatious career might have led his followers to expect a more honourable exit from power. On the Duke of Newcastle being offered a pension as due to him for his past services, and the great detriment which his private fortune had sustained, he at once resolutely declined the acceptance of it, declaring "that if he could be no longer permitted to serve his

* Hughes's Hist. of England.

country, he was at least determined not to be a burden on it."

Lord Barrington stated in a note to Mr. Mitchell, dated June the 1st—

"Perhaps you have not been told what passed at the last audience the Duke of Newcastle had of the King, when he resigned last Wednesday. His Majesty said he was sorry to lose him, and should always remember his services : that he feared the Duke's private fortune had suffered by his zeal for the House of Hanover ; that His Majesty was desirous to make any amends in his power in any way that should be most agreeable ; and added that it was a debt due to his Grace. The Duke answered that in office he had never considered the profit of employment ; that out of office he could not bear the thought of being a burthen and charge upon the Crown ; that if his private fortune had suffered by his loyalty, it was his pleasure, his glory, and his pride ; and that he desired no reward but His Majesty's approbation.

* * * * *

"You will most undoubtedly lament with me that the Duke of Newcastle should retire from business at such a juncture ; but if you knew the whole, you would not condemn the step he has taken, and taken with moderation, temper, and dignity."*

Mr. Symmer, in a letter to Sir A. Mitchell, observes,—

"It moves one to compassion to think of the poor old Duke himself, a man once possessed of £25,000 per annum of landed estate, with £10,000 in emoluments of government, now reduced to an estate of scarcely £6,000 per annum, and going into retirement, (not to say sinking into contempt,) with not so much as a feather in his cap."

Horace Walpole asserts † that after the Duke of Newcastle's resignation, the Whig clergy gave the most conspicuous example of ingratitude.

"For thirty years Newcastle had had the almost sole disposal of ecclesiastic preferments, and consequently had raised numbers of men

* Ellis's Orig. Letters.

† Memoirs.

from penury, and the meanest birth to the highest honours and amplest incomes in their profession. At this period there were not three bishops on the bench who did not owe their mitres to him. His first levee after his fall was attended by one bishop, Cornwallis of Lichfield; who being a man of quality, and by his birth entitled to expect a greater rise, did but reflect the more shame on those who owed every thing to favour, and scarce one of them to abilities."

The same writer adds that Lord Bute had the ill-natured arrogance to compliment the Duke on his retirement; the latter replied with a spirit that marked his lasting ambition, "Yes, yes, my lord, I am an old man; but yesterday was my birth-day, and I recollected that Cardinal Fleury began to be Prime Minister of France just at my age."

Lord Bute succeeded the Duke of Newcastle at the head of the Treasury, and some other changes were made in the ministry.

A letter from Dr. Birch to Lord Royston contains a reference to an individual lately alluded to, and who in after times occupied a prominent position in the legal and constitutional history of this country, as Lord Chancellor Camden.

"Lord Chief Justice Pratt has lowered his character to almost every person who heard him speak on Wednesday last in the House of Lords, on the question proposed to his brethren the judges. His main view seemed to be to abuse those of them who were of an opposite opinion to his, and he particularly singled out for his invectives Mr. Justice Sir John Eardley Wilmot, who had most distinguished himself on that side. Your lordship may judge of the delicacy of his railery by the specimens, that in answering Mr. Justice Wilmot's arguments, he generally introduced them with this expression, 'We are told *forsooth*;' the word *forsooth* being repeated at least twenty times."*

During the early part of June the Earl of Hardwicke

* Dr. Birch's MS. Collect. Brit. Mus.

went down to Wimpole. In a letter to Lord Royston written from thence, he thus expresses himself:—

“ I suppose this letter may find you just returned from the sumptuous entertainment of your new secretary. I have not yet heard that I have had a card from any body, nor do I regret it; for, provided the Heavens would but send us some rain, I had rather be at this place than in all the assemblies of the great, either of business or pleasure. *Inveni portum, spes & fortuna valet!* ”

“ I shall hope by to-morrow’s post to read the King’s speech for the first time. I am indeed a little curious to see the turn of it; as I am also to hear that Mr. John & his spouse will be here on Saturday at dinner. It mortifies me that you cannot come, for I am a little vain of our verdure, & for the trees, I never saw them more flourishing, nor finer leaved in my life.

“ I am surprised at your Twickenham neighbour’s activity; but for the number of children, I suppose he travels like the gipsies, with the poor things tied up in panniers upon asses. I have not taken so long a journey, but have had three good rides, in spite of the sun.”*

Another severe domestic affliction, however, at this time, befel Lord Hardwicke and his family, in the death of Lord Anson, to whom they appear to have been all very sincerely attached. Lord Hardwicke, in a letter to his eldest son, speaks of this great loss as,—

“ Great as a private one to his friends, & great as a public one to his country. The news of it, which reached this place on Sunday evening, affected me extremely; though, I own, I laid very little weight on Dr. James’s sanguineness, & have, in a manner, despaired of him for

* Hardwicke MSS., Wimpole.

some time. These fatal strokes, so often repeated, from year to year, fall heavy at my time of life; but I have learned to submit to Providence as becomes me. It is my lot *nigrâ veste senescere*.” *

One of Dr. Birch's letters to the Yorke family contains the following allusion to the King at this period:—

“His Majesty is observed of late to have less cheerfulness and spirits than usual, which even the Queen has taken notice of with some concern. Some ascribe this change to the King's apprehensions about the stability of her health and constitution, which at her age it is hoped time will confirm; while others judge the cause to be of a public nature, the gloomy appearance of affairs, both at home and abroad.” †

Some rather serious alarms, indeed, about the state of the King were at this time felt. Lord Hardwicke mentions in his letter last referred to,—

“Your account of the King alarms me, & makes me impatient for the next account. I fear His Majesty was very ill, for physicians don't deal so roughly with such patients, without necessity. God grant him a speedy recovery.” ‡

Lord Hardwicke returned to London about the middle of June, and soon after his arrival in town he had a conference with Lord Bute, on the subject of the Duke of Newcastle. His Grace, in a letter written on the 19th of June, thanked Lord Hardwicke for what he termed, “the very, very firm & becoming manner in which your part of the conversation past. I want words to express the gratitude for the honourable & affectionate testimony you gave of our long, very long, & uninterrupted friendship, which has been the glory & comfort of my life.” §

The following is in Lord Hardwicke's handwriting, on

* Hardwicke MSS., Wimpole. † Dr. Birch's MS. Collect., Brit. Mus.

‡ Hardwicke MSS., Wimpole.

§ Ibid.

a small strip of paper, and was probably composed by him during the progress of his journey from Wimpole to London:—

“A Wimple iter faciens uxorem nupèr morte abrep-
tam alloquitur. Junii 15^o 1762.

“Conjuge dilectâ privari dùm dolet, heu! me

Dùm dolet in viduo nocte jacere toro!

Te rursùm sociam thalami redisse sub astra

Exopto, notæ te comitemque viæ.” *

On the 30th of June the news arrived in London of the victory of the allied British and German forces. Lord Hardwicke refers to this in a letter to Lord Royston, written the next day. Both Lord Bute and Mr. Grenville had been forward to send the earliest news of this event to the ex-Chancellor.

“I hasten to wish you joy of the great & glorious news, w^{ch} was brought yesterday by Col. Boyd, & of which you will have seen an acc^t in the Extraordinary Gazette before this reaches you. I had a bulletin from Mr. Sec. Grenville, & in the evening a very civil note from my Lord Bute, in his hand, congratulating me upon the event, & adding a circumstance or two, which were not in the bulletin, but you will find y^m in the Gazette. You cannot imagine how comically *some people* look. What a mixture in their countenances! This German war may perhaps contribute more to their peace than any other part of the war. Such a victory happening so early in the campaign, & such a disgrace to the two French Marechals joined together, must have a great effect in France.” *

Lord Hardwicke's description of his court visit on this

* Hardwicke MSS., Wimpole.

occasion is given in the same letter, when it would seem that His Majesty's health was restored.

"I went to court to-day, to see faces. The Queen did not come to the drawing room, being so hot; but the King was there, & very civil. He began with me upon the subject of this great news, which he said was unexpected. I laughed with His Majesty at the French calling it *a surprize*. A surprize by an army which had been marching three days directly towards them, & dislodging their advanced posts as they marched! Boyd says it was much owing to their bad disposition, for that a worse never was made. So you see that two heads are not allways better than one. Wray says this will not accelerate peace, because it will make the people here mad again. *Merchal* said the same thing to me to-day at St. James's, but for a different reason; because France must try to retrieve this disgrace; it is too strong to finish with. But I saw plainly that he is unwilling to believe that England will be able to make her separate peace with France at all.

"You see the *gens laudia* rises superiour to all clamour & malice. He kept his secret well. You will be puzzled to find by the clumsey Gazette from whence he marched; but Geo. Grenville told me it was from his camp at *Brackel*, if you can find it in your map. I am pleased that he has nosed them by sending Col. Boyd, who you remember stood the fire in the House of Commons last winter.

"The Duke of Newcastle is excessively happy on this occasion. I am to go there on Monday, & return on Wednesday. On Friday or Saturday I propose to have the pleasure of finding you & Lady Grey, & y^e dear children in perfect health; & in the next place of presenting Wray to you; tho' I think it most probably will be Saturday."*

• Hardwicke MSS., Wimpole.

Lord Hardwicke paid his visit at Wrest as proposed, and mentions the pleasure which it had afforded him, in a letter to his son, written from London, on the 22nd of July. Of his journey from Wrest back to London, he says :—

“ Considering the heat of the day, & the superabundance of dust on this side of St. Alban’s, but more especially that we were travelling the wrong way, our journey was a good one, & made much the more tolerable by the brisk air, which fanned us the whole way. My fellow-traveller’s spirits & good humour lasted throughout, and after sipping of tea here, we parted in the same good humour.”

After promising to tell his son all the news he can, Lord Hardwicke proceeds thus :—

“ My Lord Bute enquired very particularly when I should go to Wimpole, & desired a quarter of an hour’s conversation with me before I went. It stands for some morning the beginning of the next week, & if any thing material should pass, I will find some way of letting you know it. Probably it may be as vague as the last ; tho’ I believe they are much embarrassed, & that their peace lingers very much. Count Viry was a good while this morning with the Duke of Newcastle, (who, with Charles, dined with me to-day,) & talked in a conciliating way.

“ Whilst I was alone with my Lord President, (who holds that there is no such thing as a secret,) he confessed to me that he thought the peace in a bad way, which I am very sorry for. I am sure I think his lordship to be so ; for tho’ he talks of himself as much the better for Bath, I think he appears to be much worse ; looks worse, & more faint, & with less spirit. However, I told him

his neighbours expected him in Bedfordshire, & had the buck put in order for him, which he took very kindly, & talks of being at Hawnes some time the next week. Lord Melcombe is dangerously ill of a dropsy, and 'tis thought he will not get over it. Lady Mary Wortley is dying of a cancer in her breast.

“Master Yorke* was seized with something of a feverish disorder on Tuesday, but his father says he is now got well again.”†

On the 28th of July the proposed interview between Lord Hardwicke and Lord Bute took place, at the latter's house ; and the former has left an ample memorandum or journal of the very important and interesting conversation which on this occasion occurred, during which the whole affair of the resignation and present position of the Duke of Newcastle were discussed at large. After talking over together the prospect of effecting a peace with France, the foreign letters which had lately arrived, and the preliminaries for peace that should be determined upon, according to the document in question the conversation proceeded thus :—

“This is all I can recollect as to y^e negotiation. After some pause, his lordship s^d that he was glad y^e other day to see y^e Duke of Newcastle look so well, & in such good spirits. That he had been sorry to hear reports that he was uneasy.

“I said I know no grounds for such reports. He might possibly not be easy in respect of y^e public, but I never knew him in better health & cheerfulness in my life.

“Lord B. said it had given him a great deal of uneasiness that his Grace had thought it necessary for him to leave y^e administration as he did. That he thought he

* Son of Mr. Charles Yorke.

† Hardwicke MSS., Wimpole.

could have gone on with his Grace longer & better than with anybody else ; for there was always a good humour ab^t him, & he had not the starts & emotions that *some others* were liable to.

“I said I had conceived those hopes ; & wo^d not pretend at present to enter into all the causes of contrary events. That more communication & confidence might be necessary ; and in y^e last instance, I could not but wonder y^t it was suffered to proceed to y^e extremity it did. How could the Duke of Newcastle go on when he consid^d in his department, y^e Treasury, a peculiar measure to be necessary, & that was opposed ; & y^e gentleman who had y^e conduct of y^e King’s affairs in the House of Commons, & was supposed to bring the party of the c^t over, had declared y^t he would openly oppose it. And all this, after it had app^d from M^r. Martin’s paper that more than £500,000, beyond the one million, was necessary.

“ His lordship replied that Mr. Gr.’s* opposing in the house would not have happened ; & that as to Martin, he had been mistaken, & omitted several sums of w^{ch} y^e Treasury might avail themselves. That it now appeared the Treasury had money enough to go on very well.

“ I said I was very glad of it, & supposed in y^t case y^e Parliament w^d not meet till y^e usual time. To w^{ch} he answered y^t it would not.

“ Lord B. then said that he was sorry that the D. of N. had not thought it proper for his situation to accept the King’s grace in what he had proposed to him at quitting.

“ That if he sho^d at any time think any office proper for his rank & age, y^e King w^d most readily confer it ; & it w^d give him (Lord B.) the greatest satisfaction.

“ That in respect of y^e D. of N.’s friends, he had

* Mr. Grenville’s

never introd^d any hostility ags^t any of them; y^t he had carefully sought y^m out in y^e Treasury, &c., to protect them.

“ I replied that to all this I could say nothing in particular. He replied by saying, he did not desire or expect an answer.

“ I then went on,—y^t thus far I c^d answer upon general knowledge; y^t y^e D. of N. was perfectly easy as to himself; pleased with his retreat, & never more happy. That he laid his whole weight upon y^e concern of y^e public only. That he & his friends adhered to the two grand points, upon w^{ch} the great difference had broke out, y^e support of y^e German war, & y^e preserving y^e connection with y^e King of Prussia, united as he is with the Emperor of Russia, & England’s avail^s itself of both those powers, in war & in peace. That the way to satisfy his Grace w^d be to satisfy him upon those material points.

“ My Lord B. said that one thing which made him wish to obtain a general peace with France & Spain at the same period, was to avoid y^e distinguishing between y^e parts of y^e war, about which people were so much divided.

“ I told him that nothing else w^d give satisfaction to y^e nation, & make y^e King’s Governm^t easy. Y^t otherwise a nominal peace with France might be held out; but a contracted war, whether by striking off the German part, or by making peace with France only, & continuing the war with Spain, w^d leave y^e nation still in hot water, create strong jealousy & persuasion y^t France collusively assisted Spain; & continue nearly y^e same burdens.

“ He then talked of y^e mischiefs of those sudden rises & falls of y^e funds, & so our conversation ended.”*

* Hardwicke MSS., Wimpole.

Soon after this, the Earl of Hardwicke went down to Wimpole, where he remained during the vacation.

An anecdote respecting Lord Bute and a celebrated foreign personage is related by Dr. Birch in one of his letters to Lord Royston, written about this time.

“Rousseau, the citizen of Geneva, has a cousin of his own name in London, book-keeper to two French merchants. This latter Rousseau, about a month since, being sent for to Lord B. by a gentleman who came in his lordship’s chariot, was asked particularly by his lordship concerning his cousin the writer, and desired to write to him and assure him that if he would come to England, he should be very well received here.”*

Lord Bute was now becoming extremely unpopular with the English people. He neither commanded their admiration by any superior genius, like Mr. Pitt, nor did he engage their affections by that affable and courteous demeanour which the Duke of Newcastle was accustomed to assume ; but his manners were cold and formal, and his disposition was imperious ; while his supposed predilection for arbitrary power, and his known attachment to his own countrymen, who were presumed to be the abettors of it, exposed him to the most violent abuse.

Dr. Birch wrote to Lord Royston, during August,

“If one may estimate the extent of Lord Bute’s interest in the nation from an incident which happened at Guildford, it will not appear very great. At a meeting there, of gentlemen of the county, his lordship’s health being proposed, was refused by a considerable majority of them, who immediately upon the mentioning of the toast, began to talk to one another. The relator has enlarged upon this story, and added that the majority, no less than 90 out of 110 having rose up at the proposal of the toast, the chairman desired the proposer of it, who is said to have been Webb, to acquaint the great man with what had passed on that occasion.”†

The unpopularity of the premier seemed, however, to

* Hardwicke MSS., Wimpole.

† Ibid.

be rapidly on the increase, according to the account in the next letter from Dr. Birch, written on the 13th of November.

“ Lord Bute’s reception in the city, in his passage to Guildhall, on Tuesday, was such that it would have been much more prudent for him to have spared his visit, and he seems to have been deceived by his flatterers into an opinion that he is much less unpopular than he has now reason to think he is. As soon as it was known who he was, he was entertained with a general hiss, and, if some accounts are true, his chariot was pelted, on each side of which the two famous bruisers, Broughton and Levenson, are reported, though I can scarce credit it, to have walked for his protection; a circumstance that would rather expose him to insult. It is certain that in the hall his reception was somewhat mortifying, scarce any person associating with him, so that he sat alone in a corner of the council chamber for a considerable time, with all the appearance of gloom and confusion. In short the whole dinner passed with much less cheerfulness than had been known on such a solemnity.”*

The same agreeable writer, in this letter, narrates also the following:—

“ His Majesty is extremely busy in a course of experimental philosophy, but I doubt whether under the direction of any real philosopher. And Mr. Champion, a famous writing-master, has been lately taken out of his business of teaching to transcribe in a fine hand the discourses drawn for the royal use on the several branches of philosophy. This latter fact was told me by a friend of Mr. Champion, whose new employment was called by his friend, *writing out the King’s exercises*; and he was in hopes of procuring it to be turned into a patent place.”

Another great literary genius, who was an inhabitant of this country, at this time received encouragement from Lord Bute, and to which allusion is also made by Dr. Birch in a letter to Lord Royston.

“ Sam. Johnson’s becoming a pensioner has occasioned his dictionary to be consulted on the word pension, which is thus defined—
‘ An allowance made to any one without an equivalent. In England it

* Hardwicke MSS., Wimpole.

is generally understood to mean pay given to a state hireling for treason to his country.' I do not know whether the acceptance of his pension obliges him to any oath to the government. If he now takes one oath, I am at a loss what to determine about his sincerity." *

The matter here alluded to is thus described in Boswell's *Life of Johnson*.

"His present Majesty's education in this country, as well as his taste and beneficence, prompted him to be the patron of science and the arts; and early this year, Johnson having been represented to him as a very learned and good man, without any certain provision, His Majesty was pleased to grant him a pension of three hundred pounds a year. The Earl of Bute, who was then prime minister, had the honour to announce this instance of his sovereign's bounty, concerning which many and various stories, all equally erroneous, have been propagated; maliciously representing it as a political bribe to Johnson, to desert his avowed principles, and become the tool of a government which he held to be founded in usurpation. I have taken care to have it in my power to refute them from the most authentic information. Lord Bute told me that Mr. Wedderburne, now Lord Loughborough, was the person who first mentioned this subject to him. Lord Loughborough told me that the pension was granted to Johnson solely as the reward of his literary merit, without any stipulation whatever, or even tacit understanding that he should write for the administration. His lordship added that he was confident the political tracts which Johnson afterwards did write, as they were entirely consonant with his own opinions, would have been written by him, though no pension had been granted to him."

The suspicion that Johnson entertained strong Jacobite opinions, is what is hinted at by Dr. Birch.

The question which would be here raised is, perhaps, not so much whether Johnson was undeserving of a pension, as whether the former government, of which Lord Hardwicke had been a leading member, was not censurable for not having before bestowed this reward on a man of his merit and fame. But the actual positive claim of Johnson to this distinction might, after all, be very

* Hardwicke MSS., Wimpole.

doubtful if strictly examined, or if tested by the inquiry what sacrifices he had made for his country, or what services he had rendered to mankind? It is also undeniable that many persons, far more meritorious, had not been so well treated as he was, but of whose neglect no complaints have ever been made. Many, too, of more original genius, and whose labours have been more directly and extensively beneficial to their fellow-creatures, have not been thus requited. In Johnson's case, it is, after all, more than probable that the pension was really given, not for benefits conferred and to be conferred on the public, but for services rendered to that very small portion of them comprised by His Majesty's ministers. The literary efforts appear rather to have been the excuse for, than the cause of this mark of favour.

Johnson's grand literary work at this time was his English Dictionary; a performance of unquestionably great value to the public, and evincing great industry in the compiler. But it was an undertaking rather of time and trouble than of genius and skill, and as such was contracted and paid for. If considered as a man of great intellectual vigour, who had largely devoted his powers for the benefit and improvement of mankind, it must be remarked, that perhaps hardly any man ever had so little love for truth, or so little fear of error, as Johnson had. He appears to have scattered, with the utmost indifference, both good and bad seed around, in the opinions which in his conversations he disseminated, merely as the better opportunity for display induced him to act; and he seemed utterly careless, as regarded the sentiments he put forth, of instilling right or inculcating wrong. His tenets he adopted, not for the sake of truth, but for the sake of argument. He spoilt many a sound opinion solely for the sport of doing

so. Surely a man deserves not a pension for the possession of powers which he only prostitutes.

It may be doubted whether Bolingbroke, or even Voltaire, did more to endanger truth, or to propagate error, than this great, avowed, and eventually pensioned champion of religion and virtue. As an intellectual gossip it was that he was mainly remarkable ; and it is as a giant gossip that, in the present day, he is most remembered. With all his powers of intellect, vast as they unquestionably were, what new principle in morals, or in physics, did he originate ? What improvement among mankind did he aim at effecting ? Nay more, what single truth did he ever enunciate ? What one great error was he the means of extirpating ? What grand literary monument of a mind so prodigious has he left behind ?

Johnson was probably not very lightly indebted, either for contemporaneous or posthumous fame, to the striking eccentricities by which he was distinguished. These served, among ordinary observers, as much to point out the man, and to characterize him as distinct from all the rest of his species, as his lofty endowments and superior wisdom did among the few who could appreciate him for these. While his higher qualities obtained for him their applause, his more obvious peculiarities made him remarkable to the multitude ; and it is, accordingly, by the latter that he is chiefly remembered, and the idea of which in the mind's eye is ever forcibly depicted on the mention of his name.

According to Boswell, Johnson had at one time a fancy for following Lord Hardwicke's profession, and of devoting himself also to politics. His legal arguments, which he dictated to Boswell for certain occasions, and which are all based on the first principles of law, are some of them very admirable and masterly, and

well worthy of the attention of the student; though it may be doubtful whether for the ordinary duties of the profession he was well adapted. As a judge, his decisions would probably have been generally partial and deficient in comprehensiveness; and always in peril of being prejudiced on one side or the other. In political cases, he would have been a most hazardous authority to have placed on the bench; and, on all occasions, his violent temper and domineering disposition must have rendered him obnoxious, both as an advocate and an administrator of justice.

Nor was he better qualified for the House of Commons than for the law courts. On some great subjects, he would have produced a mightily effective set speech. In general debate, he would have been like an elephant in the battle-field. His power was enormous, but his mind was too undisciplined, and, as it were, too unwieldy for exertion; and, when assailed and irritated, his violence would have been ungovernable, and as dangerous to his friends as to his foes.

The following passing notice of the great literary leviathan occurs in some of the correspondence already quoted from, between Dr. Birch and the Yorkes.

“Sam. Johnson is in treaty with certain booksellers to supply three papers a week, in the nature of essays like the Rambler, at the unusual rate, if the fact be true, of three guineas a paper. But I question whether if even the temptation of so liberal a reward will awaken him from his natural indolence; for while the Rambler, which came out but twice a week, was publishing, the proprietor of it, Cave, told me that the copy was seldom sent to the press till late in the night before the day of publication.”*

The Duke of Newcastle, on his retirement from office, did not join the ranks of the opposition. He even

* Hardwicke MSS., Wimpole.

evinced to his friend Lord Barrington an inclination to accept the Privy Seal, if Lord Hardwicke should be made at the same time President of the Council. A hint of this was conveyed to Lord Bute, who, though he appeared pleased at the proposal, deferred moving in it until it was too late.

During the month of August Lord Halifax called on the Duke of Newcastle at Claremont, inviting him and Lord Hardwicke to a council, at which the question of peace or war was to be decided, His Majesty promising to be guided entirely by their advice, and offering any employments they should choose for themselves and their friends, the Treasury excepted.* The proposal was, however, rejected, owing to some arrangements that had been entered into by the Duke of Newcastle.

The final retirement of the Earl of Hardwicke from the duties and cares of public life was therefore now complete. He had held office under the Crown for an uninterrupted period of above forty-two years, from his first appointment as Solicitor-General in the month of March, 1720, which he filled for about four years. More than eight years he had been Attorney-General; for three years and a half he was Chief Justice of England; for nearly twenty years Lord High Chancellor; and during the last six years he had assisted at council deliberations, though without any particular place in the cabinet. He served three successive sovereigns; and his influence, both in the ministry and in the House of Lords, those who at once regretted and endeavoured to under-rate it, acknowledge to have been almost paramount. He relinquished office at last, not only voluntarily, but against the wishes both of his King and his colleagues; and, in the face of renewed offers for his re-

* Adolphus's Hist. of Eng.

turn to power, he continued to prefer an honourable and peaceful retirement, as more suitable at once to his years and his condition. Every ambitious hope must long ago have been gratified to the utmost; and the highest aspirations of his most ardent dreams of youth must ere this have been forgotten in the reality of their fulfilment.

CHAPTER XV.

1762—1764.

BIRTH OF GEORGE THE FOURTH—LORD LYTTLETON'S VISIT TO LORD HARDWICKE—PROPOSALS RESPECTING THE GREAT SEAL TO CHARLES YORKE—VISIT OF THE DUKE OF NEWCASTLE TO WIMPOLE—HOGARTH AND LORD HARDWICKE—DEBATE ON THE PRELIMINARIES OF PEACE—ON THE CYDER BILL—RESIGNATION OF LORD BUTE—PROCEEDINGS RESPECTING WILKES—LORD HARDWICKE'S CONFERENCE WITH LORD EGREMONT—SUMMONS TO LONDON RESPECTING MINISTERIAL NEGOTIATIONS—ILLNESS OF LORD HARDWICKE—RESIGNATION OF C. YORKE—DEATH OF THE EARL OF HARDWICKE—HIS FUNERAL—CONTEMPORARY NOTICES OF HIM.

LORD HARDWICKE'S enjoyment of his retirement at Wimpole was agreeably diversified by the arrival of the news of an occurrence of great national importance, which took place on the morning of Thursday, the 12th of August, at about half-past seven, and which was communicated to the ex-Chancellor in a letter from his nephew, Mr. Hugh Valence Jones. This was the birth of a Prince, who afterwards reigned over this nation as King George the Fourth. Dr. Birch also wrote on the same occasion to Lord Royston, and his letter contains all the particulars of this fortunate event.

"The happy delivery of the Queen, with the birth of a Prince, is an event which I must congratulate your lordship upon before I proceed to any other subject. On Wednesday night the Queen did not return from her house to St. James's till near twelve o'clock. She had not been above an hour in bed before she began to feel pains, which occasioned the great officers of state to be sent for. Till four her pains were not very violent, and about a quarter after seven she was delivered, which was made public by the Tower guns, on the wharf and round the ramparts, at a quarter after nine. During the drawing-room

hours of that day, those who came to Court were permitted to see the young Prince, and entertained with caudle and cake.”*

The Archbishop of Canterbury was in the same room with the Queen, and the other peers were in the one adjoining, with the door opening into the Queen's apartment. The person that waited on the King with the news of Her Majesty being delivered of a prince, received a present of a £500 bank bill.

Whilst the guns were firing in celebration of this joyful occasion, the Spanish treasure, which had been captured in the *Hermione*, moved in a stately procession of artillery waggons, decorated with flags, and escorted by cavalry, before St. James's Palace, where the King and the assembled nobility stood at the windows, and joined heartily in the acclamations of the people.

On the 8th of September, being the anniversary of the marriage of his royal parents, the young Prince was christened by the name of George Augustus Frederick, the Archbishop of Canterbury officiating on this occasion; and his Royal Highness the Duke of Cumberland, His Serene Highness the reigning Duke of Mecklenburg Strelitz, and Her Royal Highness the Princess Dowager of Wales, being the sponsors.

Of the chequered and somewhat clouded, though not inglorious career of this future sovereign, it becomes not here to say more, than passingly to remark that fair justice has never been done to a character adorned with many great and good and noble qualities, and exalted by the possession of mental powers and endowments, and a spirit of generosity and munificence, which were calculated to confer lustre on his reign. And that for even his failings, grievous as they were, must be allowed great palliations, from the unfortunate education

* Hardwicke MSS., Wimpole.

which he received, and still more from the existence of the unnatural and demoralizing law—the Royal Marriage Act—to which he was in reality a victim ; and it cannot be denied that, owing to his personal unpopularity, transgressions of which he was guilty were visited on him in a very different way to what the same errors have been dealt with in other public men, who had not the excuse that he had for his misdeeds. Regarding him in a public capacity, apart from those vices by which the private characters of so many distinguished public and popular men too have been overclouded, it is impossible to deny that he possessed, in many and most important respects, the highest attributes of a great sovereign, in all that concerns the leading interests of his people. Art, science, learning, the prosperity and glory of the nation, the extension of her charities, and the promotion of her power and wealth, were all supported, not only by his influence and interest, but many of them mainly by his personal bounty. The richest portion of our national library was his free gift to his people. The choicest gems of our public galleries were private sacrifices, made by his generosity for the gratification of his subjects, and were the selections of his exquisite taste. Our finest collection of antique sculpture—the Elgin marbles—would never have adorned this country but for his personal interference and influence. Our most munificent hospitals were raised on land which was given by him. And the capital owes more of its magnificence, and splendour, and glory, to him than to any single mind or man.

And if this king is justly open to censure beyond other kings for his extravagance, yet all that he expended was diffused among his own subjects ; and he was, moreover, honourably distinguished from those with whom he has

been contrasted, by voluntarily relinquishing, when he could ill afford to do so, a large portion of his annual income immediately that the exigencies of his country demanded it.

A sovereign so endowed and acting thus, however great might be his failings, or however lamentable the errors into which he fell, could not be altogether the reckless, profligate being that he has been described. His frailties and vices, which so disfigured his whole career, all must deplore. But, on the other hand,—for his enlightened policy as a ruler, for his munificence as the head of a great nation, for his patriotism in many respects as a King of Great Britain,—justice equally demands that he should receive his due share of applause.

Mr. Symmer, in a letter to Mr. Mitchell, says of the infant prince :—

“He is a charming little creature. Mrs. Symmer and I, along with some other company, had the honour and pleasure of seeing him to-day. Sure, if ever the birth of a prince was ushered in with favourable omens, his is. He is born at a time when the glory of the British arms is at a higher pitch than ever it was known to be before. He had not been come into the world above an hour when near a million of treasure taken from the enemy, passed in a procession of twenty loaded waggons before his window. And before he was six days old, an account comes of one of the most important victories that has been obtained during the war,—that of the Havannah.”*

Lord Hardwicke, however, to whom the bustle and excitement of the great world formed now no attraction, still remained at Wimpole, where his son Charles Yorke, and afterwards his friend Lord Lyttelton, paid him a visit. An account of a very important conversation that Lord Hardwicke had had with his noble guest, is detailed in the following letter from the ex-Chancellor to Mr. C. Yorke, which was written from Wimpole, on the 21st of August :

* Ellis's Orig. Letters.

“ Lord Lyttelton made me a visit on Thursday night, & staid till just now, when he departed with Wray for his companion, in his post-chaise. Being now to re-dispatch a messenger to the Duke of Newcastle, I take this opportunity to acquaint you that his lordship said a great deal relating to yourself, very friendly you may be sure. That before he went last to Hagley, his friend Lord Egremont had said much to him on your subject. That Lord Chancellor had complained to him of his health, & that he could not go on in his office. That he wished the King & his serv^{ts} would be thinking of a proper successor, &c. That on this occasion His Majesty had mentioned you, & that you stood high in his opinion. Lord Lyttelton asked his lordship how Lord Mansfield stood in that respect, to which Lord Egremont had answered that the King was offended with him for so frequently declining to give his opinion in council, particularly at the last meeting at Lord President's, at which the Duke of Devon., Duke of Newcastle, & I, were present. I understood that this was thrown out as a lure to me, being of so great consequence to my family. I treated it superficially, but decently & civilly, & said nothing had been said about it to me. As it falls in, in some measure, with what Mr. Woodcock said to you, I thought it right to apprise you of it, & to repeat to you that I think it necessary that you sho^d not neglect to see Lord Bute & Lord Egremont as soon as you can. You should visit them both. Lord Lyttelton said a good deal more, which I have not time to write; but I wish you could make him a visit to-morrow (Sunday), &, without your putting him upon it, I suppose he will tell you. Don't say that you have heard from me, or that I have writ to the Duke of Newcastle. I have done so at large, & would have you ask to see my letter, w^{ch} contains all I have heard, or that occurs

to me on public affairs ; but I have not said anything to his grace of what Lord Lyttelton said about you, & leave it to you to tell my lord duke or not, as you think proper.

“Lord Lyttelton talked of making a visit at Claremont on Monday, but you will know the time more certainly from himself. I think it would be best that you should not fall in with his lordship there, for it would be an interruption to, or constraint upon your conversation. But you must not delay that visit.

“I thank you for your company here, which gave me so much pleasure that I wish for it again. I desire you will give my love and blessing to my dear little grandson, whom I hope you found perfectly well.”*

In a letter to Lord Royston, written about a week after the above, Lord Hardwicke gives some further account of his conversations with Lord Lyttelton, in matters which immediately concerned the ex-Chancellor.

“Your friend Lord Lyttelton came hither full fraught with the peace being made, which he had both from Lord Egremont & Lord Bute ; & loaded with compliments from both those noble lords to me, and wishes for my return to the King's Councils and service ; without having at all explained to him how I came to be out of *the former*. I found also that they had (perhaps I should rather say the former had) flattered his lordship with the hopes of doing something handsome for him, tho' without articulating anything. My lord professed that he would accept nothing of that nature without my consent, because he would not engage with any sett of people, whereby he might have the chance of differing from me ; and this seemed to be the point of his errand. You will easily guess what answer I made.”†

* Hardwicke MSS., Wimpole.

† Ibid.

Mr. Charles Yorke wrote to Lord Hardwicke on the 3rd of September, and gave him an account of all that he had done in accordance with his instructions, and of the result of the proposed interview with Lord Lyttelton, and also of his conferences with Lord Bute and the Duke of Newcastle, during which Mr. Yorke explained, with great ability, his own sentiments on the present condition of the country. Several allusions to Lord Hardwicke, highly flattering to him, were made by the noblemen in question on these occasions.

“ The matter of your lordship’s kind letter by the messenger did not surprize me. It coincided not only with what *Woodcock* said, but with L^d President’s random talk to me at Easter, when I waited upon him after the reports on the Irish bill. As I really laid no weight upon it in my own mind, I never mentioned it to your lordship, lest you should think I did. But he said much; & when I treated it slightly, & that the King had choice of others, who were more fit, he said that *it* could be given to *nobody else*, and that I *must* think of it.

“ I waited on Lord Lyttelton, accord^g to your lordship’s hint, last Sunday se’nnight, & found him alone. I affected to call by accident, not knowing whether he was returned from Wimple, & to express my concern that I could not wait on him there, as one of the party. He soon entered into conversation, & went thro’ all which L^d Eg^r, L^d B., & L^d Hal., had said of the peace, &c., before his going to Wimple. He profest the highest obligations to your lordship, without whose generous friendship he should have fallen very low, especially as the D. of N. never attempted to support him; and instead of taking off the *proscription* which had been set

upon him, only made use of it as a pretence to do nothing for him.

“When he entered on what related to myself, he threw it out as a thing fit for me to know, & founded on *facts*, which might serve in some degree to give light to my conduct, the King’s good opinion & inclination, his intention, (as L^d Eg^r had represented it,) to offer me the *Great Seal*, in case of a vacancy; & that about Whitsuntide, before L^d L. went last to *Hagley*, Lord Eg^r had spent three hours with him one evening, & talked very *seriously* upon it. I asked whether anything had been said since his return. He answered, *No*; L^d Chancellor was better, & the conversation had not been raised again. I then told him that I thought it better to let it sleep, & particularly not to own to L^d Eg^r, or to any other person, that he had spoke to me upon it; and with that caution & restraint of secresy & honour, (which he promised), I would tell him what I thought of it.

“That if the proposition was *seriously* meant, it was founded on L^d Bute’s sense of his own situation, as a *Scotchman*; but I feared that thro’ the supposed weight of it with your lordship & your family, it might be meant, in some degree, as the price of *two* impossibilities; *one*, that L^d B. sho^d long continue where he is, & the *other*, that the D. of N. sho^d be content, without returning to what he was.

“As to the *first*, I said, that in every country the revenue, the law, & the clergy governed the state, (the military did not, even in France, being fit only for a *coup de main*); & that if all these civil branches of administration fell into Scotch hands, it could not be tolerated; that particularly, as to the revenue, Scotland was so easy in respect to taxes, (the whole burden lying on England,) that an English House of Commons, who

were proud of their power & superiority derived from wealth, would ill bear to see the *revenue* conducted by the Scotch, whom they have been used to consider only as hands in the King's purse, & no real supports to his throne. That, besides this, the whole *interior* & *provincial* government depended much on the treasury ; & the jealousy would soon rise, that great influence in elections would be applied to support Scotchmen in English boroughs, which would extend the representation of that country beyond forty-five members ; at least, it would depend on the arbitrary discretion of a Scotch minister & favourite, whether that influence should be so applied or not.

“ As to the *second*, I thought that the D. of N. was so averse to return into any office of mere rank without power, that I doubted whether even your lordship's weight & persuasion could bring him to it ; especially as so many of his friends would think he lowered himself ; tho' some, for their own sakes, even at the expense of his credit, would like the colour & protection of his name, to be in humour with the court.

“ I then said that if the proposition was *not serious*, the meaning of it was only to induce me to take a part in the Ho. of Com. with the new administration, particularly in support of their peace, & to make use of any little credit, which your family might have with some of the D. of N.'s friends, to encourage others to act the like part.

“ I added, with respect to the *thing* itself, that if I could suppose the King would ever do me the honour hinted, I should not be afraid to accept it, tho' I should think it too early, and in many respects not eligible at this time. I enquired how L^d Mansfield stood, & whether he might not be thought of. He answered, that

L^d M. would feel nothing personally as to me, because he would see that it was impossible for him to have the Great Seal, *rebus in stantibus*. His lordship answered to a different point from what I meant. I meant to draw from him what he did not mention of the King's displeasure. For as to Lord M.'s feelings, they would be strong, but of no real consequence. His manner has been offensive & unpopular in Westm^r Hall; &, as S^r Fr. Bacon says, *perhaps I may improve, whilst others are at a stand*.

"Lord Lyttelton said, that if such an offer came, I could not with honour refuse it; that *my two impossibilities* were certainly great difficulties; but as to the *first*, he thought L^d B.'s prudence with absolute favour might weather the conjuncture; and as to the *second*, that the D. of N. ought to reflect, he never could be a minister *in power*, as he had been in the late reign; & that it would be, above all, absurd for him to make himself the instrument of Mr. *Pitt's* power, which would be the consequence of opposition.

"We parted on the strictest terms of caution. Upon the whole, I saw plainly that my friend had been moving, thro' L^d Bute & L^d Egremont, to acquire some consideration with the new minister, in which he had hoped not to be disapproved by you, & perhaps to make some merit to himself, if he could give hopes of any impression upon your lordship.

"Of this conference I took not the least notice to the D. of N., judging it quite improper; nor shall to any person living but L^d Royston & y^r lordship.

"I did not see Lord Bute till Monday last, by appointment, at eleven o'clock. To avoid personal coldness, I began with telling him that no occasion of business having brought me to him before, I had not had an

opportunity of congratulating him on the honours which the King had conferred on him ; that I could not wait upon him at his levee, as others did, because the truth was, that in six years, since I was Solicitor-General, tho' the D. of N. had been *twice in office*, & *twice out of it*, I had never attended him in that manner. He said that was a trifle ; he had had the honour of seeing others of my family, for whom he had a great regard, which was sufficient ; that the weight & labour of his office was too much for him, unexperienced as he was.

“ I then went thro' my business, about the plan for a board of ordnance in Ireland, in which I shewed him some difficulties that pleased him, as they might put an end to it. He studiously avoided mentioning the D. of N., or to say one word of his resignation, or your lordship not being summoned to council ; to prevent (I believe) *my opening upon those subjects*. Of his own accord he entered at once upon the *peace*, & supposed, in general, that I knew the terms ; that he had desired L^d Lyttelton to acquaint L^d H., & that he hoped it wo^d be to your satisfaction, & agreeable to your ideas, when *you attended the council*.

. “ When I took leave, he desired that I would acquaint your lordship, with the destination of the Dukes of N. & Bedford to be respectively at Dover & Calais, on the 6th Sept^r. But as L^d Mayor had published it at the R. Exchange & Charing Cross, I was not impatient to have the honour of communicating that secret to your lordship.

“ On Wednesday I went to Claremont, & returned yesterday morning. The Duke of Newcastle received me very graciously, & shewed me the letters & narratives of conversations, which had past since I left your lordship. As I determined to push his Grace a little beyond

the half words & hints of his letters, I presumed to enquire what had passed with the D. of Cumberland, which I took notice was not stated upon paper. He began with flattering me that His Royal Highness (from whom I never received any civility in my whole life) had spoke much of me, & of my reputation (as he was pleased to call it,) with the Whiggs in the House of Commons; & that I had spoke my mind on several occasions of late years with more freedom & weight than any body; that the Duke of C. was of opinion, the best plan of all would be that the D. of N. should go back to court, at the head of the Treasury, upon conditions explained, leaving Lord Bute there, as Groom of the Stole, or in some honourable station, if the King & his favourite could see the prudence of that measure for Lord Bute."

Mr. Yorke thus concluded his letter to Lord Hardwicke:—

"I do not presume to trouble your lordship with any observations. I really have no fixed opinion, & can have none. I write this stuff to rid my mind of it for the vacation, & to show your lordship how I mooted with the D. of N. Before the Session of Parliament I shall know your judgm^t. If it is a measure to resign, & I am to go *ad latus* of Mr. Pitt, I shall incline strongly to attend the bar no more, which I may *now* quit, without loss of honour in the world, & might perhaps attend hereafter with some profit, but more vexation. If I am to continue where I am, in this critical moment of my life, I am sure not to want your advice, & am most happy in the prospect, support, & consolation of it, to inform me how I may tread with decency & honour upon the *rotten* ground of this administration."*

* Hardwicke MSS., Wimpole.

The Earl of Hardwicke, in a letter to his son, Lord Royston, written from Wimpole, on the 6th of September, thus describes Mr. Charles Yorke's letter.

"Charles has been better than ordinary, to take the trouble of giving us so full information of his various conferences with great men. I like his dispatch extremely, & think it contains many useful & material observations. He seems to have managed his part very well; & as I expect the Duke of Newcastle to-morrow at dinner, I believe I shall proceed with him much on the same principles.

"The only thing which I was surprized to read, is that he should have an idea of quitting the bar, in case it should become proper for him to resign the Attorney's office. I have very little apprehension of that event; but in case it should happen, I am of opinion that his quitting the bar would be ill-judged, as it would throw him out of a profession the most independent of any in this country, & would lessen his own consideration & importance. But I shall write to him, as soon as I can."

On general and domestic affairs Lord Hardwicke enters in the same letter.

"I received on Friday, by the post, a very civil letter from my Lord Egremont, acquainting me with the state of the negotiation in general only, & how the two dukes were to be exchanged. Only a little more than was writ to my Lord Mayor, & in his own hand. I have answe^d it as civilly, but it will be time enough to shew you this correspondence when we meet. The inference I make from these civilities is that these gentlemen are in some *pit-a-pat* about their peace, & are endeavouring to r'accommode.

“How long the D. of Newcastle will stay I know not, but fancy till Friday or Saturday next. If you should be unengaged, & any of the intermediate days would suit your convenience, his Grace would take it as a compliment, & you may be sure I should be much pleased to see you here. Your own room will be quite at liberty, whether you come or not. It gives me great pleasure to find you & Lady Grey think of Wimple. Either of the days you mention will be quite agreeable to me, & the earliest the most so. My most affectionate compl^{ts} attend you both, & my dear pretty grand-dau^r, whose rooms are in readiness for them. I pray God send Charles & his boy a good deliverance. Jack answers for himself & his rib.”*

On the 9th of September, Lord Hardwicke replied to Mr. Charles Yorke's letter in the following terms:—

“*Wimple, Thursday, Sept. 9th, 1762.*†

“DEAR CHARLES,—On Monday, in the forenoon, by brother's messenger, I received your very material & informing despatch of the 3^d instant. I thank you for it, as it gives me a very full & clear account of your conversations with three great men, & contains your own answers and observations, w^{ch} I think very prudent & able. I agree with every part of them except one, on w^{ch} I shall tell you my thoughts before I conclude this letter.

“The Duke of Newcastle arrived here, with my cousin Jones, on Tuesday, about half an hour past two, from N. Mims. His Grace has been in very good humour, & appeared to be much pleased ever since. He has been very full of conversation & speculation (as you will easily imagine), & I have fram'd my discourse to him

* Hardwicke MSS., Wimpole.

† Ibid.

entirely upon the plan of your letter, without deviating from it in any one instance ; & yet without letting slip the least hint or circumstance, that cou^d discover that I had received any intelligence, or even heard, from you ; who are noted for a bad correspondent.

“ As his Grace will leave me to-morrow, &, as Jones tells me, intends to dine at Kenwood in his way, I put this letter into your cousin’s hands to convey to you, without any body else knowing that I write to you. To give you a detail of so many, & such quidnuncs, you know to be impossible ; but I will endeavour to relate the material parts, & the result.

“ I laid it down as a thing beyond doubt, & brought the D. of N. to agree in it very explicitly, that no opposition cou^d be formed, with any probable hopes of success, without joining Mr. Pitt in it ; of whose disposition he positively declared he knew nothing.

“ That there is no great ground at present for any public parliamentary opposition from measures, except such as may arise from objections to the conditions of peace ; for that the unpopularity of *the Scotchman* cou^d not in form be taken up in Parliam^t, ’till it broke out, & was exemplified, in material instances of conduct which were not yet ripened. That there wou^d be a difficulty upon the D. of N. & his friends in shaping their opposition upon the conditions of peace (if made). . . .

“ From hence you may conclude it is scarce probable that you will be put under the difficulty you apprehend about *resignation* ; & this brings me to the only point in which I differ from you. I mean your idea of quitting the bar, in case you sho^d think fit to quit your office, which last I do by no means foresee. But, if it sho^d so happen, my opinion, upon consideration, is that it wou^d be unadvisable, in the highest degree, for you to leave

the bar. It will be giving up the most independent, & I think the most advantageous profession in England, with^t any occasion; for you wou^d not find your profits much lessened by the loss of your office; but you wou^d find your own consideration & importance much diminished by the loss of your profession. My L^d Granville used to say, that the first man at the bar in opposition was equal to the first man upon the bench. I don't carry it so far; but I really think that the first man at the bar *in opposition*, is, *cæteris paribus*, equal to the first man at the bar *in place*. And I always thought so. You have now my sincere opinion on this point.

“I shou^d have told you that the King ordered the D. of N. to give me his complim^t, & to acquaint me what His Majesty had told his Grace about the terms of peace. To this I have returned a very dutiful & respectful general answer. I had also, by the last Friday's post, a very obliging letter from my Lord Egremont, informing me of the general state of the *negociation*, a little more full & particular than that to my Lord Mayor (the Exchange or Charing Cross, as you call it), to which I have returned an answer equally complaisant, & taken the opportunity to desire his lordship to lay me at His Majesty's feet with dutiful congratulations on the birth of his son & the Queen's safe delivery; & excusing my not coming to town on the occasion, by the two last journeys which I made having brought on fits of my bilious cholic.

“I come now to another subject, more interesting to you & me than any part of the former, except so far as our country is concerned in it; I mean the inoculation of my dear grandson. I think you have pitched upon a right age & a right season, & make no doubt but all proper care will be taken about the state of his blood &

proper medicinal preparation. Tho' I don't exactly know your time, I suppose it will be within the month of September. The moments, in the meantime, are very anxious ; & I heartily pray God to grant success to the means ; to carry him safe thro' ; & to preserve him from every evil consequence. If, in the meantime, you shou^d have a day or two to spare, as you had for Wrest, it wou^d be very kind to let us see you here ; & then I may possibly be able to recollect some more particulars relative to the subject of the former part of this letter, tho' I am sure you have the substance very correctly.

“ P.S. 8 at night.

“ Since what I wrote before, your brother came in from Wrest, to whom I have shewn what I have writ, & he approves it. Since his arrival we had only a hash of what has passed before with me, & I foresee that will be all we shall have. His visit is to the D. of N., who is much pleased with it. We don't much like what is hitherto come from the Havana. Everybody joins in the kindest compliments to you, & I am,

“ Dear Charles,

“ Your most affectionate father,

“ HARDWICKE.”

Lord Hardwicke continued at Wimpole, where the different members of his family, and several friends, paid him visits during the autumn of this year. The Duke of Newcastle wrote to him on the subject of political affairs, of whose letter Lord Hardwicke gives an account to Lord Royston with his sentiments on the matters contained in it, in a letter to him, which bears date the 20th of September.

“ I had a letter from the D. of Newcastle, which brought the inclosed from your *Brother Knight*. As it came by

the post, you may be sure it cont^d no anecdotes, notwithstanding which I would send it, but that I must answer it to-morrow. He tells me the clamour agst the peace continues as high as ever, the rather as there is a notion that Spain will not come in, & that the whole will end at last in a separate peace with France. His Grace seems to think that there is a disposition to recriminate, by falling upon the Treaty of Aix la Chapelle. I look upon that as the idlest of all things, consid^s the length of time & the difference of circumstances. Every treaty of peace is either good or bad, accord^s to the events of the war that preceded it. Therefore, tho' I sealed the ratifications of that treaty, I am quite at ease about such an attack." *

Lord Hardwicke was at this time in hopes of having another visit from Lord Royston and his family, and tells him—

“ I am very happy in the expectation of seeing you all, & I hope pretty well, on Saturday or Monday next, the earlier the better. My present companions, who are very good to me, but must be a little tired of a dull old fellow, are ravished with it.”

The same letter alludes to a domestic incident, already referred to, about which the family were, at this time, feeling a deep interest.

“ Charles acquainted me with his having innoculated his son, by the same post-day on w^{ch} it was performed, & I suppose the time is now very near for the effects to appear. As the operation was over, I sent him my entire approbation of it, & pray to God to grant a happy event.”

* Hardwicke MSS., Wimpole.

Mr. Charles Yorke describes, in very characteristic terms, in a letter to Lord Royston, the operation in question.

“This day I have inoculated my sweet little man. The child took it with great ease ; we found pretences to deceive him ; and with the circumstances of his health, the weather, &c. we have the best prospect. I hope God will prosper the event.” *

Mr. Yorke mentions that he had met the Duke of Newcastle at dinner at Lord Mansfield's, and that his Grace had been much gratified with his visit to Wimpole. The only interruption to his pleasure, on this occasion, was a slight accident which befel his friend and host, who unfortunately broke his shin while mounting a chair in the library, and which confined him for a few days to the house. Lord Hardwicke thus addressed his son Charles, on the subject of the inoculation of his little boy :—

“ I cannot begin with any other subject but that which is uppermost in my mind, the inoculation of my dear little grandson Philly. Now the operation is performed, I ought in justice to tell you that I think you have done very right, & I pray most devoutly to God to prosper the means, & grant a happy event. You have also the best wishes, as well as respects, of your other friends here. I hope & believe the season is favourable ; & the account you give of the state of the child's health is a very hopeful circumstance. . . . I desire you will let me know, from time to time, how he goes on, for I am in a state of anxiety. You are much in the right to think of calling in Sir Edward Wilmot at that time, & I hope you will adhere to it. I look upon his judgment

* Hardwicke MSS., Wimpole.

& abilities to be very good ; & you will find him the assistance of the sight & touch of some younger persons."

In another part he adds—

"Remember me to Philly very kindly."

The gaieties at Wimpole, which were at this time going on, are thus described in the same epistle, with a humorous summons to his son to join them.

"Lord & Lady Parker, with Miss Heathcote, have invited themselves to dine here to-morrow ; & on Saturday sev'night, or the Monday following, I expect your brother & his family from Wrest. As poor Philly's situation will, I presume, hinder your taking any long journey, I will not despair of seeing you here once more after that, by God's blessing, shall be well over. Indeed we shall want *the Attorney-General*, for a prosecution is resolved upon against *the Dean*,* for a libel upon Wimple, in a letter to Lord Royston. He is turned satyrist, & sets up for another Dean Donne. Possibly he thinks that may help him forwards to St Paul's ; but I don't know that *that* is now the road. He has writ me a long letter in his defence ; but, like most others who have a bad cause, has made his case the worse. It is intended to turn *the congress* into a special commission of oyer & terminer upon him. You now see how much you will be wanted."†

Mr. Charles Yorke wrote as requested to Lord Hardwicke, to inform him of the progress of his grandson, of whom he was able to report favourably at length, though at first some alarm had been entertained. Lord Hardwicke

* Lord Hardwicke's son, James Yorke, Dean of Lincoln.

† Hardwicke MSS., Wimpole.

replied thus to his son, on the 26th of September, to thank him for his last and satisfactory account :—

“This has made me perfectly happy, & I most devoutly return thanks to Providence for having prospered this interesting operation thus far, & most cordially congratulate you upon what I hope I may call the perfect recovery of the dear little boy, & the future ease you will probably receive from it. Pray give my kindest love & blessing to him.”

Wimpole was still full of guests. Lord Hardwicke proceeds :—

“Your brother, Lady Grey, & the girls, came hither yesterday to dinner. They all desire me to add their sincere congratulations to you. . . . Lady Margaret has announced that she & Sir Gilbert intend to be here on Wednesday evening, & the Dean & Deaness I hope not long after, tho’ I do not exactly know their time. So you see all the plenipotentiaries are assembling apace, and, as this important & anxious affair is now I hope well over, I will live in expectation of seeing you here again for a few days before the vacation ends. You will be wanted for the trial of *the libell*, which must proceed.

“I did not know that Mr. Hogarth had done me the honour to introduce me into *his print*, till yesterday’s *North Briton* made the discovery. It was below his fame in burlesque, to borrow so low & stale an image.

“I have a letter by this post from the Duke of Newcastle. It contains nothing very interesting, except the kind concern which he expresses about my grandson, & that he wants much to see you at Claremont. I hope you will go to him as soon as you can.”*

* Hardwicke MSS., Wimpole.

The allusion to Hogarth's print is explained by the following passage, in a letter from Lord Royston to Dr. Birch, written at this time :—

“My eyes were not acute enough to make out the spider & cobwebs of Hogarth's print. I happened not to have it by me to compare with the *North Briton* you sent me, & w^{ch} is very smartly writ.

“The original author of the simile is the great Mr. Fox, who, in one of the debates on the Marriage Bill, compared the Court of Chancery & its proceedings to that nauseous insect.”*

The following is the circumstance here alluded to :—

The Earl of Hardwicke and Mr. Fox, though in office together, seldom agreed in any measure, and not unfrequently opposed each other's propositions. Lord Hardwicke had denounced a bill of Mr. Fox's, in the upper house, with some acrimony. This brought on a sarcasm from Mr. Fox, who upon a private bill of Sir F. B. Delaval's, enabling him to sell some estates for the payment of his debts, alluded very pointedly to the Earl of Hardwicke. After speaking for some time on the bill, he exclaimed, “But where am I going? perhaps I shall be told in another place, that this is a money bill, and shall be contravened upon this ground. How it can be so, I know not; but this I know, that touch but a cobweb of Westminster Hall, and the *old spider of the law* is out upon you, with all his younger vermin at his heels.”

The Duke of Newcastle addressed the letter which follows to the Earl of Hardwicke, giving an account of an occurrence at court that had just happened.

* Hardwicke MSS., Wimpole.

“ *Claremont, Oct. 28th, 1762 **

“ MY DEAR LORD,—Your lordship will be, I am sure, surprized at a very extraordinary event that happened this day. The Duke of Devonshire came to town this morning, & I was to meet him here at dinner. His Grace went to court as usual, & desired to speak to the King as usual also. *The page* came out, & told the Duke of Devonshire, *that the King would not see him*; & ordered him, *the page*, to tell him so. My lord Duke upon that desired the page to ask the King to whom His Majesty pleased that he should deliver his staff. The King sent him word by the same *page*, that H. M. *would send him his orders*. My lord Duke has since delivered his staff, & key, to my Lord Egremont, & goes to-morrow early to Chatsworth. He behaves in every respect like a *great man*, & *honest one. as he is*. I shall not reason upon this by letter. I hope you will be in town on Monday.

“ Ever yours,

“ HOLLES NEWCASTLE.

“ Lord Hardwicke.”

Lord Hardwicke went to London in the beginning of November. He tells Lord Royston, in a letter written to him from Wimpole just before his departure, that the Duke of Newcastle had done him the honour to invite himself to eat a boiled chicken in Grosvenor Square on the Wednesday following, and had pressed the ex-Chancellor to fix Lord Royston and the Attorney-General to be of the party. Of political intelligence Lord Hardwicke states the following:—

“ It is now discovered that both Mr. Grenville & Mr. Fox are put out of Parliament by new places, the latter

* Hardwicke MSS., Wimpole.

by his Irish reversion having fallen in. To this difficulty I see no solution but by an adjournment of both houses for a few days, after the King shall have met them for form, either in person or by commission."

The next letter which we find from Lord Hardwicke to his eldest son is dated "Grosvenor Square, November 11th." An anecdote respecting the Prime Minister is related here.

"I suppose you have heard that Lord Bute was insulted at my Lord Mayor's show, much hissed, & dirt thrown at his chariot, in w^{ch} Sir Fra. Dashwood was with him. His lordship came back from Guildhall in Lord Chancellor's coach."*

He also states—

"Lord Kinnoul is come to town, outrageous about this treatment of the D. of Devonshire, determ^d to quit, & I believe will go to-day or to-morrow for that purpose."

An allusion to an incident that strongly served to evince the popular feeling against Lord Bute, which was now beginning very decidedly to manifest itself, was contained in the letter from Lord Royston to Dr. Birch already quoted from.

"Is it true, that Mrs. Pritchard was greatly applauded the other night, upon speaking a line ags^t favourites in the "Careless Husband?" If the audiences begin to be so much on the catch, Mr. G——k† must be cautious what he acts. If it w^d not appear pedantick, I might remind you that Tully often mentions such circumstances, w^{ch} passed at the theatres, as indications of the temper of the people."

* Hardwicke MSS., Wimpole.

† Garrick.

On the 9th of November Horace Walpole wrote thus to Sir Horace Mann :—

“The Duke of Newcastle certainly—by certainly, I only mean to answer for his resolution at this instant—goes into opposition. Lord Hardwicke, it is said, will accompany him; if he does, I shall not think Lord Bute’s game so sure—that is, I have no notion of Yorkes in opposition without a moral assurance of success. If the *man* Hardwicke comes out of the weather house, it will certainly be a stormy season.”

Horace Walpole, in another letter, alluding to the Duke and Lord Hardwicke,—though he had affected to believe, and had asserted, that the latter was “laughed at in the House of Lords,”—says, “I have so often seen unbounded subservience to these two men in the House of Lords.”

Among Lord Hardwicke’s papers is “an account, given by Mr. Walpole, of what passed with Mr. Pitt, Novr 13th, 1762,” in which it is stated that “Mr. Pitt entered into a long discourse of his conduct, at the latter end of his late Majesty’s reign, and dur^s his present Majesty’s, to the time of his resignation, when he was reduced to such a situation that, out-Toried by Lord B., and out-Whigged by the D. of N., he had nobody to converse with but the clerk of the House of Commons.

“That lately he had been applied to, by persons of high rank, to concur with Lord B. for the public good, with offers much above his deserts, and, therefore, he was ashamed to mention them.

“He told these persons, Lord B. could never expect he would abett the transcendancy of power his lordship

was arrived at, after what had passed between them upon that subject on the day of His Majesty's accession to the throne, when, in a private conversation with his lordship, Mr. Pitt told him—His advancement to the management of the affairs of this country would not be for His Majesty's service.

“ Upon Lord B. taking the seals, Mr. Pitt having never seen Lord B. in private since the day above-mentioned, his lordship came to acquaint Mr. Pitt with his promotion, & received the same opinion as before,—That Mr. Pitt did not think it for His Majesty's service. And that now his lordship was arrived at fulness of power, he cou^d not bear with the D. of Devonshire, but insulted the nobility, intimidated the gentry, & trampled on the people. He (Mr. Pitt) wou^d never contribute to that yoke Lord B. was laying on the neck of the nation.

“ He said—If others had been as firm as himself, things wou^d not have been brought to their present crisis ; that he did not well see what was to be done ; that the D. of N., D. of D., & Lord Hardwicke, had been so much disposed to a peace ; the peace was now come, & seem'd to be final.

“ But afterwards Mr. Pitt discoursed much more at large upon that very important subject.

“ Mr. Pitt then returned to the domestick part, expressing his apprehension that the distinction of Whig and Tory was rising as high as ever ; that he lay under great obligations to many gentlemen who had been of the denomination of Tories, but during his share in the administration had supported government upon the principles of Whiggism and of the Revolution ; that he would die a Whig, & support invariably those principles, yet he would concur in no prescriptive measures ; and tho' it was necessary Lord B. shou^d be removed from

the office he now held, he might not think it quite for His Majesty's service to have the D. of N. succeed there, begging that this might not be thought to proceed from any resentment to the D. of N., for whose person he had real regard, & true esteem for his abilities, & who perhaps might have as much cause to complain of Mr. Pitt as Mr. Pitt of his Grace.

“With regard to himself, he had felt inexpressible anxieties at holding office against the good-will of the Crown; that he would never put himself again in that situation, nor accept of any employm^t, whilst His Majesty had that opinion of him which he was acquainted with.

“That he was astonished at the Duke of Bedford's conduct, who, in all differences with the Duke of Newcastle, had appeared a strenuous friend to the latter, &, on many occasions, to be honour'd with much favour from H. R. H's the D. of C.”*

To the Duke of Newcastle Lord Hardwicke addressed a very sensible, manly, and honest letter, of great interest, on the 15th of November, in which he referred to the treatment which the Duke of Devonshire had received from the Court; the resignation, in consequence, of Lord Kinnoul; and discussed the expediency of advising others to give up their employments, and to go at once into opposition. Lord Hardwicke mentions having seen several, and conversed with them on the Duke of Devonshire's affair, concerning which they express themselves that

“They are very sorry for it; they censure it very strongly; but it is a single act, & a private act, & the public affairs are not to be thrown into confusion on y^t account; they are sure the Duke of Devonshire would not

* Hardwicke MSS., Wimpole

wish it. But, be that as it may, it is no reason for y^m to resign their employments. Thus I find people satisfy themselves, & I never doubted but it would be so amongst people in lower stations & ranks. For in truth, my dear lord, I never thought that a measure of opposition could be founded upon this act, tho' nobody can think it more offensive & outrageous than I do, unless a number of the *great nobility* would take it up & make it their own cause; in which case persons in the House of Commons brought into Parliament by them, & dependent upon them, would follow their leading. But by what your Grace tells me in the sequel of your letter, I don't find that the great nobility (except the Marquis of Rockingham) seem at present disposed to hold y^t conduct.

“How my Lord Kinnoul had heard that *no one of my Lord Hardwicke's family would resign*, I cannot conceive; for I am sure I never said anything of it, nor do I believe any one of my family has said so. But as I perceive the view (a very right one) with which your Grace has inserted this passage in your letter, I think it incumbent upon me to speak with a little more plainness on y^t topic. This question concerns three of my younger sons. They are all of years of discretion, the youngest being three-and-thirty, & capable of judging for themselves; & two of them have families. I shall therefore not *insist* upon their resigning; but, when that point shall be ripe for y^e members of y^e Ho. of Commons, shall recommend it to them to consider seriously & determine for themselves. I may be much out, but I think they have sense, & also principles of virtue & honour, & will act as becomes them on such occasions. But I will never compell y^m by any *commands* or *advice* of mine to do what it will probably never be in my power, at my time of life, to assist them to retrieve.

“When your Grace resigned in 1756, I quitted with

you. I never once regretted it, but am proud of it ; tho' no other of y^r friends did y^e same. Had I been in place when you quitted last summer, I should have taken y^e very same part ; but all this is of a different consideration.

“ As your Grace expressed a desire y^t I should call upon my Lord Egremont, & see if he wo^d give me any account of y^e terms of peace, I did so on Friday ; & his lordship gave me much y^e same acc^t as he did to my Lord Kinnoul, with some few circumstances more, which it is not worth while to lengthen this letter with, because I will relate them when I have y^e honour to see you.

* * * * *

“ Your Grace sees, by my Lord Mansfield, the B^p of Durham, & Mr. Stone, what you are to expect in an opposition, from some of those who have the highest & strongest obligations to you. What will others think ?

* * * * *

“ I have now run over all y^e particular persons whom you have named ; & you will forgive me, my dear lord, if I express some surprize at y^r general observation—*that you see interest and corruption prevail so far, that you despair of doing any good.* This cannot possibly be new to your Grace, who has been conversant in courts & parties above these forty years. Have you not all along seen such motives to be y^e great hinges on w^{ch} the generality of people's conduct has turned ?” *

The Duke of Newcastle's reply to Lord Hardwicke's admirable letter is not among his papers ; and indeed it was of such a nature that, as recorded by Lord Royston, “ it was never shewn to us, & certainly burnt.” This nobleman also adds, “ It is my opinion that the vexation my father went thro' in the 2 last years shortened his life.”

• Hardwicke MSS., Wimpole.

Some idea, however, of the nature of the Duke of Newcastle's epistle may be formed from the following passage, with which Lord Hardwicke commenced his answer to it :

“ MY DEAR LORD,—The letter w^{ch} I had the honour to receive from y^r Grace this day at noon, could not possibly give you so much pain in writing as I did in reading it. Indeed, I never expected, nor could figure to myself a time wherein I sho^d receive such a letter from your Grace. I do not mean to answer it just now, tho' I think I could give a clear & full answer to every word that concerns myself & my family, notwithstanding one unhappy circumstance, w^{ch} has given me more uneasiness than it can do you. But I perceive y^r mind is too much agitated at present; & my sincere affection for y^r Grace makes me feel too much & too strongly for y^r present situation to admit of it.

“ Thus much I cannot help saying, that after above 40 years' unvaried attachment & faithful services, whereby I have endeavoured to repay those many obligations w^{ch} I have received, (several of such services you have acknowledged as substantial, by letters under y^r own hand, w^{ch} I have by me,) I have not deserved those stinging reproaches, w^{ch} are partly expressed & partly insinuated in y^r letter.

“ Nobody can be more provoked at, nor more detest and abhor those violences, w^{ch} have been committed ag^t y^r Grace's friends, nor can think many of them more cruel than I do. And I look upon one additional cause of their having been for the most part so distinguishedly pointed ag^t you, to have been in order to raise those jealousies, w^{ch} I am sorry to find have too much taken place in y^r mind. One consolation, (tho' indeed I can hardly call it so in the present disagreeable circumstances,) is, that *this*

has not proceeded from any advice of mine; for, tho' y^r Grace is pleased to say that you have never taken one step but by my advice, I must beg leave to refer to the whole tenor of my correspondence this last summer, to prove that I have always given my opinion ag^t beginning an opposition by attacking the peace, in case it should come out to be *such as it now appears to be*; & also forming that opposition under the present avowed leader, (tho' a very respectable one,) under whom I fear it is the less likely to succeed.

“As to opposing my Lord Bute; as a sole Scotch favourite & minister, I have always allowed it in general, but have repeatedly maintained, both in letters & conversation, that that point was not yet come to maturity; & that more overt acts & events must be waited for, & perhaps these are now not far off.” *

The Duke of Newcastle, it seems, notwithstanding the warmth of his feeling, appointed to have an interview with Lord Hardwicke on the evening following, so that no letters explaining the issue of this unfortunate misunderstanding are to be met with, from either party, among Lord Hardwicke's papers.

The 9th of December was fixed upon for the discussion of the preliminaries of peace, which had been recently settled between Great Britain, France, Spain, and Portugal; and which were signed and exchanged at Fontainebleau, on the 3rd of November. Horace Walpole says—†

“The memorable day being arrived, both Houses sat on the preliminaries [of peace]. Lord Shelburne and Lord Grosvenor moved to approve them. The Duke of Grafton, with great weight and greater warmth, attacked them severely, and, looking full on Lord Bute, im-

* Hardwicke MSS., Wimpole.

† Memoirs.

puted to him corruption and worse arts. The Duke was answered by the Earl of Suffolk ; and then Lord Temple spoke, with less than usual warmth. The favourite rose next, and defended himself with applause, having laid aside much of his former pomp. He treated the Duke of Grafton as a juvenile member, whose imputations he despised ; and, for the peace, he desired to have written on his tomb, ‘ Here lies the Earl of Bute, who, in concert with the King’s ministers, made the peace ; ’ a sentence often re-echoed with the ridicule it deserved, and more likely to be engraven on his monument with ignominy than approbation. The Duke of Newcastle and Lord Hardwicke censured the preliminaries, which the latter said were worse than could have been obtained the last year ; and he reflected on the assiduity with which prerogative was cried up, more than it had been by the most ductile Parliaments. Henley, the Chancellor, abused them both ; but the fine defence of the treaty was made by Lord Mansfield, which, he said, though he had concurred to make, he should still retain his old connections and attachments ; a promise he soon violated, with as little decency as his late friends had censured prerogative. At ten at night the preliminaries were approved by the Lords without a division.”

The following extracts from Lord Hardwicke’s speech on this occasion, in the House of Lords, are from the original notes, in his own handwriting :—

“ I am sorry for the occasion of this day’s debate. I was in hopes that after so successful a war, particularly the glorious successes of the present year, such a plan of peace would have been produced as would have united the opinions of all well-intentioned men—that, in proceeding upon it, nothing would have been done or attempted that was rash or precipitate, or would have tended to disgust any persons by the manner, who were disposed in general to agree in the substance.

“ There is one part of this motion in which I can most heartily concur, the dutiful professions and assurances given to His Majesty. Convinced, from the bottom of my heart, that no prince ever ascended the throne with more virtuous and public-spirited dispositions—with greater love for his people, and zeal for their happiness—with greater purity of mind and uprightness of heart—untainted even with a wish for any hurtful power ; nay, filled with a detestation of it.

“ Frequent occasions of approaching his royal person, every instance of which has afforded proofs of it.

“ It is not unknown to several of your lordships who hear me, that I have been a party to many, very many, considerations upon this subject.

I never declined giving my opinion upon it with freedom and integrity in another place ; neither will I decline it now in this house, the only place at present left to me to give such an opinion in.

“ In forming a definitive treaty, several things to be ascertained, explained, extended ; material, perhaps essential circumstances to be added ; possibly some particulars to be varied for the benefit of this country.

“ All courts know under what situation an English ministry treats with them.

“ Under the inspection and animadversion of Parliament.

“ This is a shield of defence to them against many demands—a weapon in their hands to enforce others.

“ If they are able to say, ‘ We cannot do this or that—the Parliament will not support us ;’—a power that wants a peace from you, which is now the case of France, will give great attention to that argument.

“ They will feel the necessity a British ministry is under, and know they are in earnest.

“ Several material things may arise in framing this definitive treaty.” *

Dr. Birch thus describes the debate in both houses on the preliminaries :—

“ The approbation of the preliminaries was carried in the House of Commons with a vast majority, though Mr. Pitt came thither in a fit of the gout, and spoke three hours and a half against most of the terms. His speech, shewed the extent of his knowledge, and the readiness of his memory ; but the length of it tired the house, as well as himself.

“ In the House of Lords, Lord Hardwicke remarked very candidly upon the terms of the peace, commending some of them, and pointing out the defects. Lord Halifax defended the whole with great abilities. The Lord Chancellor remarked with great violence and great asperity on the Duke of Newcastle and Lord Hardwicke. Lord Mansfield spoke on the same side with much greater judgment and decorum, and Lord Bute acquitted himself that day much better than he did last year, against the Duke of Bedford’s motion for recalling the troops from Germany. The sanction of the House of Lords, in favour of the preliminaries, was given without a division.” †

* Hardwicke MSS., Wimpole ; Hansard’s Parl. Hist.

† Hardwicke MSS., Wimpole.

The following, from Lord Barrington to Mr. Mitchell, gives a further account of the debate on the preliminaries, in both houses, and points out the present position of Lord Hardwicke with respect to parties.

“ 15th Dec. 1762.*

“ I was in hopes, till Thursday last, that some fortunate, though unexpected accident, might have prevented those divisions which threatened to destroy the unanimity we have enjoyed so long. The die is now cast. The Duke of Newcastle and Lord Hardwicke spoke against the preliminaries in the House of Lords, where, however, there was no division. In the House of Commons, 319 members voted thanks to the King for the peace he has concluded ; 65 only voted against those thanks. I look on the opposition as now declared. Whoever dislikes this peace cannot possibly approve any other measure of this administration. The head of this party is the Duke of Cumberland : the Duke of Newcastle is supposed to be thoroughly connected with His Royal Highness, and also the Duke of Devonshire. Lord Hardwicke is supposed to join them no farther than he has thought himself obliged to do from his long friendship with the Duke of Newcastle. Lord Royston, his eldest son, voted in the House of Commons for the address approving the preliminaries. The Attorney-General in his speech commended them on the whole, though he expressed a wish that some of the articles had been otherwise. Neither he, nor his youngest brother, who is in the Board of Trade, stayed the division. Mr. Pitt came to the house on crutches, out of his bed, to which he had been confined some weeks : he spoke three hours and twenty-five minutes, standing and sitting : he never made so long or so bad a speech, blaming the preliminaries in general, though he commended that part of them which relates to the cession made by France on the continent of North America. He was very moderate in his expressions, not at all abusive, declared he had no connection with others supposed to be opponents, and intimated that he should attend Parliament very little this session.”

Horace Walpole says that—

“ The court met with some mortifications in their pursuit of congratulatory addresses on the peace, which they sedulously promoted.

* Ellis's Original Letters.

One Judge Perrot was so servile as to recommend it from the bench on the circuit. The Duke of Newcastle and Lord Hardwicke, the one Chancellor, the other High Steward of the University of Cambridge, refused to go to St. James's with the address of that body. Allen, the ostentatious patron of Pope and Warburton, the latter of whom had married his natural daughter, prevailed on the city of Bath to thank the King for the *adequate* peace, and had himself the insolence or folly to send that address, so profligately worded, to Mr. Pitt, with whom he had maintained a mutual intercourse of flattery. Mr. Pitt disdained to present the compliment to the King, and even declared he would represent their city no more."

On the 14th of December the Duke of Newcastle wrote again to Lord Hardwicke, and appeared still intent on his old project. After mentioning that he was going to Lord Kinnoul's, and should also endeavour to see the Duke of Devonshire and the Marquis of Rockingham, he thus proceeded :—

"Your lordship will easily imagine, that the contemptible figure we make (& myself more particularly) in both Houses goes to my heart, & I don't see my way out of it. I must either abandon the few friends I have left, or leave them to themselves, to expose both themselves & us. It is but too true what Mr. Fox said, at first, to the Duke of Cumberland, viz. my Lord Bute has got over all the Duke of Newcastle's friends. Never was man who had it in his power to serve, to make, to chuse so great a part of the members of both Houses, so abandoned as I am at present.

"But that which hurts me the most (I say every thing I think to your lordship) is that I find it affects the dear Dutchess of Newcastle extreamly, & that those very few friends who have taken their fate with me, and resigned their employments, & those who, by their behaviour in the House of Commons, expect every hour to be re-

moved, are most extreemly hurt, & rather blame me for exposing them, & feeding them up with hopes of support where they found none.”*

On the 23rd of December a letter was written to the Duke of Newcastle by Lord Halifax, the Secretary of State, informing him of his dismissal from the Lord Lieutenancies of Middlesex, Nottingham, and Sussex, and from the Wardenship of Sherwood Forest. This measure, considering the Duke's long services, immense sacrifices for his country, and age at this time, reflected the deepest disgrace on Lord Bute, and indeed on all parties accessory to it, and for which no conduct which the Duke had pursued afforded any just pretext.

On this occasion, Lord Hardwicke wrote to the Duke of Newcastle a letter expressive of his indignation at the proceedings which had been adopted, and of his continued regard for the veteran minister, to which the latter at once replied, commencing as follows:—

“MY DEAREST LORD,—I was so happy yesterday with your most affectionate, most wise, & most spirited letter, that I could hardly defer returning your lordship my most sincere thanks for it till this morning. I sent it immediately to the Dutchess of Newcastle, who is greatly relieved by it, as she is with every thing that comes from your lordship.

“Your letter contains every thing I could wish. The most affectionate concern & resentment, for the undeserved indignities put upon me. The most proper advice to me, for my present conduct, which I shall most undoubtedly follow, & an anxiety for what (if any thing) it may be right to do upon it. I leave that to y^r lordship & to y^e rest of my friends.”†

* Hardwicke MSS., Wimpole.

† Ibid.

In this letter the Duke of Newcastle tells Lord Hardwicke that farther indignities are about to be put upon him.

“ My poor friends, as many in number, are at once to be removed without any charge, by an arbitrary act of the Treasury, or *Treasurer*. They talk also of removing several who have *patent places*.”

In a letter to Lord Hardwicke, written on the 5th of January, 1763, the Duke of Newcastle thus alludes to the persecution which had been inflicted by the government on those who had been promoted by him. After specifying some particular cases of peculiar hardship and injustice he says,—

“ Indeed, my dear lord, these repeated instances of cruelty, & the miserable scenes I see every day, of misery & desperation to all my poor friends, whom I ever had an opportunity to serve, almost weigh me down, & nothing but an active resentment in my friends can relieve me. I believe there never was such an instance of cruelty & barbarity. To single out one man, & all his dependents & relations, in this manner. . . .

“ Can my Lord Mansfield’s heart, even his head, be so far alienated as not to think this calls for his interference. Can Christian Bishops, made and promoted to the highest stations in the Church by me, see such repeated acts of cruelty, uncharitableness, & *revenge* to one who had been their benefactor, sit still without publicly declaring ags^t & resenting such measures. If that was the case, these villanies would be soon stopp’d, & if it had been originally the case, wo^d never have been attempted.”*

* Hardwicke MSS., Wimpole.

Lord Hardwicke states, in a letter to Lord Royston, dated March the 8th :—

“ Lord Ravensworth kept us yesterday till past five o'clock. I send you enclosed a copy of his questions, which (altho' the House was very full) had both gone, if I had not stood up to object to them just as the first was putting. The part was a little delicate, but I debated against it merely on parliamentary principles, & the experience of an old Parliam^t man. Afterwards nobody was for my lord's questions, & many lords (*inter quos the great Lord B.**) thanked me for having saved them trouble. When Lord Ravensworth divided the House, nobody rose up to go out but himself; and my Lord Mansfield, being on the Woolsack, named him a teller to count his *own unit*. ”†

In the same letter we have an account of the veteran lawyer's political avocations at this period.

“ I am to dine to-day at Devonshire House, at what I suppose will be called a political dinner. Mr. Pitt, the Duke of Newcastle, Marquess of Rockingham, & Lord Temple,—who else I know not ; but I suppose we shall not be suspected of plotting, because I hear Pitt is just now in high odour at Court.”

The proposed imposition of a tax on cider, in addition to certain new duties which had recently been placed on French and other wines, created a prodigious ferment throughout the country, especially among the lower classes. The opponents of the measure represented it as an extension of a hateful and oppressive system, and some even affected to consider it as a scheme to plunder England, and gratify the rapacity of Scotchmen.

* Lord Bute.

† Hardwicke MSS., Wimpole.

The bill, however, for the establishment of this tax passed through the House of Commons, and was read a second time by the Lords. Lord Hardwicke spoke and voted against it, but was answered with severity by Lord Marchmont; Lord Mansfield spoke and voted for the bill; Lord Lyttelton spoke against it; Lord Pomfret heaped panegyrics on Lord Bute, whose own speech was languid and unargumentative; the Tory lords, who belonged chiefly to the western counties, were most of them against the bill, as were nine of the bishops: but the bill was committed by a majority of 71 to 39.

The following portion of Lord Hardwicke's notes of his speech in the House of Lords, on the Cider Tax Bill, is from the original in his handwriting:—

“1. Disagreeable option offered—Reject only extra supply of the year—Or swallow this bill entire and in the gross—This bill consists of four parts—Duty on Wine—Duty on Cyder and Perry—Method of levying the latter by laws of excise—Borrowing clauses and scheme of loan.—Every one of them would naturally require more days to consider, than, report says, this session has to live.—Objections numberless—Impossible for me—tedious to your lordships—to go through them all.—Shall go upon two great lines of this bill.—1st, I look upon it as an extension and application of the excise laws to improper objects.—2nd, I look upon it as an additional land-tax upon the Cyder counties.—First point—All former laws; the plan of the excise confined to some particular trades or occupations. Do not extend to every subject who may happen to do a particular act in the course of his family affairs.” *

This speech of Lord Hardwicke was the last delivered by him in the House of Lords; and, from the following account of the opinions expressed of it, which is from a letter of the Duke of Newcastle, addressed to Lord Hardwicke the day after the discussion took place, the conclusion of the noble and learned lord's career, as a debater,

* Hardwicke MSS., Wimpole; Hansard's Parl. Hist.

appears to have been worthy of the fame which he *had* acquired in that capacity. The Duke says,—

“Every body was full of approbation, & indeed gratitude, for the great & successful part you took yesterday, & nobody more than my Lord Temple, & his friend Mr. Pitt. Mr. Pitt was in the highest spirits, & foresees every good consequence from what passed yesterday in the House of Lords. Mr. Pitt says we have two such points—the corruption & immensity of the profit of the bargain, & the carrying the most odious part of the question, viz., the power of entering into private houses, particularly into part of the kingdom only—that, if we make a good use of them, must have an unusual good effect. He is for *protesting*, but I take that to be over. All the Lords are sending far & near to our friends, to be at the House to-morrow, & I hope your lordship will be there. The House is ordered to be summoned.

“There has a very extraordinary event happened. S^r Rob^t Ladbroke told the D. of Devonshire, that my Lord Bute had sent for S^r James Hodges, to acquaint the Common Council, that if they would drop their address to the King, he would engage that the bill should be repealed next session. This has created an unusual flame in both Houses, both friends & foes, who call it a contempt to both Houses of Par^l., & preferring the Common Council to them. My lord, I hear, denies having sent any such *message* by S^r James Hodges, but owns his having sent to S^r James Hodges to talk to him. The ministers met at the Ho. of Lords, & seemed in great confusion. For this reason, as well as on the question of the bill, our friends hope every body will be in the House.” *

* Hardwicke MSS., Wimpole.

A few days after the Cider Bill had been carried, Lord Bute suddenly resigned office, to the astonishment of all parties. Assertions were very generally made & credited, that he had retired from the rising storm of national indignation; that he had bargained with his successors for personal security, in case any parliamentary inquiry should be made into his administration; and that, although he nominally quitted the office of prime minister, his intention was still to direct affairs behind the curtain, preserving its power without its responsibility. The chief reason of his resignation, was probably a want of able and efficient support from the cabinet which he had formed. His own public declaration was, "that having restored peace to the world, performed his engagements, and established a system of policy so strong as no longer to need his assistance, his determination was to depart to that domestic life and literary retirement which he loved."

In a letter to Lord Royston, Lord Hardwicke gives an account of his visit to court immediately after this event became known, and of the changes which were in consequence anticipated. Mr. George Grenville succeeded Lord Bute as Prime Minister.

"I was at court yesterday, to make my bow to the King, who was gracious as usual. I saw your *Mr. Garrard* there, making his observations, & therefore shall leave all political remarks & speculations to his pen, as being more proper to come from him by this channel of conveyance, than from me. I shall content myself with telling the naked matter of fact. Lord Bute did yesterday, in the forenoon, resign his great employment, with a declared resolution not only to quit that, but the court, & all public business—for he will avoid even the suspicion of being that invidious thing, a minister behind

the curtain. He alledges very bad health, which is believed to be true ; goes to Harrowgate forthwith, &, when he has finished his course there, to Wortley, Lady Bute's seat in Yorkshire, to stay the summer.

* * * * *

“ Lord Bute's intention to quit was not hinted to anybody, not even to either of y^e Secretaries of State, or Mr. Grenville, till Good Friday morning.”*

Lord Hardwicke wrote again to his son on the 19th of April, and after alluding to the naval affairs of the country, he says:—

“ How far the *Ship of the State* may be said to be *launched* or not I will not pretend to determine. It still seems to reel, & its motions vary every day. Lord Ward kissed hands yesterday for a new title of Viscount *Dudley & Ward*. Lord Dispenser took his place yesterday by writ, and Lord *Holland*† does so to-day, but keeps his office of Paymaster. I heard him say yesterday that he should go immediately to his house in the Isle of Thanet, where Lady Holland was to meet him, & the latter end of the next week to go with him to France for the recovery of his health. He looks very poorly & goes with a cane. The King comes to the House to prorogue the Parliament, & what other new events this day or to-morrow may produce 'tis impossible to foresee in this *variable season*.”‡

And in another letter, which the Earl of Hardwicke sent to Lord Royston a few days after he stated :—

“ Whether the changes by placing & displacing are yet over, I know not. Something or other happens every day ; but what is now most observed upon is the fate of Charles

* Hardwicke MSS., Wimpole.

† Late Mr. Fox.

‡ Hardwicke MSS., Wimpole.

Townshend, & the putting such a boy as Lord Shelburne at the head of the Board of Trade at this juncture. Lord B. is still in town, they say does not go to Harrowgate till the season begins, & then for a fortnight only. But I will not enter into these matters, as Lord Lyttelton* knows all that I know, & I believe much more, and his anecdotes will furnish out more than one quidnunc between his lordship & you.”†

While the exciting political events above narrated were in progress, Lord Hardwicke had been engaged in sitting for his portrait to Mr. Hoare, of Bath, whose picture of his lordship is still at Wimpole, as already mentioned, and which the ex-Chancellor appears to have considered the best likeness of him that had been painted. In his letter to Lord Royston, he tells him,—

“My two pretty grand-daughters favoured me with their good company this forenoon in my drawing room, at sitting for my picture to Mr. Hoare. Lady Bell pronounces that it will be like.

“Mr. Hoare, I really think, will make the likest picture which has been done of your father.”‡

Public affairs seemed but little affected by the late minister’s retreat, party spirit increased in violence, and the press teemed with scurrilous publications. Amongst these, a periodical paper, called the *North Briton*, was pre-eminently distinguished by its attacks on men as well as measures. The author of this journal was the celebrated John Wilkes, Member of Parliament for Aylesbury, and a Lieutenant-colonel in the Buckinghamshire Militia; a man possessed of considerable talents and erudition, with an abundance of ready wit; but ruined in fortune, and

* Who was then going to pay Lord Royston a visit.

† Hardwicke MSS., Wimpole.

‡ Ibid.

disgraced by the most dissolute morals and profligate habits. His increasing embarrassments induced him, in the very beginning of this reign, to solicit a lucrative post under government; and attributing his failure to Lord Bute's influence over the royal mind, he began to vent his spleen against the ministry with such reckless abuse and calumny, that he at length raised a prosecution against himself, which has rendered him a prominent object in the annals of his country.

On the 19th of April the King went to the House of Lords, and closed the session by a speech, in which he alluded to the establishment of the peace, on conditions honourable to his crown, and beneficial to his people; to the successful negotiations with foreign powers recently effected; and to the reduction of the public expenses, and of the army. On the 23rd of April, the celebrated No. 45 of the *North Britain* was published, which did not confine itself to an abuse of the administration, but deliberately accused the King of uttering premeditated falsehoods from the throne. The publication in question being laid before the Attorney-General, Mr. C. Yorke, and the Solicitor-General, was by them considered as a fit subject for prosecution. Accordingly, a general warrant was, on the 26th of April, issued from the office of Lord Halifax, which ordered the authors, printers, and publishers, without describing or designating them by name, to be seized, with their papers, and brought before the Secretary of State. No less than forty-nine persons were taken up on suspicion, and amongst them a respectable tradesman, who was carried from his bed, his child being ill in the room, whilst his house was thrown into the utmost confusion, and ransacked of his papers. After his seizure he was detained three days in custody without any proofs of guilt appearing against him. On

the 29th the evidence of Messrs. Kearsley and Balfe, the publisher and printer, clearly determined Mr. Wilkes to be the author of No. 45 of the *North Briton*. Still the general warrant was not withdrawn, but by virtue of it his house was forcibly entered, his doors and locks broken open, and his papers placed in the hands of his messengers, without any schedule or security for the recovery of them, and he himself was carried before Lord Halifax.

Immediately after his apprehension, Lord Temple, at Wilkes's particular request, applied to the Court of Common Pleas for a writ of habeas corpus, and the motion was granted; but before this writ could be prepared, the offender, having refused to answer any questions, had been committed to the Tower in close custody, and was for the present debarred from the visits of his friends, and even of his lawyers.

To the professional reader the three following letters, which were addressed by the Earl of Hardwicke to Mr. Charles Yorke, the Attorney-General, on the subject of this very exciting case, cannot fail to prove of interest, as containing the sentiments of so great a lawyer and constitutional authority, on a matter which is of such leading and permanent importance.

*" Grosvenor Sq., Saturday, April 30th, 1763.**

" DEAR CHARLES,—Mr. Webb has been with me, and given me some account of what has passed. At my desire, he shewed me your opinion in writing about the point of privilege, which is always delicate; and, therefore, we used to avoid giving opinions in writing about privilege. For this reason, I desired Mr. Webb, if possible, not to produce the opinion; or, if he did, to take it back, or to manage it properly. The privilege has

* Hardwicke MSS., Wimpole.

been variously laid down, sometimes with an exception of *treason, felony, & breach of y^e peace*; & sometimes of *treason, felony, & sureties of y^e peace*. But your report is agreeable to the report made by Sir Tho. Lee, in Mr. Onslow's case which you will find entered in the Journal, 20 May, 1675; printed Journals, vol. 9, page 342. I desired Mr. Webb not to mention my name; but to hint to the Secretaries of State to consult the Speaker (which I believe has been usually done in such cases), & he will probably consult Mr. Onslow. I put Mr. Webb in mind of Sir Richard Steele's case, who was expelled the House for his letter to the Bailiff of Stockbridge, at the latter end of Queen Anne; but I do not remember that he was taken up. That was indeed during the session, & here 40 days *redeundo* are not expired since the prorogation. I take it for granted that Mr. Wilks will refuse to give bail, which makes this a point which should be thoro'ly considered. The present arrest may be considered as only in order to examination, so that it is open to the Secretaries of State to do as they shall judge proper afterwards. In all events, they shou^d consult the Speaker; perhaps not so much for the light they will gain, as for decorum to the House. I write in haste, & am,

“Yours affectionately,

“HARDWICKE.”

“Grosvenor Sq., Sat. Night, April 30th, 1763.*

“DEAR CHARLES,—Since I saw you, Jack told me that the two Secretaries have made the warrant of commit^t against Wilkes, for being the author of a *treasonable* & seditious libell. I see now the reason of insisting so much on that word, which I suppose was to take it

* Hardwicke MSS., Wimpole.

clearly out of the case of *priviledge*, which certainly cannot extend to *treason*.

“ But abstracted from that, a case has occurred to me of a prosecution, in my own time, against a member of the House of Commons, for a misdemeanour of an infamous nature, as a libel is also supposed to be. It is the case of John Ward, of Hackney, *for forgery*. After a verdict and judgm^t against him, I laid a copy of the record before the House, & he was expelled upon my motion. I know he was not in custody during the proceeding, & believe he gave bail ; but of this I will not be sure upon my memory. I was ordered by the House of Lords, by an order made upon hearing his own appeal, to prosecute him for the forgery, & thereupon I filed the information in my own name. I believe he came in upon the *venire* or *capias*, & put in bail ; but this Mr. Webb or the clerk in court may find, as I suppose, by searching the recognizances of that time, in the Crown office in the King’s Bench. The year was 1724 or 1725, but I believe the latter, & possibly the proceeding might run into 1726. I think this will be a material case for your purpose, & possibly to be quoted in the course of the motion in the Common Pleas.

“ I am, always,

“ Your very affectionate

“ HARDWICKE.

“ P.S. I desire you will take a note out of this letter, & then burn it ; for I have nothing to do in this affair.”

“ *Grosvenor Sq., Monday Evening, May 2nd, 1763.**

“ DEAR CHARLES,—Mr. Onslow has been with me, & I found him in a more moderate & reasonable way

• Hardwicke MSS., Wimpole.

than I expected. I could perceive that my last night's conference with the noble Duke had produced a good effect, for his Grace had seen several of these gentlemen this morning.

"The nature of the libel, as it regards the King personally, as now explained to them, strikes many of them in a way they did not feel it before. I sounded him about his *father*, & he says that he has been searching into the point of *privilege* these two days ; that he can find no precedent in point, & is rather ballancing ; but is inclined to be of opinion that privilege does not extend to the case. This may possibly be part of the reason of what he told me farther, if his information is right, viz. that Mr. Wilkes will offer to give bail to appear. He said Lord Temple had declared this. If so, their topsail is lowered since Saturday ; for, if they had determined finally to rely on the point of privilege, I think this would not have been said. Possibly they may think that such a point may spend so much time in determining, as may keep him in the Tower a great while. He told me a circumstance which I never heard before, that the word *treasonable* is left out of the commitment to the Tower. Another thing he said, which you did not mention, that they have given notice to move to-morrow for an attachment against somebody (he did not know whom), for changing the custody after notice was given of the hab. corpus to Mr. Webb.

"Don't mention your having any of these circumstances from me, but burn this letter as soon as read.

"I am, your's affectionately,

"HARDWICKE.

"P.S. In a letter received from Bath this day, your brother complains of your not answering his letter. Pray write him three or four lines by to-morrow's post,

which you may now do cavalierly, having answered his case."

The extract which follows, from a letter which was written by Mr. John Yorke to his eldest brother, affords some account of the earlier part of the legal proceedings in this famous case.

"Spring Garden, May 3, 1763.

"It is reported that L^d Bute set out for Harrowgate yesterday, & his case is worms. If Wilkes had heard of that some time ago, I think he would have given him a touch upon it in the *N.B.* That gentleman has at last contrived to be taken up, & sent to the Tower. He disputed the warrant, at first, because he was not named, but only laid hold of upon suspicion of his being the *author*. He mov'd his habeas corpus the same day, which issued, directed to the messengers who took him. In the meantime he was sent to the Tower, & so the messenger *return'd* that he was not in their custody. Upon that, another was pray'd, & he was brought up to-day. It was mov'd in the Com. Pleas, for Pratt's sake, & to the ease of L^d M——d*, tho' design'd as a reflection. Such a writt has not been mov'd in that court since y^e reign of C. 2nd. The Attorney & Sol. Gen^l did not attend the court upon it, but left it to the King's Serjeants. . . . Such a crowd was hardly ever known, & his cause is very eagerly espoused in the city. They found, it seems, several letters in his own hand to y^e printer, & several of y^e papers; particularly y^t on y^e *Speech*, & that w^{ch} was to have followed it on y^e *Thanksgiving*. The warrant to apprehend him call'd it a *treasonable* & *seditionous* libel; but I am told y^t y^e warrant for his com'tment stiled it *false, scandalous, & malicious*, highly reflecting on His

* Lord Chief Justice Mansfield.

M——ty & his Governm^t. He was taken up upon y^e opinion of y^e Att. & Sol. The town has divided them in opinion, as usual, & made *Peter* * much y^e most violent. I dare say with^t foundation.” †

Lord Hardwicke sent to Lord Royston the following account of the proceedings in this case, in a letter written on the 3rd of May:—

“Mr. W.’s quarters have at last been beaten up, & the daily papers will tell you how they are at work in Westm^r Hall. I am told, that the sending him to the Tower was out of respect to the House of Commons, who allways commit their own members to that prison. I was from the first astonished at that paper of April 23rd. The whole affair is matter of much observation, & makes a great noise; the rather as the Court of Com. Pleas is not the usual court to apply to for such a writ of habeas corpus; & I believe there has not been one of this kind moved for there since the year 1670. I suppose they are now debating there whilst I am writing, & I will keep my letter open to insert the event, tho’ I guess it can hardly be over to-day.”

However, in a postscript, Lord Hardwicke added,—

“I have just now heard that the hearing of council in the Common Pleas ended before three o’clock. The Court gave their opinion, that the return made by messenger to the first habeas corpus was insufficient. As to the 2nd, which is upon the commitment to the Tower, they have taken time to consider of the exceptions taken to it till Friday next. In the meantime, he is remanded to the Tower. I am informed, by good authority, that

* Peter Bullcalf, a nickname for Sir Fletcher Norton.

† Hardwicke MSS., Wimpole.

when Wilkes spoke in court, complaining of hard usage, at his going away, there were such shouts in the Hall, that you would have thought the seven bishops had been acquitted. *Quam dispar occasio!*" *

Dr. Birch, in a letter to Lord Royston, gives a full account of the proceedings in this famous case, and of the arguments before the court on the subject of the habeas corpus, where Dr. Birch, who was at this time in constant intercourse with the Attorney-General, was himself present on this interesting occasion.

"My former, on this day se'nnight, acquainted your lordship that Mr. Wilkes had been that day taken up for his paper of the Saturday preceding, on the information of his publisher, who readily named him as the author, and produced the original of it. The warrant for seizing had not his name in it, but was a general direction to take into custody all persons concerned in the paper called the North Briton. Upon looking in it, he told the messengers that they might as well seize Mr. Geo. Green, or any other of the messengers, & that he should not comply with it without compulsion. This occasioned one of them to step to Lord Halifax to know what was to be done in this case, who told him to return and use force, if Mr. W. resisted; and, it is said, he returned to find a file of musketeers for him. When he was brought to his lordship, he told him that his lordship must proceed upon what he knew himself, for he should not add to his knowledge by answering any questions.

"In applying for an hab. corp. he had been refused by every lawyer at the bar except Glynne, who has got great reputation by his able pleading in this case.

"On Monday, the return to the habeas corpus, granted by the Court of Common Pleas on Saturday, was made by the King's messengers, that he was not in their custody; which answer was long disputed as not sufficient, but at last submitted to by his council, three of the judges being of opinion that it was sufficient, and Ashurst and Gould dissenting. They then granted a new hab. corp., directed to the Lieutenant of the Tower, and accordingly he was brought up on Tuesday. He then read a speech, written by himself, in which he complained of

* Hardwicke MSS., Wimpole.

the hardship of being restrained in the manner in which he had been, no person having been allowed access to him all Monday evening; for when the D. of B. and Lord Temple went to the Tower on Sunday, they were refused admittance, upon which the latter said, he thought he had been at the Tower, but found himself at the Bastile. Mr. Webb endeavoured to excuse the rigour of this restraint as usual till leave of access had been allowed by the Secretary of State who committed a person, but seemed to think as if it had been wrong.

“The objections to the second warrant were that it contained he was committed to the Tower for being the author, by the former of which words the Secretary made himself a judge. The second, that the offence was not stated clearly enough for the court to judge whether the commitment was right or not; and, 3rdly, that no member of Parliament can be imprisoned, except for treason, felony, or breach of the peace, which the publishing a libel is not.

“The council against Mr. Wilkes on this occasion were Serjeants Whittaker, Nares, and Davy, the last of which, arguing precedent from prerogative times, was called to order by Serjeant Glynne. The Lord Chief Justice took a few days to consider of the commitment. He said he was sure Mr. Wilkes would not be sorry to bear a few days’ more confinement for the more secure determination of a question that so highly concerned the liberty of his fellow-subjects. There were great acclamations in his honour, both in the Hall and Common Pleas itself, as well as in the street itself, as he went back to the Tower.

“When he was first seized, he told the messengers he would not submit to a warrant which had not his name in it, and only directed the taking of all such as were concerned in the seditious libel in the *North Briton*, and that he would not go with them unless compelled; upon which one of them went to Lord Halifax, who ordered them, if he refused to obey, to use force.”*

The next letter, which is to one of the members of Lord Hardwicke’s family, from their friend Dr. Wray, contains some further particulars relating to this affair.

“This morning, Wilkes’s affair was ended in the Common Pleas. Of the three objections made to his commitment, the court disallowed the two first, but discharged him upon the third, viz. Privilege of Parliament. He made a short speech to thank the court and his council, and then turned about and made a low bow to the crowded audience which filled the Hall. This occasioned such a shout as reached the

* Hardwicke MSS., Wimpole.

Exchequer, and called us all down from our seats. The handbills, which you see in the papers, were distributed even while Lord Chancellor was passing, who called to the constables to seize the fellow ; but all he got was a curse upon such law and such lawyers. It is wonderful to consider the crowds this business has collected, and the eagerness it has introduced into conversation.

“ The shout upon the discharge must bring to one’s mind that at the acquittal of the seven bishops ; but the cry of Liberty and Wilkes more naturally recalls that of Liberty and Murray. Had he staid longer in the Tower, I suppose the list of his visitants would have made a figure. The names of those who waited on the Earl of Oxford there are preserved in an article of the Harleian collection.

* * * * *

“ I am obliged to stop here, it being four o’clock, as Mr. J. Yorke expects us at dinner ; from whence we are to adjourn to Lord Hardwicke’s, where we shall have the honor to assist at a commerce party with the young ladies.” *

On the 13th of May Lord Hardwicke had a long visit from Lord Egremont, of which, with the full particulars of the conversation that took place between them on the state of affairs then existing, the learned ex-Chancellor has left an account, in a letter addressed by him to the Duke of Newcastle on the same day.

“ This day, at noon, I had *my visit*, which you was informed stood then appointed. It began in the stile of the letter which your Grace saw ; professions of general respect, & civility, & desire to see me before I went out of town, thinking I was going for the summer. After these civilities were over on both sides, we fell upon the never-failing & inexhaustible topic of Mr. Wilkes. I found my visitor was very sore with it, but talking with prudence & moderation upon the subject, owning at the same time that his master was extremely hurt & provoked with it.

“ This I could not wonder at ; & you may be sure that

* Hardwicke MSS., Wimpole.

I did not make myself a partisan of Mr. W.; but I avoided giving an opinion upon any point, and, to do my visitor justice, he did not push for it. We then fell upon the general state of things, both of us lamenting the present violent & disturbed situation & fermentation. I took the liberty to blame, with some freedom, the narrow plan upon which this administration was formed, & the proscriptions which were given out in the world to be fixed upon certain persons, as being directly contrary to the King's plain interest. He professed to wish of all things to see the bottom widen'd; that he saw the interest of the King & the public in it, and nothing cou^d possibly give him so much pleasure. As to *proscriptions*, he hoped none were so fixed as to be irreversable; but he owned that, as to *two persons*, (whom your Grace will name to yourself, without my doing it,) he believed his master would run great risques before he wou^d submit to admit them, & whoever shou^d venture to propose it wo^d pass their time very ill. I need not relate to your Grace what I said of the impropriety & the blamable part, in anybody, to instill into the mind of a Prince an absolute, determin'd exclusion of any men, or sett of men, whom the circumstances of things might make necessary to restore tranquility to his government; especially in this country, liable as it is to popular turns, which sometimes make it necessary for kings to fly for their own sakes. *He* gave me to understand, without directly saying it, that, as to those he called my friends, there wo^d be no insuperable difficulty. But that the triumphant procession into the city, *manet alta monte repostum*; & has been frequently mention'd to himself, & particularly revived & aggravated by the countenance now given to W. In order to dash any hopes of making a division, I said that he knew as well as any body,

that, in this country, there were such things as honourable connexions, which some might represent under the odious name of faction; but might really be only necessary engagements, in order to carry on & effectuate right & necessary measures. That, by breaking thro' such honourable connexions, (if supposed practicable,) individuals might be gained; but they wou^d come naked, & be rendered unable to serve either the King or themselves. He seemed to understand & feel the weight of this.

“The rest of our conversation was general; but something was thrown out about the incredulity of the world that Lord Bute was really & absolutely retired, & the general opinion that he still acted as powerfully as ever behind the curtain. He professed not to have discovered any traces of that kind since he went to Harrogate, but owned to me full as much of what had passed before as your Grace told me Lord Halifax did to Mr. Legge, & just in the same sense. He also made full as strong declarations of his own positive determination, the moment he shou^d make any such discovery, to have nothing more to do, as that lord had done to Mr. L. He added, that he knew Lord Halifax was in the same resolution.

“This is the substance of what passed material: the rest was paper & packthread. He said, parting, that as I was going to Wimple for three weeks, he wou^d, after my return, come to me some evening, & have a full conversation; which, being going to Court to attend upon the Venetian Ambassadors, he cou^d not have now. The strongest assurances were given on both sides of absolute secrecy, & saying nothing of what had passed, or our being to meet again.

“Therefore I must insist that nothing of this, even

loose as it is, be mentioned to any, even the most confidential of our friends.”*

Lord Hardwicke thus expresses his sentiments on the subject of Wilkes's affair, in a letter to Lord Royston written on the 10th of May:—

“ I do not think that there was any thing so extraordinary in this case in the second commitment, since the custody of a messenger is presumed to be only a transient custody, not to continue, but only for examination. Your maxim of *via nita via tuta* is generally good, but not allways so in the Secretary's office, where some of their forms were settled in times of a more rigorous & extensive exercise of power. I had not heard of the ballad you mention ; but the whole of the affair, & the violent fermentation raised upon it, give the true friends of the King and his government very serious reflections, & ought to induce them to concur in proper methods to calm & cure it.”†

An allusion to a report about himself which had appeared in the newspapers is also contained in this letter, with Lord Hardwicke's observations on his career :—

“ You may possibly have read in the papers of my having what is called *an opposition dinner*. There is no truth in it ; for I had only half a dozen particular friends—the Duke of Devonshire, the Duke of Newcastle, Lord Bessborough, Lord Geo. Cavendyshe, & the Attorney-General. After having been *Attorney-General ten years, Chief Justice between three & four years, & Chancellor almost twenty*, I shall not now contradict *all the principles*, & all the rules of law & order, which I have been maintaining all my life.”

* Hardwicke MSS., Wimpole.

† Ibid.

Very shortly after this Lord Hardwicke went down to Wimpole. Soon after his arrival he writes to Lord Royston, and the following extract from his letter affords us some account of his journey down, of his diversions there, and of the pleasure afforded him by the change from the turmoil of the town to this rural retreat.

“Saturday afternoon afforded the heaviest rain on my road that has been this spring, so that my servants were wet thro’ & thro’. But I don’t find they have caught any cold of consequence by it; & the rain has done a vast deal of good to the country. This place is extremely beautiful, & there is at present a great prospect of corn, grass, & fruit; but we want the wind to come about to the west. Mr. Bury* & I go on very harmoniously; I mean in silent harmony.

“I am much amused with reading Lady M. Wortley’s letters. I knew so much of her ladyship, as to be sure they are genuine, & think it the prettiest book of letters that has been published of late years. I even prefer it to the collection of her *former friend & later enemy*, Mr. Pope. If I should travel in my old age, I should certainly go to Turkey.

“One of my great pleasures here is being free from the noise, & eternal talk ab^t Mr. Wilkes. You say you fear that one opportunity of *calming & curing* the present ferment has been let slip, & doubt about any other. On that subject I can *write nothing*; but I desire you will enquire of your brother John, & make him give you a full account of the relation I made to him, & his brother Charles, the night before I left the town. I name *Jack*, because Charles does not much love to narrate, nor has time for it.”†

* The Architect.

† Hardwicke MSS., Wimpole.

His visit at Wimpole, however, it seems, was not to be of very long duration, as towards the end of May he writes again to Lord Royston:—

“ On Thursday morning I hold my intention to take leave of this place for the present. I shall do it with regret as usual; but I think, as at present advised, that I should pay my duty on the birthday.”*

Lord Hardwicke's loyalty prevailed over his love for the country, & his own ease & quiet. He adds in this letter,—

“ If Voltaire's second vol. of his History of Russia is not better than his first, I would not give one farthing for it.

“ Your letter of yesterday is this moment come in. It requires no addition to this but my thanks, & entire approbation of your going to ball-masquée. How do you know that I don't intend to be as gay, for I did not tell you what my answer was? Look for me amongst the *Kiatrias*.”

Lord Hardwicke accordingly returned to London as he intended, and also, as he intended, paid his duty to the King on his Majesty's birthday. In a letter to the Duke of Newcastle, written from Grosvenor Square, on the 8th of June, after referring to the conference with Lord Egremont, Lord Hardwicke proceeds:—

“ I saw my friend at court on y^e birthday, when the place did not admit of any thing but common compliments, & on Sunday I called at his door by way of returning his visit, but he was not at home, & in fact I believe was not so. I shall wait now to hear *from him*,

* Hardwicke MSS., Wimpole.

for we shall get nothing by seeming too forward. I hear Lord Lyttelton is expected in town to-morrow, & thro' that channel I may perhaps learn something further. His son is got well ; & I am told his illness proceeded from being poisoned with bad wine, which had been overdosed with arsenick in y^e fining.

“I do not wonder at y^e speculations, which your Grace mentions to be flung out relating to any supposed intercourse between persons of different complexions in the present awkward situation. That the ministers, whoever they are, should wish to divide an opposition, is a natural suggestion, & that the more violent should suspect the more moderate is as natural. For my own part, I have never disclosed any thing that passed, except to your Grace, nor do I believe that it has been done on y^e other side. But I am convinced y^e truth is that all y^e *jealousies & surmises* proceed from other causes. *They* cannot digest the different manner wherein the affair of Mr. W. has been received & treated by us from what it has been by *them*, & that we have not gone as deep in avowing him & his cause as they have done. This is what lies at the bottom, tho' my Lord T. having cooled a little, talks more calmly, and endeavours to palliate. In doing this, both his lordship & Mr. P. must see their own interest ; for if they do not preserve their connexion with your Grace & your friends, they will be in danger of being left as *naked* as they owned themselves to be four or five months ago. They will have no party but the Half Moon Club, & I question whether they have them now so entirely as they had formerly. But that *liaison* has allways been kept up to a certain degree, & this produced the communication about the cyder addresses, which was apparent.

“Beardmore, who is y^e great supporter of y^e minister,

& was very justly committed by y^e Court of King's Bench when Undersheriff, for not doing y^e duty of his office in setting Dr. Shebbeare *in y^e pillory*, is Attorney for Wilkes, & his Click attends him. These are fellows who wo^d have hanged your Grace & me a few years ago, & would do so still, had they y^e power. I don't mention this as thinking it should alter our conduct with regard to Lord T. & Mr. P. I think quite otherwise ; but to shew that all the grounds of jealousy, & want of confidence, do not ly on one side, & that there are at least as material ones on y^e other.

"Your Grace says that Mr. P. *is certainly, & was from the beginning extremely moderate* ; and I agree that he was much more *prudent* than the other. He avoided talking about the affair, & did not suffer himself to fly out in conversation, at least with us. But your Grace did not find that the very wise & kind admonition which the Duke of Cumberland gave him appeared to have any effect. It is true that his bro'-in-law had dipt himself very deep before, & we know that he has made it his rule not to separate himself from him, even where he does not approve. How far that rule may carry him, I know not.

"Indeed, my dear Lord, I cannot help looking upon this affair of Wilkes as big with very mischievous consequences, even suspended, as it now seems to be, till the next session. Tho' of this last nobody can be sure, for the actions brought by Wilkes himself may keep y^e flame in activity till y^e circuits at least. But the *mischievous consequences* I mean are chiefly with regard to y^e part Mr. P. may take. The Marq^s of Rockingham was so good as to give me some account of what passed in conversation in his visit at Hayes, great part of which turned upon this subject. As I understood the Marq^s,

y^e sum was this. ‘Mr. Pitt declared his opinion very plainly, y^t Wilkes was entitled to privilege. He doubted much whether the *North Briton*, No. 45, is a libel, & whether the holding it to be so would not in a high degree infringe y^e liberty of y^e press, as to censuring y^e transactions or advice of ministers. He said further, that he could never depart from his opinion that y^e jury are judges of y^e law as well as y^e fact.’ I lay much more weight upon these declarations of his own than I do upon all my L^d Temple’s loose, vague professions of thorough union, &c. These are points of great consequence, wherein I believe many of our friends will not follow him, & that may create a breach; my apprehension is, that he will set himself up for as peremptory a judge of constitutional law as he did in y^e case of y^e Hab. Corpus Bill in 1758, when he laid it down as a maxim, *y^t y^e lawyers are not to be regarded in questions of liberty*. For my own part, I did not give way to him then, nor will I do so now, where in my judgment I differ from him. In political points I can show a deference for his opinion, but I will never act so mean a part as to give up all my knowledge & experience in the law, & all y^e principles ab^t y^e legal prerogative of y^e Crown, & public order, and good government, which I have been endeav^r to support all my life, in complaisance to any man. When I speak of *myself*, I mean to include my friends in the House of Commons, for probably it may not come into the House of Lords. And yet I think I see more ways than one by which it may be brought thither; & if Mr. P. should be overruled in y^e House of Commons, he may possibly do as in y^e former instance, bring in some bill to alter the law in some point or other.

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“Nor can I lay more weight upon L^d T. & Lord P.’s

opinions ab^t the method of proceeding in Wilkes's affair. I have heard nothing of any intention to push y^e expelling of him out of y^e Ho. of Commons. If that sho^d be attempted, they must certainly prove him *the author or publisher*; & I have heard it affirmed (tho' I don't know it), that the secretaries have in their hands the clearest proofs upon y^t point.

"Now for your Grace's questions. The House of Commons may certainly enter into proofs & examine witnesses, relating to y^e author or publisher of a libel, if they judge it proper for their notice, tho' their determination will not be conclusive to a court of common law. They did so in y^e case of Mr. Asgill in 1707, & of Sir Richard Steele in 1713; & tho' in both these cases the persons charged confessed themselves the authors, the House would have entered into the proofs, if they had not confessed it, & in Asgill's case had actually taken, & had them reported by a committee.

"The case of *Mist*, in May 1721, is a very strong precedent. The House gave judgment, & committed *Mist* to Newgate, upon his name as printer appearing at y^e bottom of y^e paper, & then ordered an address to y^e King, & a general committee of libels.

"As to proceeding to expulsion, there is certainly a particularity in this case, we^a did not occur in those others, viz., that y^e Crown has put it in a way of legal trial by information, which is now depending. But it is to be consid^d that the King may, if he thinks fit, put an end to y^e information by *nolle prosequi*; or if not, & the House of Lords hold Mr. Wilkes to be entitled to privilege, & he will not waive it, there will arise a new consideration. Is justice absolutely to stand still in such a case? or shall the House proceed against their

own member, who stops y^e course of justice by insisting upon y^e priviledge of y^t House?

“But all these are merely the speculations of my own thoughts, for I assure your Grace, upon my honour, I have never heard one word hinted about any such proceedings. My meaning was only to answer your Grace’s questions ab^t y^e precedents. Both the House of Lords & the House of Commons have entered into proofs ab^t the authors & publishers of libels in many cases. Your Grace remembers the instances of *Paul Whitehead*, of the *constitutional queries* upon y^e Duke of Cumberland, & there are many others. This last instance puts me in mind of another way in w^{ch} the House of Lords may be mixed in this affair, for y^e resolution of y^e Lords was in y^t last case sent down to y^e House of Commons, who concurred in it, & there was a joint address.

“I have already told you that I was at court on y^e birth-day. I saw there y^e Duke of Grafton, Marquis of Rockingham, & many others of our friends. Nothing passed but common levee civility, ab^t having been in y^e country, & y^e north-east wind.

* * * * *

“P.S. Since finishing my letter, I called upon Charles, & found him at an early dinner, in order to go to his diversion in Lincoln’s Inn Hall. I interrupted him so far as to get from him a very brief acc^t of what passed in yesterday’s conference, which he begged me to acquaint your Grace of, with his duty, because he cannot possibly find time to write himself before y^e end of y^e week.

“Every thing passed in y^e most friendly manner. Mr. P. opened y^e conference, by avowing that he wanted to talk with him upon business. The conversation rolled

on three points—Mr. P. himself, the Attorney-General, & Mr. Wilkes, w^{ch} last Charles brought in by way of incident. Mr. Pitt made a very complimentary exordium of his regard for Mr. Attorney, & then passed to his own situation. That he was united with y^e Whigg party, was a Whig, & would stand upon no other ground. That such of y^e Tories as would come to them upon proper terms ought to be received. This had been always his opinion; but to make y^e bottom & ground-work of y^e administration Tory, & only superadd Whigs upon that, he wou^d never come into it. He had y^e honour to be united with several great Whig lords, who *incidentally* (I think y^t was y^e word) passed under y^e description of y^e Duke of Newcastle's friends, & were y^e main pillars of y^e Whig party. That he was a Whig, & meant to act upon Whig principles, upon which he enlarged.

“As to Mr. Attorney-General, he had the greatest esteem & friendship for him, w^{ch} had encreased as their acquaintance had proceeded, which was of long standing. That he had never done any thing to forfeit his reciprocal friendship; however he had been misunderstood. He owned that he had a great regard for my Lord C. J. Pratt, but never in prejudice to him, & wished Charles to live upon good terms & in confidence (I think) with his lordship. That the only competition which could arise between them was in a case of a change of y^e Great Seal, either by y^e disability of y^e present possessor, or any *other* contingency. That he shou^d give or avow his opinion y^t y^e King & y^e public wou^d be well served by either; but his original acquaintance was with Mr. Attorney, & it wou^d be unbecoming in him, & he shou^d be ashamed, to attempt any thing to his prejudice. He shadowed out, by way of compliment, that there might be some circumstances in his case that might make him

fitter for such a high office ab^t the Court than the other. That all he wished was, that when y^e event should happen, it might be so adjusted as to be with y^e satisfaction of my Lord C. J. Pratt & his friends. [Here I cannot help observing, by y^e way, that it is pretty difficult to adjust such an affair to y^e satisfaction of y^e party interested ; & as to his friends, I am not enough apprized of his pres^t connexions to know of any considerable ones he has besides Mr. P. & my Lord T., & Mr. P. himself can go y^e farthest to satisfy y^m.]

“ After Mr. P. had gone thro’ both those points, much more at large than I can relate, &, indeed, than was related to me, Charles made such civil & amicable answers as occurred, but he had not then time to tell them to me. And then he took notice of Wilkes’s affair as being a very unfortunate event, which gave some advantage to y^e enemy, & produced disagreeable consequences.

“ Mr. P. interposed very decently, & said he had not touched upon that matter with him, because he knew that he was officially & by duty engaged in it ; to w^{ch} Charles replied, that he himself took it up only in respect of y^e political consequences, on w^{ch} he enlarged.

“ Mr. P. then said that he owned it was an unfortunate affair, but he hoped not of so great consequence as some apprehended. That a great noise had been made ab^t a part my Lord Temple had taken ; but what did it amount to ? He had visited Wilkes in y^e Tower ; & what then ? Mr. Wilkes, a Buckinghamshire neighbour, an old acquaintance, in distress ! That, for his part, he was most intimately united with my L^d T., & would never leave him. That he did not think y^e political consequences of this affair so important as some imagined. That he himself saw a *power* & a *centre* in

y^e argument & debate of it, & it must take its course, or to that effect.

“This is all I can recollect, and I believe the whole substance of what was told me. I leave your Grace to make your own reflections. Every thing passed very amicably & well, & it may be all very sincere; but I own it smells a little of y^t holy water w^{ch} great men are apt to sprinkle when they have a mind to baptize others into their political faith. But this (as the news-writers say) time will discover. I own I fear that some great part of what he said about Wilkes’s affair gives too much countenance to y^e apprehensions expressed in my letter.”*

In a letter to the Lord President of the Session, which was written on the 12th of June, Lord Hardwicke thus described his position and feelings at that period:—

“The scene is prodigiously changed since your lordship saw us; indeed, it has changed several times. The actors who have gone & come on you know, & in general the motives are no secret. I think none of the persons whom you honoured with your friendship here have been left upon the stage some time. As to myself, no great part could be taken from me, because I had none; but that seat, which I had been permitted to retain in the King’s Council, I was excluded from just before the last session of Parliament.

“When I said *the motives of these alterations are no secret*, I meant that the subject of them must appear to every body to have been the elevation & support of *one man’s power*.

“Your lordship has undoubtedly heard of me as an opposer. It is true that, in conjunction with several of

* Hardwicke MSS., Wimpole.

your lordship's & my old friends, I have opposed certain particular measures. When I have done so, it has been accord^d to my judgm^t & conscience, with the greatest duty to the King, & a sincere zeal for his service & that of the public, & I am not ashamed of it."*

The following amusing anecdote by Dr. Birch, respecting the misappropriation of one of Lord Hardwicke's venison presents, may afford entertainment to the reader :—

"Dr. H., just returned from Cambridge, where he kept an act for his degree of doctor of physic, brings to town some good stories of absurd behaviour in the Vice-Chancellor. On Sunday, when the new doctors dine with him, he omitted to invite as usual any noblemen, and gave his company a bad dinner, with only a pasty of the half buck presented him according to custom by Lord Hardwicke, having reserved the haunch for the entertainment of some select friends in the College the next day!" †

The next letter from Dr. Birch to Lord Royston contains an original account of the trial of the action brought by one of the printers of the *North Briton* against the messengers who seized the printing apparatus. Dr. Birch was present, it appears, at the trial.

"When I saw your lordship the night before you left town, I had no thoughts of exposing myself to the inconvenience of attending a long trial in a small court, and in summer season ; but my curiosity after all prevailed, and I was present, tho' in no very favourable situation, at that between one of Leach's pressmen and the messengers, in which the former who laid £1000 damages against them, had £300 with costs allowed him by the jury.

The whole weight of the defence of the messengers lay upon the Attorney and Solicitor-General, there being but one sergeant to assist them, Whittaker, who only examined a witness. The counsel for the plaintiff were Sergeant Glynne, Mr. Stove, Mr. Dunning, (the author of the defence of the East India Company against the memorial of the

* Hardwicke MSS., Wimpole.

† Ibid.

Dutch,) Mr. Wallis, and Mr. Gardiner. The court sat a quarter before ten, and the jury gave in their verdict about eight.

"The plea for the defendants was that as they acted by warrant from a Secretary of State, having produced that warrant they were indemnified by acting under a lawful authority, and the counsel for them urged two Acts of Parliament made in the reign of King James I., and one in that of the late king in favour of insuring officers executing lawful warrants. They endeavoured likewise to engage the Lord Chief Justice and jury to bring in a special verdict, and leave the point of law to be more solemnly determined. His lordship declared himself ready to give his opinion upon the law, if the jury should be inclined to receive it, rather than to give a special verdict; but they expressing their readiness to give a general one, he proceeded to give his opinion that the Secretaries of State are not comprised in the three Acts of Parliament, and that the messengers having probable cause to apprehend Leach and his man, could not be justified by the warrant, however legal it might be; though he seemed to throw in some doubts of that, as it contained no name, and was not granted upon oath. Carrington was the man who had given them instructions to go to Leach, upon a slight information from an old printer that young Richardson having discontinued the printing the *North Briton* at No. 25, Leach had undertaken it; and that he had seen Wilkes go into Leach's house.

"The Attorney-General in his first speech was not sparing in his representations of the licentiousness of the *North Briton*, especially on the tendency of his national invectives against the Scots nation to break the union.

"Wilkes was in court the whole time; and when he went away was received with the loudest acclamations in Guildhall, and I presume in the street; while the Solicitor-General was hissed out of the court.

"On Thursday morning came on a second trial between another of Leach's men, which lasted but a short time, and ended in an agreement to allow him, and each of his twelve compositors, £200 and costs of suit." *

Mr. Dunning, here alluded to, was afterwards one of the most distinguished advocates which this country ever produced; and his argument in this case against general warrants is said to have at once established his reputation as a lawyer, and laid the foundation of his future

* Hardwicke MSS., Wimpole.

fortunes. He was born at Ashburton, in Devonshire, in 1731, where his father practised as an attorney, and in whose office he commenced his legal career, thus beginning his professional life in the same mode as was pursued by the subject of this memoir. Mr. Dunning afterwards came to London, and entered as a student at one of the Inns of Court, where his principal companions were Mr., afterwards Lord Kenyon, and the subsequently celebrated Horne Tooke. On being called to the bar, he went the western circuit, which he afterwards exchanged for the northern. For six or seven years, however, his success was but very moderate. On one occasion, a leader on his circuit having been attacked with a fit of the gout, —to which the luxurious living enjoyed during the period of these professional peregrinations no doubt largely contributed,—placed his briefs in Mr. Dunning's hands, who conducted the cause so ably that, in a short time, his practice began rapidly to increase, and he eventually became one of the most skilful and eminent advocates of which the English bar has been able to boast.

What is, in reality, the best evidence of the powers of an advocate, it might be difficult to determine fully. It may be thought by some, that his average success in the causes he undertakes is the surest proof of this. This is, however, by no means an invariable or infallible test. Perhaps the finest arguments and the most eloquent rhetorical efforts, both in ancient and modern times, have been those which have proved unsuccessful in the result. The acknowledged extraordinary power of the advocate may often lead him to be engaged in cases where, but for dependence on his ability, the contest would never have been carried on; and in the majority of cases of this kind he must be almost necessarily unsuccessful. It is not merely the nicely-balanced proba-

bilities of success on either side, that induce persons to go to trial ; but, where the stake is very great, so as to render the cost of this but trifling in comparison with the magnitude of the interests involved, it is often deemed worth while to try the fortune of war,—the chances of “ the glorious uncertainty of the law,”—rather than submit at once to defeat and spoliation. Many events and circumstances and accidents, altogether unforeseen, may arise before, or during the period of the trial ; and it is in a skilful availing of these, a dexterous use of sudden opportunities, that the advantage of retaining an advocate of pre-eminent ability may be shown. On the other hand, it is the man of only moderate power and skill, who is trusted merely in cases where the merit is seen decidedly and obviously to preponderate on his side, who can boast of being successful in the majority of his undertakings.

Dr. Birch mentions in another letter addressed to Lord Royston, on the 16th of July, 1763.

“The principal of the exceptions made to the tryal of the messengers is, I am told, to the court’s having refused to hear as evidence the books of the Secretary of State’s office relating to the granting of warrants.”

It is probable that we are in some measure indebted to Dr. Birch’s intimacy with Mr. C. Yorke, for the accurate and clear manner in which he describes the events at some of the important trials which he witnessed. Dr. Birch in some instances accompanied his friend to the scene of these exploits, in which the latter was to be a principal performer, and had the advantage of talking over with him the points of leading interest which arose, so that though the handwriting is that of the reverend Doctor, the voice is that of the learned Attorney-General. His own opinions and feelings on the subject may be deemed to be here shadowed. On the particular occa-

sion before us Dr. Birch partook of the hospitalities of his friend, with whom he discussed the events of the day after the conclusion of the dinner—a particular time when, if any reliance can be placed on the old adage, the real sentiments of the lawyer would be most likely to be laid open.

The next letter is also from Dr. Birch to Lord Royston on the same all-engrossing topic at this period, and bears date July 23, 1763.

“The article in the papers of Entick’s and Sandmore’s resolution to prosecute the Secretary of State and messengers for false imprisonment for the *Monitor*, is I find well founded. And it is not at all wonderful that they have taken it upon the encouragement of the late judgment of the Lord Chief Justice of the Common Pleas, and the verdict of the London jury. The mention of this on Thursday, after dinner, at the Attorney-General’s, at Highgate, where Mr. Harris, of the Treasury, and Colonel Selwyn as well as myself were present, occasioned him to open with a little freedom on the conduct of the Chief-Justice and jury on the trial of Hack and the messengers, by the issue of which he thought the honour of government in general was not a little affected. He acquainted us that the exceptions were insisted upon, the council for the defendants having been denied a special verdict, which ought to have been given by the jury, and more strongly enforced by the court; and that by the statute of Westminster, such exceptions must be given in, and even engrossed upon parchment before the rising of the court. The consequence of putting in these exceptions will be by a writ of error carrying the contested point of law into the King’s Bench, whence upon another error it may be transferred into the House of Lords. The Chief-Justice during the debate on the proceeding, said to the Attorney-General with some air of reproach, though in a very low voice, what was not very proper to come from the mouth of a judge to an officer of the Crown acting as such, according to his duty, ‘I find you don’t care to trust either me or the jury.’”*

On the 2nd of August, Lord Hardwicke went down to Wimpole. In a letter to Lord Royston written from thence on the 5th of that month, he gives an

* Hardwicke MSS., Wimpole.

account of two conferences which he had had with Lord Egremont already referred to. He says that the conversation was very general, “ & the worst appearance was *that there then seemed to be nearly as great an aversion to taking in the Duke of Newcastle, as to Mr. Pitt & L^d Temple*. I endeav^d to shew the necessity of widening the bottom, & letting in *several*; & for that purpose, &, in order to alarm his fears, set in as strong a light as I could the great difficulties & dangers which hang over the heads of the *triumvirate*, as they are called; & the confusion & storms with which they will probably set out in the meantime. This I did not fail to aggravate by the hollowness of their ground at court. We parted with very civil professions on both sides, & from that night I have not seen Lord Egremont till last Monday morning.

* * * * *

“ On Friday I was at the levee, a very thin one, to make my bow to the King before going out of town for the autumn. His Majesty was very civil; enquired when I went to Wimple, to which I answered, *on Monday*. I mention this circumstance, because I believe it brought upon me *what follows*. On Sunday noon I had a note from Lord Eg^r. to come to me either *immediately*, or *that night*, or on *Monday morning, as early as I pleased*. As I was just stepping into my chariot to dine at Highgate, I named either Sunday night or Monday morning, the last of which took place. His lordship staid with me about an hour & a half; began with great civilities & professions of regard, & then told me that he came *by His Majesty's order*, whose good opinion & esteem for me he avowed to represent in the royal words, which were such as it will not become me to repeat. That the King wished to see me again in his council, & he was authorized by His Majesty to offer to

place me *at the head of it*. That he (Lord E.) had taken occasion to lay before His Majesty, at different times, what had passed between us in former conversations ; & that the King found that, after so long a friendship & connexion with the D. of Newcastle, I had some difficulties, upon the point of private honour, to break thro' them. That tho' His Majesty had reason to be offended with his Grace's late conduct, yet, for the sake of attaining what he so much wished, if the D. of Newc. would accept one of the great offices about the court, the King would condescend to it. That His Majesty understood the Duke had declared, in the House of Lords, that he would not come again into a ministerial place ; & desired to *know my opinion* whether his Grace would return to the King's service upon the foot proposed. I own I did not expect so *direct* a proposition ; & made all the dutiful, grateful, but disabling speeches that became me. How little I wished to come into office again, I said, appeared by my having declined the Great Seal in July 1757, & the Privy Seal in the winter 1761 ; which I had done with the greatest consideration for His Majesty's service. That, as I had declined to accept an employment, tho' offered me, whilst all my friends were in court, it was impossible for me to accept one whilst all my friends were out of court. That as to what was said about the D. of Newcastle, my connexion with him was avowed & well known ; that I might have expressed myself shortly upon former occasions, but I had allways described or alluded to others also. That most of, if not all, the great Whig Lords, with whom & their families I had acted for forty years, were now displaced ; & I shou^d only tarnish my own character, at least in y^e opinion of y^e world, at y^e end of my life, & not be of any use to His Majesty, if I separated myself from them. That I re-

joiced, for the sake of His Majesty's service, that the proscription was so far taken off from the Duke of Newcastle. That I looked upon it as a good beginning, but there were *others besides his Grace*. As to the point on which my opinion was asked, it was too delicate & important for any man to answer, without consulting the person concerned, upon *that very point* directly. Therefore I begged to know how far I might go with the Duke ; for I wou^d not exceed His Majesty's permission by one jot. My lord answered that the King wou^d by no means allow me to acquaint the D. of N. with this, unless I first declared my opinion that *it would do*. To this I said that I was then at a full stand. It was impossible for me to say now that it wou^d do, & how should I know if I could not ask? If I was to hazard a conjecture, it would be that this alone wou^d not do. That things had been suffered to go so far that his Grace himself must have formed connexions, &c. However, it was repeated that I must not open one word of this to him. I could not help saying : he will even know of this visit of y^r lordship's to me ; may I own that you have talked to me in the like stile as formerly upon my own subject? This was agreed to.

* * * *

“ He then spoke of the continuance of the cry against Lord B. ; that he had been hung up in effigie upon a gibbett, at one of the principal gates of Exeter, for this fortnight past, & no body had dared cut the figure down in all that time. It is immaterial to run into the minutiae of our conversation ; but, in the course of it, my lord had happened to say that the King could not bring himself to submit to take in a party in gross, as an opposition party. I told him nobody wou^d advise His Majesty to avow the doing of that. But a king of England, at the head of a popular governm^t, especially as of late the

popular scale has grown heavier, wou^d sometimes find it necessary to bend & ply a little. That it was not to be understood as being forced ; but only submitting to the stronger reason, for the sake of himself & his government. That King William, hero as he was, had found himself obliged to this conduct ; so had other princes before him ; & so had His Majesty's grandfather, & found his governm^t grew stronger by it.

* * * * *

“ I have now told you the substance of a long conversation. The only material thing besides was, that L^d Egremont at last varied a little the form of his restriction, as to the Duke of Newcastle, & put it finally, *that I shou^d not say anything to him of this proposition, till after I had seen or heard from his lordship again ;* & so it was left. When either of those will happen I know not, for his lordship knew I was fixed to go out of town the next morning for the autumn, & came to me upon that foundation.”*

On the 28th of August Lord Hardwicke was called back to London, by the following peremptory summons from the Duke of Newcastle :—

“ *Claremont, Aug. 28th, 1763.*†

“ MY DEAREST LORD,—I write this at the request of Mr. Pitt, to desire your lordship would come to town upon business of the greatest importance. He sends this night expresses to the Duke of Devonshire and my Lord Rockingham, to come to town immediately. L^d Frederick thinks his brother will not be here before Wednesday, & I should think, if your lordship is so good as to come to town, on Thursday evening, it will be time enough. My Lord Bute was with Mr. Pitt

* Hardwicke MSS., Wimpole.

† Ibid.

three hours on Thursday last, and yesterday Mr. Pitt was three hours with the King, & this day Mr. Pitt was here five hours with me. Mr. Pitt has made me promise not to write to your lordship, to the Duke of Devonshire, or any body, upon the subject of these conferences; I will only venture in general to tell you, that Mr. Pitt went to the bottom of the sore, both to my L^d Bute & the King, as well as with regard to things & measures, as persons. He was not ill received upon either, & at present, it seems that *the whole* is flung into his hands. His declaration with regard to us, his friends, was very proper & very honourable. Particular arrangements will be a work of future, & I hope, joint consideration, & for that reason I hope your lordship will be so good as to be with us, for I shall come to no determination till I know your opinion.

“P.S.—I beg your lordship would write me a word or two in answer. I wish I could explain myself further, but I dare not. Mr. P. told both L^d B. & the K. that he must insist upon the Duke of Devonshire, my Lord Hardwicke, & the Duke of Newcastle, & named many others afterwards.”

Lord Egremont died on the 21st of August. Horace Walpole states that about “a fortnight before this event his Majesty hinted to Lord Grenville that he wished to prevail upon Lord Hardwicke to return, if not to his services, at least to his councils. Whether the blow received from the Common Pleas had alarmed the favourite, (who had made but a very short stay at Harrowgate), and had warned him to look out for more support; or whether he thought the three ministers insufficient; or whether, which is most likely, he wished already to get rid of them, especially having detected

the underhand practices of Grenville against his son's patent;—in short, whatever was the motive, Grenville could not be ignorant who was author of the advice, and only replied *it would not do*. The King insisted, and the overture was made; Lord Hardwicke rejected it, and said he would not abandon the Duke of Newcastle. The King then commanded the same trial to be made on the Duke of Newcastle, but with the exclusion of Mr. Pitt. Newcastle refused the offers made to him.”*

Negotiations were then opened with Mr. Pitt, to whom Lord Bute stated the King's earnest wish of employing political talent and integrity, without any respect to parties; and having obtained from him in return an explicit declaration of his views regarding men and measures, he settled for him an interview with His Majesty, at Buckingham House, on the 27th of August. At this conference, which lasted three hours, the King listened very patiently, whilst Mr. Pitt dilated on the infirmities of the peace, and the disorders of the state, and the principal remedy which he proposed to adopt in restoring to power those great Whig families, in whose abilities, experience, and integrity, the public reposed confidence. His Majesty, at this time, made no objection to what he heard, further than by saying “that his own honour must be preserved;” he then broke up the conference, and appointed a second interview on the 29th.

In the intervening day, Mr. Pitt, feeling confident respecting the result of his negotiations, conferred with the Duke of Newcastle and other leaders of that party, by whom the plan of a new cabinet was arranged, with which Mr. Pitt went prepared to meet His Majesty. He was doomed however, as will be seen, to disappointment in his hopes.

* *Memoirs.*

Lord Hardwicke returned to Wimpole at the beginning of September, and on the 4th of that month wrote the following letter to his son, Lord Royston, giving the full particulars of the recent negotiations, as also of some matters of domestic interest. In some of the editions of the portion of this celebrated letter already printed, Lord Hardwicke has been made to commence with the words, "My dear Lord;" on which Lord Campbell has commented.* The following is, however, a correct transcript of the whole from the original:—

"Wimpole, Sunday Night, Sept. 4th, 1763.†

"DEAR ROYSTON,—At my return to this house last night, I found, with great pleasure, upon my table, your kind letter from Chatsworth. I rejoiced to find that you & dear Lady Grey were got to the utmost extent of your progress in good health, & in the good prospect of your nearer approach to me. I hope this will reach you both safe arrived at Wrest House, to the great comfort of my dear pretty granddaughters, who have mourned after you. Your want of rest at Matlock, I presume you have by this time recovered from. But how could you expect to sleep there;—the business of the night at Matlock is to walk in the Lover's Walk, or to dance. I saw the Master of Chatsworth in town, who appeared to be much pleased & flattered with your visit, & expressed great concern at being obliged to leave his house before you had finished your visit.

"Thus far all is well; as Bp. Sherlock begins his sermon upon the Rebellion. But an odd accident has happened to your old father. I left two lodgers in my house when I went to London, & was no sooner returned but I was told they went away the very morning I was

* Lives of the Chancellors.

† Hardwicke MSS., Wimpole.

to come back. You may be sure I searched dilligently to see whether they had robbed their lodgings; but tho' I could not find that they had taken any thing away, I found they had left me something—a child upon my hands, of about a quarter old. As it was left in my house I must save the parish harmless, & have had some thoughts of sending it to the Foundling Hospital. But it is a pretty babe, & I think I have taken a fancy to it, & shall take care of it myself. 'Tis a girl; but the servants say they have had some hint that its name was, they don't know what—something like *Jeremiah*, which they suppose was meant to mislead them. What shall I do? As your worship is a justice of peace, & quorum in both counties, I desire you will cause a search to be made, whether the reputed father & mother may not be loitering somewhere in Bedfordshire, or upon the borders of Bedfordshire or Cambridgeshire, & issue your warrant to send them to the place of their last legal settlement, pursuant to the statute in that case made and provided. However, I am glad the poor orphan is very well.

“The Duke of Devonshire told me that he had acquainted you with as much as he then knew of the cause of his being summoned to London, & that you had all drunk to *bon succeez* in a bumper. As it is the same for which I was called from my plough, I will give you the general outlines of it, & reserve the full narration of particulars till we meet. I have heard the whole from the Duke of Newcastle, & on Friday morning, de source from Mr. Pitt. But if I was to attempt to relate in writing all that I have heard in two conversations of two hours each, the dotterels & wheatears would stink before I could finish my letter. Besides, it is as strange as it is long, for I believe it is the most extraordinary transaction that ever happened in any

court in Europe, even in times as extraordinary as the present.

“ I will begin, as the affair has gone on *preposterously*, by telling you that it is all over for the present, & we are all come back *re infectâ*. It began, as to the substance, by a message from my L^d Bute to M^r Pitt, at Hayes, thro’ my L^d Mayor, to give him the meeting *privately*. at some third place. This his lordship (& L^d B.) afterwards altered by a note from himself saying, that, as he loved to do things openly, he would come to Mr. Pitt’s house, in Jermyn-street, in broad daylight. They met accordingly, & Lord Bute after the first complim^{ts}, frankly acknowledged that this ministry could not go on, & that the King was convinced of it; & therefore (he & L^d B.) desired that Mr. Pitt wo^d open himself frankly & at large, & tell him his ideas of things & persons with the utmost freedom. After much excuse & hanging back, Mr. Pitt did so, with the utmost freedom indeed, tho’ with civility. Here I must leave a long *blank*, to be filled up when I see you. Lord B. heard with great attention & patience, entered into no defence, but at last said, if these are your opinions, why should you not tell them to the King himself, who will not be unwilling to hear you? How can I, my L^d, presume to go to the King who am not of his council, nor in his service, & have no pretence to ask an audience. The presumption would be too great. *But* suppose His Majesty sho^d order you to attend him, I presume, Sir, you wo^d not refuse it. *The King’s command* wo^d make it my duty, & I sho^d certainly obey it. This was on last Thursday se’nnight. * On the next day (Friday) Mr. Pitt rec^d from the King *an open note unsealed*, requiring him to attend His Majesty on Saturday noon, at the Queen’s Palace, in the Park. In obedience

* August 25th.

hereto, Mr. Pitt went on Saturday at noon-day, thro' the Mall in his gouty chair, the boot of which (as he said himself) makes it as much known as if his name was writ upon it, to the Queen's Palace. He was immediately carried into the closet, received very graciously, and His Majesty began in like manner as his *quondam favorite* had done, by ordering him to tell him his opinion of *things and persons* at large, & with the utmost freedom; &, I think, did in substance make the like confession, that he thought his present ministers could not go on. The audience lasted three hours, & Mr. Pitt went thro' the whole upon both heads more fully than he had done to Lord Bute, but with great complaisance & douceur to the King; and His Majesty gave him a very gracious accuiel, & heard with great patience & attention; and Mr. Pitt affirms, that in general, & upon the most material points, he appeared by his manner & many of his expressions to be convinced. But here I must again avail myself of my *long blank*, & only make one general description, that Mr. Pitt went thro' the general infirmities of the peace; the things necessary, & hitherto neglected to improve & preserve it; the present state of the nation, both foreign & domestic; the great Whig families & persons which had been driven from His Majesty's council and service, which it wo^d be for his interest to restore. In doing this he repeated many names; upon w^{ch} His Majesty told him, there was pen, ink, & paper, & he wished he would write them down. Mr. Pitt humbly excused himself by saying, *that* would be too much for him to take upon him, & he might upon his memory omit some material persons which might be subject to imputation. The King still said he liked to hear him, & bid him go on; but said now & then that his honour must be consulted; to which Mr. Pitt answered in a very courtly manner. His Majesty ordered him to come again

on *Monday*, w'ch he did, to the same place in the same public manner.

“ Here comes in a parenthesis, that on Sunday Mr. Pitt went to Claremont, & acquainted the Duke of Newcastle with the whole, fully persuaded, from the King's manner & behaviour, that the thing would do ; and that on Monday the outlines of some new arrangem^t would be settled. This produced the messages to those lords who were sent for ; Mr. Pitt undertook to write to the Duke of Devonshire & the Marquess of Rockingham, & the Duke of Newcastle to myself.

“ But behold the catastrophe of *Monday*.* The King received him equally graciously, & that audience lasted near two hours. The King began, that he had considered of what had been said, & talked still more strongly of his honour. His Majesty then mentioned Lord Halifax for the Treasury, still proceeding upon the supposition of a change. To this Mr. Pitt hesitated an objection, that certainly Lord Halifax ought to be considered, but that he should not have thought of him for the Treasury. Suppose His Majesty should think fit to give his lordship the Paymaster's place. The King replied, But, Mr. Pitt, I had designed that for poor George Grenville ; he is your own relation, & you once loved him. To this the only answer made was a *low bow*. And now here comes *the bait*. Why, says His Majesty, should not my Lord Temple have the Treasury ?—you co^d go on then very well. Sir, the person whom you shall think fit to honour with the chief conduct of your affairs cannot possibly go on without a Treasury connected with him. But that alone will do nothing. It cannot be carried on without the great families who have supported the Revolution Government, & other great persons of whose

• August 29th.

abilities & integrity the public has had experience, & who have weight and credit in the nation. I should only deceive your Majesty if I should leave you in an opinion that I could go on, or your Majesty make a solid administration upon any other foot. *Well, Mr. Pitt, I see, (or I fear) this won't do. My honour is concerned, and I must support it. Et sic finita est Fabula. Vos valet;* but I cannot, with a safe conscience, add *plaudito*.

I have made my skeleton larger than I intended at first, & I hope you will understand it. Mr. Pitt professes himself firmly persuaded that my L^d Bute was sincere at first, & that the King was in earnest *the first day*; but that on the intermediate day, Sunday, some strong effort was made, which produced the alteration. Mr. Pitt likewise affirms, that if he was examined upon oath he could not pretend to say, upon what this negociation brake off, whether upon any particular point, or upon the general complexion of the whole; but that if the King shall assign any particular reason for it, he will never *contradict it*.

“My story has been so long, tho’ in truth a very short abridgem^t, that I shall not lengthen it by observations, but leave you to make your own. It will certainly be given out that the reason was the unreasonable extent Mr. Pitt’s plan;—a general rout;—& the minority, after having complained so much of proscription, have endeavoured to proscribe the majority. I asked Mr. Pitt the direct question, & he assured me, that altho’ he thought himself obliged to name a great many persons, for his own exculpation, yet he did not name above five or six for particular places. I must tell you that one of those was your humble servant, for the President’s place. This was entirely without my authority or privity. But the King’s answer was, *Why, Mr. Pitt, it is vacant & ready*

for him, & he knows he may have it to-morrow, if he thinks fit. I conjectured that this was said with regard to what had passed with poor Lord Egremont, which made me think it necessary to tell Mr. Pitt in general what had passed with that lord, (not owning that his lordship had offered it directly in the King's name), & what I had answered; which he in his way much commended. This obliges me to desire that you will *send me* by the bearer *my letter to you*, which you were to communicate to my Lord Lyttelton, that I may see how I have stated it there, for I have no copy.

“I shall now make you laugh, tho’ some parts of what goes before make me melancholy. To see the King so committed, & his Majesty submitting to it, &c. But what I mean will make you laugh is, that the ministers are so stung with this admission that they cannot go on, (& what has passed on this occasion will certainly make them less able to go on); & with my Lord Bute’s having thus carried them to market in his pocket, that they say L^d Bute has attempted to sacrifice them to his own fears and timidity, that they do not depend upon him, & will have nothing more to do with him; & I have been very credibly informed, that both L^d Halifax & Geo. Grenville have declared that he is to go beyond sea, and reside for a twelvemonth or more. You know Cardinal Mazarine was twice exiled out of France, & governed France as absolutely whilst he was absent as when he was present.

“Now to domestic matters. I had a letter by this day’s post from Charles, to tell me that he & Mrs. Yorke will be here on *next Tuesday* evening. He don’t say how long to stay, but I fancy about a week, so I shall then have some company, & the runaways need not shorten their vagrancy on that account.

“My kindest love and best wishes attend you all. Send me word how you all do. You may keep my servant as long as you please, so as he be at home by daylight, for I don’t want him. After this very fine day, the south wind whistles, so that I fear it will whistle up rain. I am, as you know me,

“Your most affectionate

“HARDWICKE.

“P.S. You will judge for yourself, that several things mentioned in this letter are fit to communicate to very few only.

“I wish you could tell me how I may safely write to Lord Lyttelton. He talked of making up a parcell in a band-box, & sending it by the Worcester coach, but his lordship is not reckoned to have a lucky hand at secret correspondence.

“When shall you think of Wimpole?”

Lord Hardwicke still remained in London. During the early part of October he was visited by an attack of illness of an alarming character, and of which he gave an account in a letter to Lord Royston, whom he tells,—

“I have been confined to my house, & in a manner to my room ever since last Tuesday night, & constantly in the doctor’s hands, who has kept me for the most part exceeding low. He blames me for having neglected the complaint too long.”*

Mr. John Yorke, however, in a day or two sent a more promising account of Lord Hardwicke’s state.

“I can begin my letter to-night with much more ease and satisfaction than that which I wrote to Mrs. Yorke last night, because I flatter myself that I have just left

* Hardwicke MSS., Wimpole.

Lord Hardwicke in a much fairer way of being speedily well, than I apprehended when I wrote that letter.

“He slept very well last night. . . . His strength & spirits are much better to-day than they were yesterday, notwithstanding, the doctor is so rigid as to make him abstain from all sorts of food, except a little chicken broth, or balm tea. His pulse is still a good deal too quick, which makes Duncan persist still more in compelling him to abstain from any sort of solid food or wine, notwithstanding, my lord’s belly cries cupboard, & Dr. Charles Yorke thinks a bit of victuals & a glass of wine highly proper & necessary, & that his lordship ought to be sustained. Upon the whole he appears a great deal better than I expected he would have been when I wrote last night; & if he improves as much to-morrow, I hope I shall have the pleasure of sending you word that all our apprehensions are over. But the longer the disorder has been in accumulating, the more time it will take in carrying itself off; & I am much persuaded, or rather convinced, that the whole difference between this & any former attacks he has had of the same kind arises from his own neglect. He sends his kind love to all his friends at Wimpole, & laments his being detained from them so long, but he hopes by Monday or Tuesday next to be able to return, & enjoy their good company, & share with them this pleasant weather. This is what he says, & most certainly what he wishes: but I, who neither understand or practise physick, like Dr. Charles Yorke, endeavour to discourage him from being in haste to return into the country; & have repeatedly desir’d Duncan to insist upon his not stirring, till he thinks he will not run any hazard of getting cold by such a journey.” *

* Hardwicke MSS., Wimpole.

Before the end of the month, Lord Hardwicke had nearly recovered his accustomed health, on which event the Duke of Newcastle wrote a warm letter of congratulation to the Attorney-General. But, on the 31st of October, we find a letter from Lord Hardwicke to Lord Royston, giving an account of himself, in which he says, "On Saturday night I had very little sleep, & yesterday in the forenoon was very low." Towards the evening, however, he grew better, and had slept well the night before; and he found himself much mended and his spirits improved. He then continues,—

"I cannot mention this without thanking good Lady Grey for the kind bill of fare, which she sent me yesterday, by Mouse, who presented it very genteely between her finger and her thumb. I read it over to my lords & masters, and passed the articles of rice, sago, & salop, with much approbation; but the material articles were condemned. Calves-foot was slippery & mucilaginous; & crawfish broth only for persons quite recovered, who wanted nothing but strengthening; but too good for me. What a disappointment!" *

A resolution was carried in the House of Commons, "That privilege of Parliament does not extend to the case of writing & publishing seditious libels." This was sent up to the Lords for their concurrence in it, and on this important constitutional point it was deemed proper to consult Lord Hardwicke, who declared his opinion to be "that privilege of Parliament does not extend to prevent a member from being prosecuted and imprisoned for any crime; that the words in the common *cautelena*, 'treason, felony, and breach of the peace,' are only put as examples, and that it would be most discreditable to Par-

* Hardwicke MSS., Wimpole.

liament to assert the right of all its members to commit with impunity all misdemeanours which did not amount to an actual breach of the peace."

The Duke of Newcastle and his friends, in consequence of this opinion, refused to vote with Lord Temple, or to join in his protest.

On the 3rd of November Mr. Charles Yorke resigned the post of Attorney-General, alleging to Mr. Grenville, says Horace Walpole, that his father and the Duke of Newcastle had insisted upon it. Mr. Yorke, on the trial of the printers, had made a warm speech against Wilkes, and was to carry on the prosecution. Walpole adds, what is however abundantly negatived by higher authority, "The father and the son were certainly in their hearts inclined to prerogative, but interest so swayed their actions, and it was so much the point of the whole family that Charles Yorke should be Chancellor, that we shall find one perpetual stream of dubitation and trimming run through their conduct. The father, indeed, more soured, and with pride more affronted, towards the close of his life grew more settled in his asperity towards the court. Nor was he the only instrument of prerogative whom the court lost because it could not reward all its devotees up to their ambition."

Mr. Yorke agreed with the ministry on the question of privilege, but differed from them on general warrants. This last difference may have accelerated his resignation; but the event itself had been determined on ever since the failure of the negotiation which took place towards the end of the preceding August, through Mr. Pitt and Lord Hardwicke, to form a new administration on the Whig basis.*

On the occasion of Mr. Yorke's resignation, the Duke

* Note to H. Walpole's Correspondence.

of Newcastle wrote to him, saying, "I must congratulate you upon the most honourable and most unusual mark of attention and respect which you received yesterday, both from the bar and from my Lord Chancellor." *

In a letter from Horace Walpole to Lord Hertford, the writer thus describes the efforts of Mr. Charles Yorke on the debate respecting the question of privilege relating to Wilkes, which is the only occasion on which Walpole did not allow his hatred of the Yorke family to get the better of his reason.

" *Arlington Street, Nov. 25, 1763.* †

"Charles Yorke shone exceedingly. He had spoken and voted with us the night before, but now maintained his opinion against Pratt's. It was a most able and learned performance, and the latter part, which was oratoric, uncommonly beautiful and eloquent. You find I don't let partiality to the Whig cause blind my judgment. That piece was certainly the masterpiece of the day. Norton would not have made a figure, even if Charles Yorke had not appeared; but giving way to his natural brutality, he got into an ugly scrape."

The health of Lord Hardwicke, who still remained in London, appears not to have improved. At the beginning of November he wrote a letter to his friend the Duke of Newcastle, of which his Grace thus spoke, as also of Lord Hardwicke's state, in a letter to Mr. C. Yorke.

"I have received, two hours ago, the most manly *long* letter from my great & dear friend, your father, full of the truest friendship & affection which ever one friend wrote to another. It has made the strongest impression upon me, tho' it does not at all surprize me. . . . I own the note from Wilmot this morning adds to the great anxiety which I have been under for him for some

* Hardwicke MSS., Wimpole.

† Correspondence of H. Walpole.

days. I pray God I may find myself mistaken tomorrow. I can't think of his danger without feeling all a man can feel for his country, for himself, & for his dear friends & family."*

In a letter from Lord Barrington to Mr. Mitchell, dated Nov. 17th, he says,

"I went to see the Duke of Newcastle the day after he came to London, and he received me very kindly. At parting, I said I should frequently pay my duty to his Grace, if I thought it would be agreeable to him, in answer to which, he desired I would. He looks very well and hearty. I know nothing of his politics, for he did not say a word on those subjects, though I staid with him alone above a quarter of an hour. He was greatly concerned for Lord Hardwicke, who is in a declining and dangerous way."†

For two days Lord Hardwicke was supposed to be dying, but he afterwards rallied.

In a letter dated "December 5th, 1763,"‡ from the Duke of Queensberry and Dover to Lord Royston, the writer states:—

"I am obliged to your lordship for giving me a more favourable acc^t of my Lord Hardwicke's state of health. I have always entertained (& always shall) the high respect justly due to that great & good man."

And in another, from the same to the same, dated the 12th of the same month, the Duke says—§

"Your lordship has given me great pleasure by y^r acc^t of the good effect of Dr. Cockburn's electuary in my Lord Hardwicke's case. It is so essential a turn in his favour, that I hope it will lead to a perfect recovery."

* Hardwicke MSS., Wimpole.

† Hardwicke MSS., Wimpole.

‡ Original Letters.

§ Ibid.

The Duke of Newcastle, in a letter to Mr. C. Yorke, written about this time, sends the following particulars respecting Lord Hardwicke :—

“ I was last night a considerable time in Grosvenor Square, & had a great deal of discourse with Latouche, and afterwards alone with Dr. Duncan. The first was very sanguine, gave a reasonable account of the amendment, owned there was fever, but upon the whole flatter'd himself extreamly that the danger was over. I sent him to make my best comp^u, with my best wishes, for my dear old friend, with the pleasure I had in hearing that he was so much better. I had very distinct & very kind answers from L^d H. to me & the Dutchess of Newcastle, acquainting me that he thought himself better ; & Latouche added, *He is* a great deal better. I wish I could say Dr. Duncan's account was as favourable.”*

During December Lord Hardwicke continued to mend slowly, and on the 26th of that month Mr. Charles Yorke writes to the Duke of Newcastle thus :—

“ With regard to Lord Hardwicke, he is certainly much better. Yesterday he bore sitting up for a considerable time, without fatigue. The *thrush* seems to be going off in a favourable manner. He had no fever last night.”

At the commencement of the year Lord Hardwicke was still going on well ; so that the Duke of Newcastle, in a letter to Lord Royston, written on the 3rd of January, 1764, appeared to hope that there was every prospect of his entire recovery.

“ I now flatter myself again that Providence will pre-

* Hardwicke MSS., Wimpole.

serve to us that great & good man, my Lord Hardwicke, for the sake of his country, his family, his friends, among the first of whom I must have the vanity to reckon myself the oldest, the longest, &, I hope, as grateful & as sincere as any of them.

“If uninterrupted friendship, an intimate & almost daily correspondence, attended with constant marks of confidence & affection, with a reciprocal concern for every thing that interested or concerned each other, a continued union of conduct & behaviour, & even of opinion & sentiment, more than I have known in any other instance, can form a reciprocal friendship, it must be in our case.”*

It appears from the following, from Lord Barrington to Mr. Mitchell, that Lord Hardwicke's illness continued to take a favourable turn, and that general hopes of his recovery were now entertained:—

“*Jan. 12th, 1764.*—Lord Hardwicke has surprisingly recovered, and I hope will live. Our old friend the Duke of Newcastle is very well at Claremont. I see him pretty often, but we have never talked about politics since we differed so entirely about them. I pity him most sincerely, but know not how he can now mend his situation. What a situation he has lost! He might have been the support of the Crown, and the arbiter between government and faction.”†

Horace Walpole mentions, however, in a letter, dated February 19th, “Lord Hardwicke is relapsed.”

The same writer states in a letter to the Earl of Hertford, written about this time, that Lord Hardwicke was “violent against the Court,” and “displeased that his

* Hardwicke MSS., Wimpole.

† Ellis's Orig. Letters.

son was sacrificed to Pratt in the case of privilege. Charles Yorke," he adds, "resigned against his own and Lord Royston's inclination, and is particularly angry with Newcastle for complying with Pitt in the affair of privilege, and not less displeased that Pitt prefers Pratt to him for the seals."

In another letter to Lord Hertford, this same Horace Walpole, who asserts of Lord Hardwicke that "in the House of Lords he was laughed at, in the cabinet despised," tells his correspondent that Pitt would not oppose a question merely because Charles Yorke gave into it, "for it is wonderful what deference is paid by both sides to that house." On which the able editor of the "Correspondence of Horace Walpole" observes in a note, "Wonderful to Mr. Walpole only, who had a private pique against the Yorkes; no one else could wonder that deference should be paid to long services, high station, great abilities, and unimpeached integrity." Walpole adds in a letter, that a reply in a debate by Mr. Charles Yorke had been much admired; but of course continues, "me he did not please."

Horace Walpole also says—

"On the 9th, the day appointed for considering the Marriage Bill, Charles Yorke opposed going into committee, and said Sir John Glynn should have stated objections and proposed amendments; wished to have a bill brought in for that purpose. He talked of the wisdom and temper with which it had been carried through before, the truth of which may be seen in my former account of that bill. Rigby was for its going into the committee, his patron, the Duke of Bedford, having been, & continuing to be, its warm adversary. Lord Strange ridiculed ecclesiastical law, and frankly spoke of marriage as only legal cohabitation. George Grenville stayed away; and Lord Holland's friends were for repealing the bill. The opposition, to court the Yorkes, were against altering it; but it was carried, by 157 to 79, for a committee to re-examine it. It was then proposed to go into the committee on that day sevensnight; Charles Yorke and General Townshend for the Monday

sevensnight after. Charles Townshend, who had shone so brightly against the original bill, kept away ; but it was carried for the Wednesday, by 70 to 39.

* * * * *

“Charles Yorke made a very long speech against postponing a present decision, as against the dignity of the house ; and he scrupled not to pronounce the warrant illegal, which he protested he had never seen till Wilkes was taken up ; nor had any questions been asked of the Attorney or Solicitor Generals by the administration. Warrants dated from the Star Chamber. Himself had always been for taking this matter up in Parliament, notwithstanding its pendency below. Previous questions, to avoid debates, may be useful during foreign treaties, but never in case of privilege. In questions of this sort the House ought to hold the balance between King and people. It was a question in point of law, impossible to be denied. Were he a judge, he should pay regard to the decision of the House of Commons. The question ought to be determined, for the sake of the Secretaries of State. He must be for some law.

“Notwithstanding Yorke disculpated himself of not having seen the warrant, yet the ministers protested that, after Wilkes was taken up, Yorke had given his opinion that No. 45 was a libel, and had advised the commitment of him to the Tower. This was advising a man to knock down another, and then pleading that he had not seen the bludgeon. Lord North said, if a law was necessary, a partial resolution was trifling. By deferring this, they meant to introduce something much better.”*

The following account of Mr. Yorke's speech on this occasion was given by Mr. Onslow, in a letter to Lord Hardwicke —

“I cannot a moment defer telling you that Mr. Yorke has this moment closed the noblest performance that was ever heard ; and what added to it was, that it was in answer to the most beastly and brutal speech of Norton, who said he would treat the opinion of Parliament, in this matter, as the opinion of a drunken porter. . . . nothing ever met with such applause as C. Yorke. Pitt is in love with him, and so we are all.” †

* *Memoirs Geo. III.*

† *Hardwicke MSS., Wimpole.*

Lord Hardwicke, since his relapse, had continued to decline, and appeared now to be evidently sinking ; and, on Tuesday the 6th of March, at about a quarter past three o'clock in the afternoon, this great and good man breathed his last, at his house in Grosvenor-square, at a time, says the writer of the memoir of him in the *Annual Register*, “ when the situation of public affairs rendered his death a loss as unseasonable, as it would at any time have been important. And his name will be remembered by posterity with the same reverence which attends the most celebrated civil characters in the annals of this country.”

His son and successor in the title mentions of him, in a note, that he died “ serene and composed. I saw him in his last moments, and he looked like an innocent child in his nurse's arms.” And his second son records, in a letter written on this melancholy occasion, which is all that is stated of the particulars of this event : “ He had the felicity to expire without pain.” To the very last his powerful mind retained its full vigour, and sunk unclouded and unobscured.

The following notice of his decease appeared in the public journals of the time :—

“ *Wednesday, March 7th, 1764.*

“ Yesterday, at a $\frac{1}{4}$ after 3, died at his house in Grosvenor-square, in his 74th year, Philip Earl of Hardwicke, whose character and conduct will adorn the future pages in the history of this age and country. It may suffice, at present, to pay this small tribute to his memory.

“ After a well-grounded education in classical learning, which he retained and cultivated amidst his most laborious and highest employments, he applied himself to the study of the law in the Middle Temple, with uncommon success ; and soon became so eminent in his profession, that at the age of 29, on the 23rd of March, 17¹⁹₂₀, he was promoted to the office of Solicitor-General, being honoured with knighthood in June following ; and, in February 17²³₂₄, was made Attorney-General. Upon the resignation of the Great Seal by Peter Lord King, in October, 1733, Sir Philip Yorke waived his own pretensions to it, founded both on

merit and priority of rank, in favour of his friend, Charles Talbot, Esq., then Solicitor-General, and accepted the place of Lord Chief Justice of the King's Bench, being soon after raised to the dignity of a Baron of this kingdom. The reputation with which he filled that seat could only be equalled by that with which he afterwards discharged the office of Lord High Chancellor, when called to it on the decease of Lord Talbot, in February, 17³⁶/₃₇. And it is no small evidence of the acknowledged abilities and integrity with which he presided in the Court of Chancery, that during the period of near 20 years,—a period longer than that of any of his predecessors since Lord Chancellor Egerton,—only three of his decrees were appealed from, and those afterwards confirmed by the House of Lords. After he had executed that high office about seventeen years, he was, in April 1754, advanced by His late Majesty, as a mark of his royal approbation of his lordship's long and eminent services, to the rank of an Earl of Great Britain. His resignation of the Great Seal, in November, 1756, gave an universal concern to the nation, however distracted at that time. But he still continued to serve the public in a more private station, with an unimpaired vigour of mind, which he enjoyed even under a long indisposition, till his death. His talents as a public speaker in the Senate, as well as on the Bench, have left too strong an impression to need being dilated upon; and those as a writer were such as might be expected from one who had early distinguished himself in that character in the *Spectator*. His private virtues, amiableness of manners, and extent and variety of knowledge were as much esteemed and admired by those who had the honour and happiness of his acquaintance, as his superior abilities were by the nation in general. In his public character, wisdom, experience, probity, candour, and moderation were so happily united, that his death in the present situation of affairs is a loss to his country, as unseasonable as it is important."

The Earl of Hardwicke, at the time of his decease, was High Steward of the University of Cambridge, Recorder of Dover, a Governor of the Charter House, Vice-President of St. George's Hospital, a Doctor of Civil Laws, and a Fellow of the Royal Society.

His remains were interred in the parish church of Wimpole, but the funeral, by his own desire, was a strictly private one. The following is from one of the public journals of that period.

“ *March 16.* Yesterday evening the remains of the Right Honourable the Earl of Hardwicke lay in state at Royston, in Hertfordshire ; at which place a great number of his tenants, &c. were arrived, in order to attend the corpse to Wimpole in Cambridgeshire, where it was interred in the family vault last night.”

And another journal of March 31st states that—

“ A sumptuous monument will soon be erected in Westminster Abbey, to the memory of the late Earl of Hardwicke.”

The Earl of Hardwicke, by his will, gave his landed estates to his eldest son for his life ; and in case of his leaving no son, to Mr. Charles Yorke, and his issue male ; and in default of this to his other younger sons, in the same manner. Lord Chief Baron Parker he appointed one of the trustees under his will. Lord Royston he named sole executor.

To the poor of Wimpole, Arrington, Whadden, Knigston, and Steeple Morden, he gave £200. To the poor of Dover, £200. To the poor of Hardwicke and Haresfield, £50 ; and a year's wages to each of his servants.

The following clause was contained in the will :—

“ And I give to that most excellent lady my daughter-in-law, the Marchioness Grey, 100 guineas.”

The directions respecting his funeral were as follow :—

“ I desire to be buried privately, and without pomp, in the vault adjoining to the parish church of Wimpole, near to the corpse of my late dear wife.”

A handsome monument was erected to his memory in the parish church of Wimpole, by Scheemakers,

which contains medallion portraits of Lord Chancellor and Lady Hardwicke, and an inscription from the pen of his son and successor in the titles and estates, recording the different principal events in this great man's brilliant career.

On the 18th of January, 1764, the Earl of Hardwicke had been elected Chancellor of William and Mary College, in Virginia; but the intelligence of this did not arrive in England until after his death, of which his son and successor in the title wrote to apprise that learned body.*

It has been the lot of few man, especially of those in high public stations, to enjoy so long and so unvaried a course of prosperity and happiness as fell to the lot of Lord Chancellor Hardwicke. How many great men have had their latter days clouded with disappointment, or poverty, or domestic affliction. Hardly any person meets with uniform success throughout his career; and either at its commencement or its close, some severe trials have to be encountered. Fortunate they who, like Lord Hardwicke, experience difficulties and discouragements in their youth only, while they have strength and spirit and opportunity to struggle with and overcome them.

Lord Hardwicke was, moreover, as fortunate in his private and domestic as he was in his public life. The conduct and condition of his family were calculated to afford him as much satisfaction and happiness, as the success of his own career must have done.

His eldest son was at this period the representative in Parliament of the county of Cambridge, and occupied an eminent position as a debater in the House of Commons. He was also distinguished for his literary and intellectual

* Hardwicke MSS., Wimpole.

acquirements. His second son, Mr. Charles Yorke, has already been several times mentioned in these pages, and had now reached the summit of his arduous profession. Two other of Lord Hardwicke's sons were also advancing forward, the one in a diplomatic capacity, the other in the Church. Of his daughters, the eldest had been married to the famous Lord Anson, and the other had contracted an honourable and happy alliance with the representative of a family of rank and affluence. And throughout the whole domestic circle, the kindest feeling and most perfect cordiality appears ever to have prevailed.

It might, perhaps, admit of some question among philosophers whether a uniformly even, unruffled, and prosperous career, is either the most fortunate for the individual intellectually and morally, or in reality the most happy. An entire absence of all anxiety and excitement produces monotony, which is no inconsiderable cause of uneasiness. There is in this case no stimulant to exertion, and no exercise of the faculties, or excitement of the feelings. Occasional anxieties and disquietude, though troublesome for the time, are far more than atoned for by the gratification which follows the triumph over these difficulties, and which ensues on every recollection of the trials that have been gone through when the period of their endurance has passed by. Besides which the utility of these vicissitudes, in calling forth the energies and resources of the mind, and strengthening and developing the character is very great.

As a diffusion of light and shade is that which gives more effect and beauty to a landscape than one unbroken glare of sunshine, although the light may conduce a far greater proportion here than the shadow; and as an

undulating road is that which is both more agreeable to the traveller, and easier in its progress than one even plain all the way ; so it is in viewing the wide prospect, and travelling the rugged road of human life, that a chequered career of alternate ease and struggle, of varying disappointment and success, and of occasional failures compensated for by the ultimate triumph over these,—are what conduce most to our happiness and our benefit. In Lord Hardwicke's case, his career on the whole seems to have been very even and prosperous. It was, however, necessarily varied throughout by the numerous incidents, and anxieties, and perplexities, inseparable from his high office and political position ; and the recollection of the struggles and difficulties of his early life were at least sufficient, by the contrast which they afforded to his later days, to relieve the monotony which his ultimate long-continued and unbroken course of success might otherwise have produced. As regards his actions, his greatness and fame as a lawyer and a statesman are correlative with his conduct in domestic life. His eminence in a public station was enhanced by the excellence of his private character. The virtues of the hero were proved to be also those of the man.

The mortal career of Lord Chancellor Hardwicke was now closed. In his own life, looking back along the vista of years, from the early commencement of his professional studies, to his ultimate position when he retired from public affairs,—how eventful was this career, and how vast the change in his condition which he experienced. In the history of his country, in how many great occurrences was he not only a spectator, but a prominent actor. Varying as may be the opinions entertained as to some of the particular qualities and endowments of this

great man, yet in the annals of this nation, his name must ever occupy a prominent and a proud position, so long as the preservation of the constitution, and the pure administration of justice shall continue, and continue to be held sacred. To the latest age in the history of the world, may each of these descend together, not only united, but by their union each conducing more firmly to establish and to perpetuate the other.

CHAPTER XVI.

FAMILY OF LORD CHANCELLOR HARDWICKE—PHILIP, SECOND EARL—HIGH STEWARD OF THE UNIVERSITY OF CAMBRIDGE—HIS JOURNAL—INTIMACY WITH DR. BIRCH—CORRESPONDENCE WITH DR. ROBERTSON, DAVID HUME, AND D. GARRICK—LITERARY LABOURS—POLITICAL CAREER—CHARLES YORKE—INTIMACY WITH DR. BIRCH—LITERARY EFFORTS—CORRESPONDENCE WITH BISHOP WARBURTON, D. GARRICK, THE MARQUIS OF ROCKINGHAM, DR. DODD, KING OF POLAND, THE PRESIDENT MONTESQUIEU, AND DUKE OF NEWCASTLE—LETTERS ON BACON—PROFESSIONAL CAREER—PRIVATE JOURNALS RESPECTING OFFERS TO HIM OF THE GREAT SEAL—BECOMES LORD CHANCELLOR—HIS SUDDEN DEATH—CONTEMPORARY ACCOUNTS OF THIS—CHARACTER OF CHARLES YORKE—JOSEPH YORKE—CREATED LORD DOVER—JOHN YORKE—M.P. FOR HIGHAM FERRERS—JAMES YORKE—BISHOP OF ELY—LADY ELIZABETH—MARRIED TO LORD ANSON—LADY MARGARET—MARRIED TO SIR JOHN HEATHCOTE—DESCENDANTS AND PRESENT REPRESENTATIVE OF LORD CHANCELLOR HARDWICKE.

It is highly interesting to trace in the family of a man of great mental power,—in the course of conduct and feelings and cast of mind of those who sprang from him, whose characters were moulded under his tuition, and whose mode of thinking was formed by his example,—the influence and sway of his own vigorous intellect. Some shadow at least of his great mind is displayed in their actions, and the direction which they received from the impetus it imparted to them still remains in force.

It is also necessary, in order to render perfect the present history, that I should carry on the narrative

as regards those members of Lord Hardwicke's family, who, from their own activity on the stage of public life, appear on many occasions in a prominent position, as connected with events in their father's career. The sons of the Chancellor seem to have inherited a large share of his intellectual power, and some of them rose to high distinction ; though the stations to which they attained they owed to their own merits, and not to any influence which he exerted for them, as it was not until long after his death that they reached these high offices.

Lord Chancellor Hardwicke was succeeded in his titles and estates by his eldest son, Philip, Viscount Royston, at that time M.P. for the county of Cambridge, and whose name has often appeared in these memoirs.

On the death of the late Earl, who had for nearly fifteen years filled the office of Lord High Steward of the University of Cambridge, that honourable appointment of course became vacant, and to which his son and successor in the title was elected.

Philip, second Earl of Hardwicke, was educated under the private tuition of Dr. Salter, already mentioned, and also at a school at Hackney, kept by Dr. Newcombe.

The Lord Chancellor was induced to select St. Benet's College, Cambridge, at which he placed those of his sons who were destined to receive the advantage of a university education.

The following narrative of some events in the career of the second Earl of Hardwicke is from a journal of occurrences in his own handwriting :—

“ Soon after my father's death, a general overture of goodwill & regard was made us from the King, through the Duke of Bedford's channel. My brother & I returned a dutiful and general answer, & there the matter rested.

I well remember that when I was presented at the levee as Earl of Hardwicke, the King took no more notice of me than if I had been just come out of Bedfordshire for the winter, which, considering my then situation, the late Archbishop,* when I related it to him said, with more warmth than generally fell from him, was 'very shocking.' †

In July, 1765, a proposal was made to the Earl of Hardwicke through the Duke of Cumberland in the King's name, of being First Lord of Trade, and one of the Cabinet Council, which, however, he declined. And in May, 1766, an offer was made to him of the Secretary's office of the Northern Department, but which he did not accept. Of the circumstances attendant on both these offers, a full account was prepared by Lord Hardwicke, and is among his papers. The narrative then continues thus:—

“1768. The old Duke of Newcastle dropt just before the opening of the session. Mr. Yorke was very pressing with me, upon some encouragement he received from Dr. Rutherford, at Cambridge, to offer myself to be their Chancellor in his Grace's room. The Duke of Grafton got the start, by having his letter deliv^d to the *Vice-Chancellor* within a few hours after the breath was out of the other's body, & there were small hopes of making a stand at that place against the solicitations of a first minister. However, I said that the opinion of our friends on the spot should determine me, & I prepared my letter to the University. When the principal members of the University, who were for setting me up, came to calculate their numbers, they discov^d that they had in no degree strength sufficient to balance the overbearing influence of

* Dr. Secker.

† Hardwicke MSS., Wimpole.

a First Lord of the Treasury, & therefore I was easily prevailed with to drop my pretensions. Mr. Y. talked at first with great eagerness of going down himself, but when the return came to our letters from the persons above alluded to, he grew much cooler, & entirely acquiesced in my giving myself no further trouble about the matter.”*

To the labours of the second Earl of Hardwicke, when Mr. Philip Yorke, we are indebted for a valuable portion of the materials of this memoir, in the Parliamentary Journal kept by him, in which some of the most striking scenes in which his father was engaged are depicted with considerable graphic power; and intelligence is contained respecting affairs of importance which few but he could have had the means of obtaining.

The friendship of this gifted and intellectual nobleman for Dr. Birch has several times appeared from the letters between them already quoted. This feeling seems to have ripened into a strict familiarity and even affection.

On several occasions of interest Dr. Birch accompanied his friend to the House of Lords, or the House of Commons, at the respective periods when he was a member of those assemblies; and to his attendance there are we indebted for his animated description of some of the scenes he there witnessed. Several of the second Earl of Hardwicke's notes allude to this; many of them contain invitations to the friendly hospitalities of the writer; and others refer to certain of the literary labours in which they were jointly engaged.

Among the second Lord Hardwicke's papers and

* Hardwicke MSS., Wimpole.

correspondence are the following letters, which were addressed to him by the distinguished persons whose signatures they bear.

The first of them is from Dr. Robertson, the historian of Scotland, in which he refers to his literary efforts, and to the aid which Lord Hardwicke had afforded him in the pursuit of them.

“MY LORD,*—Some time ago I had the honour of a letter from your lordship, & according to your desire, I should have instantly transmitted to you the extracts of Nicholson’s letters, if I had not imagined that they were in the hands of Mr. Davidson, who was then in the country. I have now discovered my mistake; & as Nicholson’s papers are in Sir David Dalrymple’s possession, they shall be sent to your lordship by next post.

“Dr. Birch informed me, soon after the publication of the History of Scotland, that your lordship had been pleased to accept of a copy, which I presumed to send you, in a very favourable manner. Your lordship had the justest title to that acknowledgment, the only one in the author’s power, as any degree of accuracy the author can boast of is owing in a great measure to the materials you was so good as to communicate. I am extremely proud of the approbation with which you are pleased to honour my performance, & shall endeavour to profit by the remarks you have taken the trouble to make upon it.

“Tho’ the duties of my office in this town occasion many avocations from study and composition, I have ventured to undertake the history of the Emperor Charles V., whose reign contains the opening of modern history, & the establishment of the present system

* Hardwicke MSS., Wimpole.

of policy, manners, & religion in Europe. I shall do everything in my power to render it worthy of the publick attention, tho' I must execute it more slowly, & perhaps more imperfectly, than if I were in a situation which allowed me more hours of leisure.

"If there be any papers in the Advocate's library, or in the hands of any private person in this country, which your lordship wants in order to complete your collection, be so good as to lay your commands upon me, & I shall be proud to execute them. I have the honour to be, with great respect & gratitude, my Lord,

"Your Lordship's most

"Obedient and humble servant,

"WILLIAM ROBERTSON."

The two next are from Mr. David Hume, the historian of England, in which he also alludes to matters of great interest relative to the subject of his researches.

"Compiègne, 23 July, 1764."*

"MY LORD,—Soon after my arrival in Paris, my curiosity carry'd me to inspect King James's Memoirs, which are contained in 13 or 14 thin folio volumes, all wrote with his own hand, but not digested into any exact form of narration. Some passages are more compleat than others, and one of the most compleat is the account of the negociations preceding the second Dutch War; a passage of histo which, to me, always appeared obscure & involved in great difficulties. Father Gordon, the principal of the Scots' College, a very obliging, communicative man, made, however, some difficulty of allowing me to peruse this passage; but upon my informing him that I had applied to the Secretary of State, and expected to have an allowance for inspecting the French Records, where

* Hardwicke MSS., Wimpole.

the treaty between Charles II. & Louis XIV. wou^d certainly appear, he dropped all scruple, & communicated to me the whole manuscript. I must speak of it, my lord, from memory, because I left at Paris the extracts which Father Gordon allowed me to make.

“The treaty was concluded in the end of 1669 or beginning of 1670 (for the memoirs do not mark very distinctly the time), & Lord Arundel, of Wardour, was the person who secretly signed it, in a journey which he made to Paris for that purpose. The restoration of the Catholic religion in England, & a confederacy against Holland, were the two chief articles. Lewis paid Charles £200,000 a year; and obliged himself to furnish him with 6000 men in case of any insurrection. Holland was to be divided, pretty much in the manner mentioned by L’Abbé Primi. England was to have Zealand, and the sea ports; the rest was to be shared out between the French king & the Prince of Orange. There is no mention of establishing arbitrary power in England, but the King probably thought that event a necessary consequence. The scheme of Charles & his brother was, that this great project shou^d begin with the change of religion in England, but Lewis had no such view; and he therefore sent over the Duchess of Orleans, who persuaded the King to begin with the ruin of the Dutch commonwealth; after which the confederates were to impose their religion upon England. The Duke of York always opposed this alteration of the original plan.

“I must own, my lord, that I see from these memoirs, that I have in one particular somewhat mistaken K. Charles’s character. I thought that his careless, negligent temper had rendered him incapable of bigotry; and that he had floated all his life between Deism and Popery; but I find that Lord Halifax better knew his senti-

ments, when he says that the King only affected irreligion, in order to cover his zeal for the Catholic religion. His brother informs us, that when this negociation was set on foot, the King called together his secret council, and spoke with such ardour of restoring the true religion, that tears came into his eyes.

“ I was somewhat surprised to find, that the two brothers thought, at that time, that the Church of England & the cavaliers had such a propensity to Popery, that the smallest inducement would engage them to embrace it ; and on this disposition they chiefly trusted for success in their enterprises. They were probably much mistaken, for no writings of that age inform us of any such propensity.

“ I shall probably take some advantage of a new edition of my history to correct my mistakes in this particular, and in a few others of no great moment. Meanwhile, I am happy in having an opportunity of gratifying your Lordship’s curiosity, & of expressing my sense of your obliging deportment to me, when engaged in writing the life of Elizabeth. I shall think myself very fortunate if your lordship will afford me frequent opportunities of the same kind. I cannot at present answer your question with regard to the Gallery of Fortifications, but as soon as I get to Paris I shall make inquiries, & shall inform your lordship. I have the honour to be, my Lord,

“ Your Lordship’s most obedient

“ & most humble servant,

“ DAVID HUME.”

“ *Compiègne, 8 of Augt. 1764.**

“ MY LORD,—I am very happy that my letter gave

* Hardwicke MSS., Wimpole.

some satisfaction to your lordship. I carry'd both Lord Holderness and Lord Holland to the Scots' College, and show'd them some remarkable passages of K. James's Memoirs. I believe that Lady Holderness was also there, tho' I had not the honour to accompany her. Father Gordon tells me, that there is in the same place a great collection of letters wrote to K. James after the Revolution, & some of them by persons whom, from their character & professions, we shou^d little suspect of that correspondence. It will not give much surprise that Lord Marlborough is one of the number. Father Gordon thinks that it will not be difficult, after the death of the old gentleman at Rome, to procure his son's consent to the publication of the whole, which may be of use to throw light on the English history. I found nothing remarkable in the memoirs, with regard to the Popish plot. The Duke treats the whole as a gross imposture & forgery of Oates, & the other evidences, assisted by the knavery of Shaftesbury, & the blind zeal of other Whig leaders. I believe there is little doubt that this is the real state of the case.

“The Duke of York states that his brother, a little before his death, determin'd, at the persuasion of Lord Sunderland, to send him to Scotland, and to make some considerable alterations. He also says, that after he went to France, he discovered that that nobleman, while in his service, had secretly received pensions both from Lewis & the Prince of Orange; so that he had found means to be at once a traitor to three princes, for it is not to be imagined that he served any of them with fidelity.

“Besides this Book of Memoirs, there is a long letter of advice or instructions of the King to his son for the future government of his kingdoms. It is a very silly

performance, which I do not think to be the case with the Memoirs. That prince's arbitrary principles appear strongly in the instructions: he represents particularly the pernicious effects of the Habeas Corpus Bill. But the greatest part of these instructions is employed to warn his son against the allurements of women, particularly the court ladies, whom he calls *a dangerous kind of cattle*. He owns that, in his youth, he was much led astray by them; but he seems to expect that the warning given to his son will preserve that prince's youth from a like danger.

“ Your lordship's offer to communicate lights for the correction of such errors as I may have fallen into in my history, is extremely obliging. I know how great advantage I might reap from your lordship's extensive knowledge and sound judgment; but it is unfortunate that my present situation should make it impossible for me to avail myself of them. I have always sought truth, I am sure without interest, and I hope without partiality. What gives me some security in the latter particular is, that I had several prepossessions of my own to correct during the course of my work. I found, in particular, that the two first princes of the house of Stuart, if their administration be compared with that of their predecessors, were not exposed to so much blame as party zeal has commonly thrown upon them, and as I myself believed to be the case. This representation of matters was as much contrary to my former preconceived opinions as to my interest. But I am so sick of all their disputes, & so full of contempt towards all factious judgments, & indeed towards the prejudices of what is called the public, that I repent heartily my ever having committed anything to print. Had I a son, I shou^d warn him as carefully against the dangerous allurements of literature as K.

James did his son against those of women ; tho', if his inclination was as strong as mine in my youth, it is likely that the warning would be to as little purpose in the one case as it usually is in the other. I shall be in Paris in a few days, where I shall be proud to obey your lordship's commands in any particular.

" I have the honour to be, my lord,

" Your lordship's most obedient

" & most humble servant,

" DAVID HUME."

The following notice of the writer of the two last letters is contained in some of Dr. Birch's correspondence with Lord Royston :—

"25 *July*, 1761.*—David Hume is just come from Edinburgh to London. I dined with him on Tuesday, and found that the purpose of his journey is to put to the press his *History of England*, from the earliest times to the reign of the Tudor family. This work will amount to two large or three moderate quartos.

" He has, since his return to Scotland, soon after Christmas, devoted himself entirely to the task of compiling this *History*, which is the labour of two years, having spent some days fourteen hours upon it, but without the least apparent diminution of his former bulk."

The next letter, which contains an original poetical production of the writer, is from Mr. Garrick, the eminent tragedian, who was on terms of strict friendship both with Lord Hardwicke and Mr. C. Yorke.

" *Hampton, July y^e 23d*, 1769.†

" MY LORD,—I always shall obey your lordship's commands with great pleasure. I have sent a copy of the trifle you mention on y^e other side. It is much at your service.

I cou^d wish no copies may [be] taken of it. I believe your lordship will find in reading it that my wishes

* Hardwicke MSS., Wimpole.

† Ibid.

were unnecessary. Had you been in this part of the world, I should have troubled your lordship by reading to you an ode for the jubilee upon a new plan; —the recitative part will be spoken by your humble servant, & the choruses & airs will, at y^e proper times, break in upon the speaker. I hope by this to avoid the dullest part of music, w^{ch} is y^e recitative, & endeavor to supply that want with a warm, spirited declamation. It is an experiment, but I think it worth y^e tryal. I have got y^e collection of poems called the “Union,” but I can make no use of them. Poor Powell had some requisites of an actor, but he was careless, & gave his pleasures (what he thought pleasures) the time he sh^d have employed in study. Alas, poor stage! I think it in a very declining way. The Chancellor writes me word he is much better.

“I am your lordship’s most obedient,

“obliged, humble servant,

“D. GARRICK.”

“UPON A CERTAIN GROTTO NEAR HAMPTON.

By a Tenant of the Manor.

“A grotto this, by mortal hand!

O no,—we tread on fairy land,

’Tis raised by Mab’s enchanted wand!

So rare, so elegant, so bright,

It dazzles while it charms the sight:

In all you see her magic skill,

The velvet green, the tinkling rill,

The chrystal lake, the little isle,

The various flowers, that round it smile;

The fairy palace well I knew,

And Mab, the Queen, in *Montagu*!

Could mortal miss, so small, so young,

Bewitch her hearers with her tongue?
 Did she not talk, & smile, and sing,
 And dance with me* the fairy ring?
 And from her favours, full success
 Did all the year my labors bless!

“ O hear me, Queen, to thee I pray,—
 Thou little, sweet, enchanting fay,—
 That still, with thy bewitching art,
 Thou would'st to *Halifax* impart
 Those joys, which charms like thine can give,
 And generous minds, like his, receive.
 Be thou his sure, his best relief,
 From every private, public grief,
 And call forth all thy magic powers
 To bless *his* days who blesses *ours*.”

The “ Athenian Letters” were printed for private use in 1741, and 100 copies were reprinted about the year 1780, by the second Earl of Hardwicke for select friends. The writers in that collection were the nobleman last named; the Hon. Charles Yorke; the Bishop of Lincoln, Dr. Green; the Rev. George Henry Rooke, D.D., Master of Christ's; the Rev. Henry Heaton, M.A., afterwards Prebendary of Ely; the Rev. John Lawry, M.A., afterwards Prebendary of Rochester; the Rev. Dr. Salter, who has been mentioned before; Daniel Wray, Esq.; and Dr. Heberden.

Several notes were furnished by the second Earl of Hardwicke to an edition of Burnet's History of the Reformation, in which he records some conversations with his father, and anecdotes related by him, respecting different matters there mentioned.

* “ She would dance a minuet with the author.”

The second Lord Hardwicke was also the author of "Walpoliana," which is a collection of numerous anecdotes relating to the Walpole family, and others connected with them. The materials for this work were supplied to him by Sir Robert and by Horace Walpole.

A literary hoax, of some celebrity, is said to have been perpetrated by the second Earl of Hardwicke, in a pretended newspaper of the reign of Queen Elizabeth, called the "English Mercurie," which for some time passed current as a genuine original journal of that period, and which formed the subject of one of Horace Walpole's works, entitled, "Detection of a late Forgery."

As a member of the House of Commons, both while Mr. Yorke and Viscount Royston, his lordship was an active, able, and efficient debater; which he continued to be on his obtaining a seat, as his father's successor in the peerage, in the upper house; when he took a prominent part in several questions of leading interest and importance. He was a warm supporter of the party and the principles of which the Marquis of Rockingham was the head; and almost any office in the government which he might have wished for would have been open to him. The meetings and consultations of the leading noblemen and gentlemen of the Rockingham party usually took place at Lord Hardwicke's house in St. James's-square. This Earl died in May, 1790, full of years and of honours. His Majesty had offered to advance him to a higher rank in the peerage; which, however, he declined, contented with the honourable name and titles which his father had rendered so illustrious, and to which he himself had added additional lustre, by his own exalted character, and well-cultivated talents.

The second Earl of Hardwicke left no male issue; and consequently, at his death, his own titles devolved on his

nephew, Mr. Philip Yorke, then M.P. for Cambridge-shire, the eldest son of Mr. Charles Yorke, and alluded to in the foregoing memoir.

The second son of Lord Chancellor Hardwicke, Mr. Charles Yorke, who was born in the year 1723, and bred to the profession of a barrister-at-law, was the most highly gifted of the sons of this distinguished nobleman. The general outline of the career of Mr. C. Yorke has been given in describing the life of the father. He was educated at a school at Hackney, and afterwards went to St. Benet's College, Cambridge, and was called to the bar by the Hon. Society of Lincoln's Inn, in the year 1746. His brilliant success in his profession and in Parliament, and his promotion to the offices of Solicitor and Attorney-General have already been mentioned. Mr. Adolphus says of him,* that he had studied the laws and constitution of his country, and their application to the science of politics, in the best school of the age; and that he was no less eminent at the bar than in the estimation of the most enlightened statesmen. His extensive literary acquirements, his great abilities, and the integrity of his character were well known, and universally respected; and he twice filled the office of Attorney-General, with the greatest reputation for talents and integrity, and was deservedly high in the confidence of the administration and of his country.

In the walks of literature he highly excelled; and some of his letters, already quoted, afford proofs of his talent and research when exercised on topics connected with this.

In conjunction with his elder brother and Dr. Birch, he engaged actively in contributions to the "Athenian Letters."

* History of England.

The following very characteristic correspondence relating to some of the proof sheets of the last-mentioned work, I here insert:—

“DEAR SIR,—The printers & their attendant devils are extremely clamorous for the second sheet of the ‘Athenian Letters,’ which I sent to you on Thursday morning, & which I now desire you to return to,

“Dear Sir,

“Your most obed^t humble serv^t,

“THOS. BIRCH.

“*Saturday Morning,*

“*January 15th, 1743.**

“The Hon^{ble} Charles Yorke, Esq.,

“At the Right Hon^{ble}

“The Lord High Chancellor’s,

“In Ormond Street.”

At the bottom of the letter, in Mr. C. Yorke’s handwriting, is the following:—

“I wish I had known where this sheet or myself might have found you, & you sho^d have had it before. Some corrections I have made, and boldly rendered commas to two or three places where you had discarded them. I will meet you at S^t James’s Square on Monday morning, and discourse you on these *points*, (don’t think that I mean an idle paronomasia), and we will settle how the sheets may be transmitted with ease from one to another. Pray, in the conversation on idolatry, in the passage which alludes to Orsame’s letter on the Ægyptian brute worship, make a reference at the bottom of the page to the very letter in the 2nd vol.”

Of all the various effusions of the mind, a man’s private letters afford the best insight into his real character,

* Dr. Birch’s MS. Collect. Brit. Mus.

and reflect, with the utmost exactness, the feelings and disposition of the writer. And of all the different kinds of epistolary correspondence, these short unstudied notes to intimate friends, which are the sudden, unprepared offshoots of the mind, in which its natural bent and turn are vividly displayed, are the most perfect for this purpose. No after correction is admitted here, nor are the sedate tones in which many of the foregoing State letters were indited, thought necessary to be assumed, which at once chill the mind, and reduce it too far below the zero-point in mental temperature to allow the natural elasticity of the writer's feelings to be exhibited.

In the year 1744 Mr. C. Yorke, being then only a student for the bar, published his grand professional work, the "Discourse on Forfeiture," which has already been referred to, and of which we have the following account from his own pen, as contained in three letters addressed by him to his friend, Mr. Warburton, during the years 1745 and 1746 :—

*"Thursday, Jan^y 31st, 174⁴/₅.**

"You ask very kindly after the little piece which I communicated to you in great confidence. Nothing encouraged me so much to send it abroad as your approbation & correction of it; the first I consider as an amiable effect of your partiality, the second as the sincerest mark of your friendship. The delay of it has been owing to the manner in which it was necessary to carry it on at the press, & to some small alterations I have made in it. In a few days I hope to send you one of them. Give me leave to say, that I continue absolutely convinced, (for many reasons too tedious to be explained, & many to be felt only), of the importance that the author be kept secret, & if any inquiry should

* Hardwicke MSS., Wimpole.

be made, even a false scent encouraged. After all, I think it will be little read, & steal silently into the world, both from the decency of the reflexions, & the strict manner of arguing I have endeavoured to preserve throughout. Besides, in a time when people think only of the politicks of the day, no man troubles his head about that which is *omnium temporum*.”

“ *Rest, May 30, 1745.**

“ It was very friendly in you to speak and write of me to him,† in the manner that you did, & tho’ I have not often seen him, yet he has called upon me sometimes, and when we have had the fortune to meet together, he receives me with the greatest civility, & seems much inclined to converse with me. The last time I saw him, he entered into some talk about the law of forfeiture, and said he was going to read the new book, which is called the Bishop of Salisbury’s. The book in question had never been examined, and was treated in Parliament rather on the circumstances of the time than the general merits of the argument. I found him prepossessed in opinion agst the thing, and the two reasons he gave were these. 1st. That it was agst natural justice, because the expectation of inheriting, in w^{ch} children are educated, confers, on the principles of equity & the natural law, a right. 2ndly. That resistance ought not to be made difficult. To the first I answered, that the expectation is a natural reason why society sho^d permit the children to inherit, but confers a right on the principles of no law whatever. To the second, I said a thing which seemed to strike him, that the objection proceeded on a notion subversive of the great principle that supports every system of law, human & divine, which is, that the strongest sanctions are necessary to make the fundamental parts of any effi-

* Hardwicke MSS., Wimpole.

† Mr. afterwards Lord Lyttelton.

cacy. Keep the balance as even as you can, in a mixed government like ours, by forming every estate in the constitution as a controul upon the rest, but it is extravagant to think of leaving the least strength or temptation to individuals to controul government itself. That no lawgiver ever provides for the case of extreme necessity, nor thinks himself at liberty to suppose it. Where powers of government are given, & their extent marked out, there every man can equally suggest cases of dissolution to his own fancy, but when the cases happen in fact, recourse is had to arms ; & when those who are entrusted with the executive part have brought themselves into such circumstances, there generally succeeds a weakness in the hands of government, which renders it unable to exact those penalties & forfeitures that were intended to secure it, in which event the argum^{ts} form a difficulty, and terror is none at all. That the conquerors in civil wars will always inflict these severities on the conquered, whether they are due by the antient constitution of their country or not, both out of policy & revenge. To this he answered very ingeniously, that it would be a good thing, however, to have the law on one's side, & put me in mind how popular & healing that act of H. the 7th reign was which makes the obedience to a king *de facto* lawful. I said, nothing was truer than Tully's aphorism, *silent leges inter arma* ; and as to the law of H. the 7th, it was taken rather as an indemnity & oblivion of what was past, than a security to the men of future ages. And if I am not mistaken, those who pleaded the equity of that statute after the Restoration were not allowed in their plea, & certainly as it was a remedial law for the public benefit, it ought to have received a liberal construction. Many distinctions might arise on the proviso at the end, as to the point where

allegiance to one govern^t ends, & the allegiance to another begins, which, joined to the nature of civil commotions, must always make it a very weak support to those who lean upon it.

“They tell me the book which produced this conversation has sold so much as that a second edition will probably be wanting. If it sho^d have one, some additions might be made to that part of it which concerns this point, tho’ to say the truth, the objection appeared to me popular wildness, proceeding from those who have never thought of government, rather than a weighty argument, which cou^d deserve a very distinct consideration.”

*Feb. 6, 1745-6.**

“I immediately sent the copy designed for the second edition of the Book of Forf. to the press, and I imagine it will be published in a few weeks. I wish you had been near me, or I near you for a day or two, that I might have had the advantage of your judgment upon the whole of it, as it now stands. I have touched the expression in many places; & added reasonings & improvements in many. It is as compleat as I am capable of making it, & I shall never write upon it again. Certainly it receives a peculiar expediency & grace from the circumstances of the time. But I hope the name of the author will remain unknown, tho’ the book has a better chance of being read than a year ago. Some how or other my name has been mentioned abroad, & perhaps it may be called up again. However if my friends either disclaim it or don’t speak it, still it will pass off quietly in respect of me. You admitted reasons which I had upon this subject to be good; they remain the same: &

• Hardwicke MSS., Wimpole.

I know your tenderness for me will not suffer your secrecy to moult a feather. One circumstance I should mention to you which does me honour, & when I heard, flattered me beyond any approbation whatever. The Bishop of Oxford was talking to me about the book t'other day, & said to me, that the Bp. of Salisbury had recommended it to him, & added, that he suspected it to be yours. As an internal evidence, he laid his finger upon the passage relating to the Jews."

Mr. Yorke's treatise on Forfeiture is thus very justly eulogised by Lord Campbell:—

"Now, for the first time, appeared among us a writer who rivalled the best productions of the French and German jurists. He was not only an admirer, but a correspondent of Montesquieu; and he had caught a great share of the President's precision, and of his animation. In this treatise, he logically lays down his positions, and enforces them in a train of close reasoning—without pedantic divisions, observing lucid order,—and drawing from the history and legislation of other countries, the most apposite illustrations of his arguments."*

The original papers of the great Lord Somers, as stated before, descended to the Yorke family, through the marriage of the Chancellor with the niece of that distinguished lawyer. Mr. C. Yorke undertook the arrangement of these manuscripts, the larger portion of which, as already mentioned, were destroyed at the fire in Lincoln's Inn, which consumed Mr. Yorke's chambers.

With Mr., afterwards Bishop Warburton, Charles Yorke corresponded at the age of twenty on the subject of his profoundest works. His letters, says the editor of the "Literary Remains" of that able prelate,

"Show an extent of reading, a ripeness of judgment, and a precision of thought rarely to be met with so early in life. They discover also, (with perhaps a single exception,) what is more and better, an ingenuous

* Lives of the Chancellors.

modesty, and a reverence for revealed truth; qualities which will generally be found to characterise those who have drunk deepest at the purest sources of good learning."

In one to Bishop, then Mr. Warburton, dated January 19th, 1743-4, Mr. Yorke says,

"The din of politics is so strong every where, that I fancy it must have penetrated into your retirement. It tempts me sometimes, in an indolent fit, to apply Lord Bacon's words to myself, that,—‘I discern in me more of that disposition which qualifies to hold a book than to play a part.’ Yet if you come to London this spring, you will find me engaged in what properly concerns me; but your company, whether enjoyed by letter or personally, will always draw me back to my old studies, ‘*frustra leges et inania jura tument.*’"

An interesting account of Mr. Yorke in his domestic life, is afforded to us by Bishop Warburton, in one of his letters to Bishop Hurd, where we have the following description of a visit to him at Highgate:—

"June 19th, 1769.*

"Last Thursday we dined with Mr. and Mrs. Yorke, at Highgate. It was not a good day, but we walked on his terrace, and round his domain. He has improved it much. But in contempt of your *latebræ dulces*, you enter the terrace by the most extraordinary gate that ever was. His carpenter, I suppose, wanting materials for it, got together all the old garden tools, from the scythe to the hammer, and has disposed them in a most picturesque manner to form this gate: which, painted white, and viewed at a distance, represents the most elegant Chinese railing: though I suspect the patriotic carpenter had it in his purpose to ridicule that fantastic taste. Indeed, his newly invented gate is full of recondite learning, and might well pass for Egyptian, interpreted by Abbé Pluche. . . . I was buried in these contemplations, when Mr. Yorke, as if ashamed of, rather than glorying in his artificer's sublime ideas, drew me upon the terrace. Here we grew serious; and the fine scenes of nature and solitude around us, drew us from the Bar of the House, and the Bishops' Bench, to the memory of our early and ancient friendship, and to look into ourselves."

* Letters from a late eminent Prelate to one of his Friends.

The following letters of interest are among Mr. Yorke's correspondence. The first three are from Mr. Garrick, and require no introductory comments:—

“ Xmas Day.*

“ SIR,—As it is my greatest pride to be thought of favourably by Mr. Yorke, I would not chuse to appear ignorant at his table; and therefore I have taken the liberty to explain something which I said in the warmth of conversation yesterday. My good friend Mr. Wray rides always so swift a nag, that whoever strives to follow him will be apt to stumble. This was my case, when we talk'd about Hamlet & the mobled Queen. He asked me, What was mobled? I answered, *Clouted*. But something running in my head, & the demon of criticism (*slipping down with y^e Burgundy*) possessing me at y^e instant, I said, Is it not mob-led? When I returned home, & was looking into a memorandum book, where I had collected every scrap about Shakespear, I found that I had met with this interpretation of mob led in some pamphlet or other, & that I had written under it, Absurd & ridiculous; & most certainly it is so. Dr. Warburton says—Mobled, or mabled, signifies veiled; Johnson—Huddled, or grossly covered. Copel has it, Ennobled queen, w^{ch} I don't understand. Shakespear certainly means, wretchedly clad :

———— ‘ A clout upon that head,
Where late the diadem stood,’ &c.

“ I have taken the liberty to say thus much, lest I shoud be thought too ignorant by those I had the honour to converse with yesterday.

“ As your family, Sir, is known to be great admirers of Shakespear, & as the name of Harris carries along

* Hardwicke MSS., Wimpole.

with it the idea of true criticism, I could not help intrusting you to protect me from their ill opinion, as I have, in another way, to protect me from the evil doings of the tremendous Mr. Langstaff.

“ I am, most gratefully, Sir,

“ Your most obedient & very humble servant,

“ D. GARRICK.

“ If you wou^d likewise turn y^e edge of Mr. Wray’s wit from me upon this occasion, my mind will be at peace.”

“ *April y^e 8th, 1768.**

“ SIR,—Give me leave to return you my warmest respects for your kind readiness in relieving my partner, Mr. Lacy, & myself, from a disagreeable suspense.

“ I was in the country when my brother took the liberty of returning a very small tribute for the best advice in England. I rely upon your usual goodness to me to excuse my brother. He meant well to the managers, & was willing not to deprive them of the benefit of having recourse to Mr. Yorke, whenever they might want him; which they could not dare to do, were they not put upon a footing of other clients. Besides, my brother well knew the great pride & pleasure I had in your very generous & friendly behaviour in my particular concerns, & was desirous that I should have that honour *alone*; &, indeed, however he might be wrong in his manner, he spoke the feelings of my heart.

“ I may be selfish in the declaration, but I must confess my weakness that I wish not to have a partner in your favour.

“ I am, Sir, your most obliged

“ & most obedient, humble servant,

“ D. GARRICK.”

* Hardwicke MSS., Wimpole.

“*Hampton.*”

“SIR,—I should not have dared at this time to trouble you with this letter, tho’ I have been honoured by your favour, did not the peculiarity of my situation press me to intrude upon you. I have no less at stake than the quiet enjoyment of my little place at Hampton, which is threatened to be disturbed by the most disagreeable of all neighbours, a litigious attorney. My brother has left the case some time ago for your opinion. My witnesses are both old men, & one of them much out of order: I hope, therefore, I shall be pardoned in intreating Mr. Yorke to cast his eye upon a paper, which is of the greatest consequence to

“His most humble & most obedient servant,

“DAVID GARRICK.”

The letter which follows is from the Marquis of Rockingham to Mr. Charles Yorke, in which the writer bears testimony to the ability with which Mr. Yorke expressed his sentiments in the House of Commons:—

“DEAR SIR,—I look at my clock, & I see it is near two o’clock; but I cannot refrain from expressing to you how much pleasure I feel in your having attended the House of Commons, & delivered your sentiments with so much dignity, argument, & propriety, & so much to the satisfaction of all our friends.

“Keppel & Dowdeswell, & some of our friends, have been with me till now.

“I received this evening the enclosed letter from your client & our friend the Duke of Portland, & I can not help communicating it to you.

“I am sure your feelings will be warmed at the honourable & manly zeal which he expresses. Amidst

• Hardwicke MSS., Wimpole.

the general wreck from the want of principle, it is no small satisfaction to me, that as to those I respect & honour, & whose friendship I enjoy, it is not in their breasts that there is any deficiency.

“ I am ever, dear Sir, with the truest regard,

“ Your most obed^t & affect^e

“ humble servant & friend,

“ ROCKINGHAM.”

“ *Grosvenor Square, Jan. 25th, 1768.**

Monday Night.

“ Pray return me the D. of Portland’s letter.”

The next letter is also from the Marquis of Rockingham to Mr. Charles Yorke, and refers to a debate on the privilege question, which had recently occurred in the House of Commons.

In this letter the Marquis alludes to a statesman and orator, who, under this nobleman’s patronage, had just appeared on the stage of public life, but who, long before his election to the House of Commons,—which was soon to become the arena for the display of his stupendous powers,—had been actively engaged in intellectual efforts of a high order, and great were the productions which his genius had already brought forth. Mr. Burke, like the subject of this memoir, commenced his course as a student of the Middle Temple, intending to follow the profession of which Lord Hardwicke was at that time the ornament and the head. From the halls of our legal seminaries, how glorious a band of orators, statesmen, and men famous in every department of polite learning, have sprung forth. May they ever continue in lasting succession thence to emanate!

When Burke came before the world as a public man,

* Hardwicks MSS., Wimpole.

his talents were matured to the full, and ripe for action ; and though many branches of literature had been enriched by his pen, he stepped forth at once from obscurity into the foremost rank among the leading characters of the age. The growth and expansion of this great mind no nation saw, no rival watched, no party calculated on. Yet, during all this period had his vast genius been at work, and ere this had he conceived mighty projects for the nation's glory, devised new systems in political science, and explored the dark and mysterious regions of metaphysical speculation. The wide world of knowledge he seemed not only to have travelled, but before his eye the whole sphere was ever present in view. His eloquence was at once powerful and convincing. While deeper thought, and more extensive philosophy, and wisdom of a more profound nature, pervaded his orations than those of perhaps any other age or country, his style was enriched with the most poetical ideas, and adorned with the boldest flights of imagery. Reasoning, originality, wit, eloquence, knowledge, and power, he had not only each at command, but each in fuller abundance than any of his great competitors or contemporaries. Whatever subject he entered upon he exhausted ; each topic that he embraced he illustrated and added to ; in every branch of knowledge which he explored, he extended our view, and discovered new paths.

“DEAR SIR,*—I congratulate you on the event of last night. I was rather surprised at the small number of the minority, as I thought the Bute policy wou^d have avoided a division & given up the whole without it, rather than shew so weak a minority. I am getting a correct list, as I think it of some consequence.

* Hardwicke MSS., Wimpole.

“Lady R^a attended the house the whole day, & upon being called on for her toast after a 4 o'clock in the morning dinner, shewed her judgment in toasting you, & much to the approbation of the company. We are all mightily pleased with the whole of yesterday. I have a *private* intelligence that Sir J^a Lowther sent this evening to the D. of Grafton, to *insist* that Mr. Jenkinson, a *L^d of Treasury*, shou^d vacate his seat for *Cockermouth*, as supposed for Sir James to come in there. I have also reason to believe that *L^d Mountstuart*, Sir *George Macartney*, & *C. J. Fox* will now attend the Pool election business ags^t Mr. *Calcraft*, who after various pranks, at last voted in our majority, & for which we owe him no thanks.

“I have been at the House of Com'ons till just now, & am almost as much pleased with *the debate* there to day, as with the division last night.

“Indeed I can conceive that if Lord North had not given up his motion, *we* might possibly have been again the majority.

“You have heard of the printer, &c., being called before the House of Lords, &c.; of his having accused & brought some evidence that Wilkes wrote the very *passionate introduction* to the publick, of L^d Weymouth's letter to the justices.

“The House of Lords deemed it a *false, scandalous, & seditious libel*, & probably it is so, but having heard the debate in the House of Commons, I have some doubt whether the House of Lords has not been precipitate. L^d Weymouth's letter I did not like, & by what I can see in the H. of Commons—the two matters—i. e. *introduction & letter* will come into a mixed consideration, & occasion much debate.

“The House of Lords to-day desired a conference, &

at the conference delivered their complaints of a breach of privilege, stating it as a libel, &c., & the information they had of its being wrote by *Wilkes*, a member of the House of Com'ons.

L^d North moved in the House of Com'ons, that they should immediately declare the *introduction* a false, infamous, scandalous libel, &c. He vociferated beyond even his usual pitch, but *somehow* the house did not re-echo. Mr. Seymour got up & thought it a matter of consideration, & objected to taking the introduction separate from the *letter*, & commented much upon the letter; expressed his dislike to the frequent use of troops in quelling riots; lamented that the civil power was not more exerted; attributed it to the want of confidence in the administration; touched upon the state of administration composed of men of various minds, in a divided state totally wanting the confidence of the people, &c. L^d North flamed, declared the administration were united as one man—that they cordially & reciprocally loved each other; extolled the conduct of administration in the care they took upon the riots; extolled the judges who sat on various trials; extolled the army for their behaviour, with spirit & resolution, &c., &c., & as he thought that part of Seymour's speech touched at the Chancellor, he extolled him up to the highest pitch for his abilities, integrity, &c., &c.

“Our friend Burke was in high good luck; he fully answered all the argumentative part of Lord North's speeches, & with most infinite humour replied with true satirical wit to the assertion of the thorough agreement of all in administration.

“General Conway lamented the divisions in the country, & declared himself no minister, but a willing desire to support this, or indeed any administration.

“Dowdeswell spoke well & fully on the impropriety of going then into the consideration of the matter in the separate way proposed by L^d North, & touched upon the variety & importance of what must arise in this question ; expressed much doubt on L^d Weymouth’s letter, & the doctrines there laid down ; & took up L^d North’s words of commending in such high terms the military with the epithets, *for their resolution & spirit* ; resolution & spirit proper ag^t an enemy abroad ; temper ; care not to hurt the innocent at home ; more worthy of commendation.

“Dowdeswell then entered into the state of this country, *how* it had been distressed by the odious maxims pursued of late of *divide & impera*. The great difficulties that there were of forming any solid administration ; *that* the time might come when some matters whereon *men* had differed might either be totally over, or that on some they might *meet*, by the time producing events which might make some men relinquish their ideas or maxims from the difficulties they might occasion in being carried into execution.

“Dowdeswell said, till an administration could be formed on a strong basis, &c., he thought an office in administration could be no man’s ambition. He was sure it could not be the object of an honest man.

“Grenville spoke soon afterwards, disliked L^d North’s motion (which Lord North in the course of the debate expressed that he would give up) & spoke exceeding well ; took in some parts Dowdeswell’s line—& upon the whole did well.

“Wederburn also spoke. In short, after seven sides of paper, I have told you very little of what passed, & it makes me the more anxious that you should dine here to-morrow. Burke dines here, & L^d G. Sackville. Dowdeswell is, unluckily, engaged, so that we may have a

little chat upon what passed. Great part may be for the whole table—some part may be for a corner. Monday next is the day appointed for the consideration.

“Lord Mansfield, Hardwicke, D. of Portland, Lord Besbrough, Lord Albemarle, dine here to-day.

“Yours, &c.

“ROCKINGHAM.

“I left the H. of C. at 8 o'clock. It is now 10 o'clock.

“*Friday, Decr. 17th, 1768.*”

The two following epistles were addressed to Mr. Charles Yorke by the unfortunate Dr. Dodd, who was afterwards executed for forgery on Lord Chesterfield.

In the first of the letters he alludes to his connection with that nobleman. The latter of them was written to Mr. Yorke as a Bencher of Lincoln's Inn, on Dr. Dodd being a candidate for the preachingship of that society in 1765.

“*West Ham, Aug^t. 5.**

“SIR,—Tho' barely known to you, I am about to take a liberty, which nothing can excuse, but the highest opinion of your merit & disposition to do kind & good actions.

“Lord Chesterfield has done me the honour to place under my care, Master Stanhope, about eleven years old, the heir of his lordship's title & fortune, & whose education he directs & superintends. I wish to procure two or three more young noblemen or gentlemen to educate on the same plan; & as nobody is more in the great world, or better esteemed, I beg leave to request your obliging recommendation, if any thing of this sort should occur. I shall be very ready to wait upon any gentleman to inform him of the particulars; or, I dare say, L^d Chester-

* Hardwicke MSS., Wimpole.

field wou^d be so good as to give that satisfaction to any enquirer. I shall fix, at Michaelmas, in Southampton Row, for the sake of carrying on this design.

“ You must place this trouble, great & worthy Sir, to the account of your justly valuable character ; a character which shines with peculiar lustre in the eyes of every thinking and good man ; & which, as eminently fitted, will assuredly one day fill the highest stations.

“ I am, Sir, with the greatest regard,

“ Y^r most devoted & obliged ser^t

“ WILLIAM DODD.”

“ Permit me, worthy & honourable Sir, to return you my most sincere thanks for the very polite & humane reception which you gave me on Thursday ; & at the same time to inform you that, encouraged by the hope of your favour, in case Mr. Hurd declines, I have proposed myself a candidate for the preachership, & waited upon several of the Benchers. But, as I am perfectly satisfied that all my endeavours will be fruitless without your interest, which is (and indeed, from your superior merit, ought to be) most powerful, I humbly & earnestly entreat your support and concurrence. This granted me I shall not doubt of success. This denied me, I shall give up the pursuit. I have, indeed, little to urge to engage your favour ; a desire to deserve well of my fellow creatures, is my best plea. I have laboured with assiduity in my profession, &, I hope, with some success ; but for worldly advancement, I have not yet been so happy as to attain any thing considerable, tho’ I have met with many disappointments, & some hard treatment.

“ Excuse me, Sir, for mentioning thus much respecting myself ; but I am no stranger to your virtuous &

humane disposition, & to your just mode of thinking. From which I promise myself some share in your regard ; & should I be so blessed as to succeed in this appointment, my best endeavours should be exerted to do credit to your recommendation, & to show myself grateful for so distinguished a mark of your attention. Men with happier fortunes & larger connections will, doubtless, come far more powerfully recommended than myself ; but as I am persuaded that happier fortunes & more powerful recommendations will weigh little with men of your honourable & judicious sentiments, I repose myself with great confidence & pleasure on your goodness & sensibility, & remain with the highest esteem,

“ Worthy Sir,

“ Your m^t respectful &

“ devoted servant,

“ WILLIAM DODD.

“ *West Ham, Essex, 20 June, 1765.**

“ P.S. I have taken the liberty to enclose a little piece or two, not from a presumption of their merit, but to show you, sir, that I am not quite negligent in my station, as well as to inform you in some degree of my religious sentiments, if haply a moment from your valuable & important time can be spared ; & with which I would not interfere by a *personal* attendance. May I request a place for the Beauties of Shakespeare in your amiable & ingenious lady’s closet ?”

The following letter was brought by Sir James Harris, afterwards Earl of Malmesbury, from Stanislaus Augustus, the enlightened and patriotic, though unfortunate King of Poland, to Mr. Charles Yorke, directed “ à Mr. Yorke, ci-devant Avocat-General.”†

* Hardwicke MSS., Wimpole.

† Diaries and Correspondence of the Earl of Malmesbury.

“MON CHER CHARLES YORKE,—Vous serez toujours Charles Yorke, tel titre que vous preniez, ou que vous résigniez ; et c’est le nom que j’aimerois toujours le plus à vous donner parce qu’il convient le mieux à la sincère et intime amitié dans laquelle nous avons vécu, et dont le sentiment durera autant que moi-même. Comme j’écris plus amplement à votre frère l’Ambassadeur, et que je compte dire aux deux frères ce que je dis à l’un (en vertu de cette union digne des temps Patriarchals que j’ai tant admirée dans votre famille) je ne répète pas ici sur Harris que j’ai été charmé de connaître et d’accueillir avec distinction, ni sur ma situation présente qui redevient très critique. Tout ce que je vous dirai c’est, que si jamais on vous offrait la Couronne de la Pologne, je ne vous conseille pas de l’accepter, pour peu que vous aimiez votre repos. Puissiez vous mon cher et digne ami, jouir bien à votre aise de cet *otium cum dignitate* pour lequel vous êtes à tous égards si bien qualifié—et dont les douceurs apparemment ne deviendront jamais mon partage. Puissais-je pour soulagement dans ma pénible carrière avoir au moins encore une fois le plaisir de vous embrasser. J’ajoute cette prière à celle que je fais tous les jours ; Seigneur, donnez de la sagesse, du courage, et de la patience, à mesure que vous me donnez de la peine.’ Adieu, mon ami, pour cette fois.

“ S. A. R.

“ *Varsovie, 20 Mars, 1768.*”

Several other letters addressed by this sovereign to Mr. Charles Yorke are among the Hardwicke papers, and each breathes the same spirit as that already extracted.

The three following letters from the celebrated President Montesquieu to Mr. Charles Yorke will be read with interest. An account of Mr. Yorke’s interview at Paris with this distinguished jurist and author has been given in an earlier part of this work.

“Vous etes venu à Paris où je n’étois pas, vous n’etes pas venu à Bordeaux où j’étois ; je me plains de ceque vous etes venu en France. J’espere, Monsieurmon très illustre ami, de vous trouver à Paris vers le mois d’Aug^t, ou de Septembre, et que vous me donnerés avis de vôtre voyage, pour que je puisse me vanter d’y être pour quelque chose. Vous me parlés de la lettre de

Grotius à Lentius ; j'ay peur qu'elle ne vous ait trop frappé. Remarqués que Grotius quand il écrivit cela n'étoit pas de votre age : une noble ambition convient aux jeunes gens, le repòs à un age plus avancé ; c'est la consolation de la perte des agrements et des plaisirs. Ne negligés pas des talents qui vous sont venus avant l'age, et qui ne doivent point etre contraires à vôtre santé, quisqu'ils sont vôtre nature même. Vous vous souvenés des belles choses que dit Ciceron, dans son Livre des Offices, contre les philosophes, et combien il les mèt ou dessous de la vie active des citoyens et de ceux qui gouvernent la république ; et on ne peut pas le soubsonner d'avoir eu de l'envie contre ceux qui s'attachoient à la philosophie ; puis qu'il étoit luy-meme un si grand philosophe ; le même dans un autre endroit, appelle Archimède un petit home ; et Platon n'alla en Scicille que pour faire voir à l'univers qu'il étoit non seulement capable de donner des loix à une république, mais de la gouverner. Continués donc une profession que vous faites avec tant de gloire ; continués une profession qui fait qu'en vous regardant on je souvient toujours de votre illustre pere ; continués une profession qui fait voir que dans une age très tendre vous avés pir porter le poids de sa reputation sans vous courber.

“ Faites moy le plaisir je vous prie de faire remettre cette lettre à M^r. le docteur Warburton : j'ay une véritable impatience d'apprendre qu'il donne son second volume de Julien ; c'est un bel ouvrage qui appartient à toutes les branches de la religion chretienne. Je vous remercie de tout mon cœur de ceque vous me mandés sur les ouvrages qui ont paru en Angleterre. Y auroit-il trop de hardiesse de ma part de vous prier de me donner vos reflexions et vos jugement ? Je me charge d'être de même vôtre correspondant à Paris. Je vous embrasse, Monsieur, et ay l'honneur d'être avec un respectueux

attachement vôtre très humble et très obéissant serviteur,

“MONTESQUIEU.

“à Bordeaux, ce 4 Juillet, 1752.”*

“Monsieur, mon très cher et illustre ami, j’ay un paquet de mes ouvrages bons, ou mauvais à vous envoyer ; j’en seray peut-être le porteur ; il pourra arriver que j’auray le plaisir de vous embrasser tout à mon aise. Je remets à ce tems à vous dire tout ceque je vous écrivois. Mes sentiments pour vous sont gravés dans mon cœur et dans mon esprit d’une manière à ne s’effacer jamais. Quand vous verrés Monsieur le Docteur Walburton, je vous prie de luy dire l’idée agréable que je me fait de faire plus ample connoissance avec luy ; d’aller trouver la source du scavoir, et de voir la lumiere de l’esprit. Son ouvrage sur Julien m’a enchanté, quoique je n’aye que des très mauvais lecteurs Anglois, et que j’aye presque oublié tout ceque j’en scavois. Je vous embrasse, monsieur. Conservés-moy vôtre amitié ; la mienne est éternelle.

“MONTESQUIEU.

“à Paris, ce 6 Juin, 1753.†

“L’abbé Sallier et monsieur de Fontenelle vous saluent.”

“J’ay, Monsieur, reçu vôtre lettre datté de Paris du 19 8^{bre} : ainsi vous ne vous êtes approché de moy, que pour me faire du chagrin. J’aurois été bien heureux de passer quelque tems avec vous à Labrede ; vous m’aüriés appris à raisonner, et moy je vous aurois appris à faire du vin et à planter des chênes, sous lesquels quelque druide se mettra quelque jour ; mais quand je serois aussi jeune que vous, je ne verrois point cela. Je parts dans trois, ou quatre jours pour Paris, d’oir l’on me mande qu’on s’ennuie Beaucoup ; et en verité il ne vau-

* Hardwicke MSS., Wimpole.

† Diaries and Correspondence of the Earl of Malmesbury.

droit pas la peine d'aller chercher l'ennuy si loin. Si vous avés vû milord Albemarle, vous avés vû un homme que nous aimons tous ici. Le mandement idiot de Mr. L'Evêque de Montauban n'a pas plû davantage en France qu'en Angleterre : c'est le propre des gents sots, d'être enchantés de leur stupidité-même, quand elle fait du Bruit. Je vous repoteray toujours combien j'aurois été charmé de vous voir à Paris, ou ici, et d'apprendre des choses que les livres ne savent pas. Je vous prie de me recommander à votre illustre ami Monsieur le Docteur Walburthon ; Je luy auroit écrit cent fois si j'avois scu où adresser ma lettre. Il m'a fait un présent qui fait mes délices : ce sont ses beaux ouvrages, et son édition de Pope. Je luy enverrois bien ma nouvelle édition de l'Esprit des Loix quand je l'auray faite, mais je croirois ne luy envoyer rien. Je voudrois donc luy envoyer une des choses du monde que j'ayme le plus qui est une piece de mon vin, que je voudrois qu'il me fit l'honneur d'accepter ; mais pour cela il faudroit que vous eussiez la bonté de me faire un plaisir, qui est de me marquer à qui je dois l'adresser, et vous pourrés envoyer vôtre lettre chés moy Rue St. Dominique, à Paris. Ayés la bonté je vous prie, de parler de moy à Monsieur le Clonel Yorke, quand vous luy ecrirés. Croyés, je vous prie, que personne ne vous aime autant que je fais. " MONTESQUIEU.

" à Labrede pres Bordeaux, ce 4 X^{bre}, 1753.

" Un gentil-homme Anglois que je vis quelques jours avant mon départ eut la bonté de se charger d'un exemplaire des differents ouvrages que j'ay faits pour vous les remettre ; j'espère que vous les aurés reçus."*

The letter which follows cannot be read without interest by those who have perused these pages, as the last

* Hardwicke MSS., Wimpole.

letter among the Hardwicke papers of the Duke of Newcastle, and which was written shortly before his death, to Mr. Charles Yorke.

*“ Claremont, July 3rd, 1768.**

“ MY DEAR & MOST VALUABLE FRIEND,—I am so much moved, with the very kind, respectful, & affect^e contents of your letter to the University of Cambridge, upon my subject, that I cannot lose one moment to express my gratitude to you for it. The honour it does me flatters me very much ; but such a character from one who is so good a judge, & who knows the whole history of my life, & my conduct in & out of employment, gives me great comfort. Tho’ I ascribe a great deal to this partiality for me, yet partiality from one of my dear friend, my Lord Hardwicke’s sons, gives me great joy & satisfaction. If I have done any service to the publick in the course of a long administration, it is entirely owing to the advice, support, and assistance of that great man, my best friend, your father, whose abilities & principles have made such an impression upon me, that I have, & ever shall act upon them, as the ‘surest way to do right in the service of my country, & to retain any little merit I may have got in the course of my administration.

“ I shall long to have the pleasure of seeing you here, & repeating to you my gratitude for all your goodness to me, & to desire a continuance of your good opinion of me, & of that intimate friendship which is so great an honour & satisfaction to me. The Dutchess of Newcastle & I desire our best compliments to Mrs. Yorke, & hope all the children are well.

“ I am, dear Sir, ever

“ most unalterably yours,

“ HOLLES NEWCASTLE.”

* Hardwicke MSS., Wimpole.

The study of the works, and of the character of the great Lord Bacon, appears to have occupied a large share of Mr. Yorke's attention, and several of his letters before quoted run into this topic, as one congenial to his mind, whenever an opportunity for recurring to it, when in correspondence with a friend who could enter into his views, was afforded. In the following letters to Dr. Birch, this favourite subject is fully pursued. In the first of them, he discusses the career of this renowned philosopher, whose failings, however, he does not overlook, amidst all his admiration for his learning and genius. This letter possesses a peculiar interest, as displaying the sympathy and feeling of one great mind for another, and for the character and credit of the illustrious person referred to; a regard not of a personal nature, but for the honour of human nature itself, exhibited in its noblest form as respects the almost divine faculties of the immortal philosopher in question.

In the latter of the epistles, some interesting original information, connected with the above subject, is communicated. Dr. Birch was at this time engaged in editing a collection of the letters of Lord Bacon.

"Oct. 9, 1762 *

"Saturday Morn.

"DEAR SIR,—I thank you much for the sheets of S^r Fr. Bac.'s Letters. They are extremely curious, and well writ, and have made me impatient for the rest.

"I have marked, in p. 6, a word blundered in printing, *anchor* for *anchoret*, or *anchorite*, (*hermit*, ἀναχωρητής).

"No man deserves so much of the public as you do, for bringing to light so many valuable memorials, for the illustration both of literary and civil history in England.

* Dr. Birch's MS. Collect. Brit. Mus.

But you will forgive me, if I wish the words in brackets, f. 31, 32, struck out of the book. They convey no *fact*; and, since S^r Fr. Bacon struck them out of his letter, as conveying a low and indecent flattery to the King, as well as betraying a weakness of passion & resentment in himself, I think, that you have no more right to print them, than you would have if you could read the hearts of men, so as to be conscious of every roving thought or wayward gust of passion which crosses them involuntarily and by surprise. It is enough, if men don't act by them; but to be subject to such starts of mind is matter of constitution, and part of the mechanism of human nature, & ought not to be exposed; lest the reader should apply *that* to the character of the man, which never entered into his conduct.

“You have the best heart in the world; but your zeal for the illustration of history almost makes you transgress these laws, which in the case of me, or any other man now alive, you would hold most sacred. Now, though S^r Fr. Bacon has been dead almost 140 years, yet I think his fame and his memory more recent, more living, and more bright, than when he was alive. His faults are cast in shade by the candour of posterity, and finer colours laid over his virtues, unsullied by envy and detraction, (those busy and malignant passions of contemporaries,) or even by his own weaknesses.

“Besides the justice due, in morality, to the man, let me add, that what I am exacting from you, as an historian, (or collector of historical monuments,) is due in discretion & common policy to the world. For, indeed, the foibles and vices of great men, celebrated for their parts & actions, too much exposed to view, only confirm and comfort the vulgar in the like conduct, without teaching to that vulgar the imitation of their virtues.

“ Give me leave to add that this reasoning is irresistible where the person in question has himself checked the feelings, & cancelled the first expressions of his own intemperate passion.

“ Let me beg of you to reprint the leaf which contains the passage objected to, & supply the gap, either by *astericks*, or by a *note*, which the letter well deserves, as to the state of the King’s revenue, then depending in Parliament, (or near that time,) for deliberation ; and which will probably give you an opportunity of vindicating Lord Salisbury ; whom S^r F^r B., with so much dignity, gravity, & decorum, calls *a great subject*, & *a great servant*, in another letter written to the King, immediately after the treasurer’s death.

“ Forgive me, dear sir, & believe me, with

“ true affection, always yours,

“ C. YORKE.

“ To the Rev^d D^r Birch.”

“ Mr. Yorke presents his compliments to Dr. Birch, & desires to know how he does.

“ He acquaints the doctor, that at *Holkham* he found S^r Fr. Bacon’s present book of the *Novum Organum*, entitled *Instauratio Magna* (Ed. Jo. Boll. 1620) to Sir Ed. Coke.

“ At the top of the title page, in Sir Ed. C.’s handwriting,

“ ‘ Edw. C. *ex dono Auctoris*.

“ ‘ *Instaurare paras veterum documenta sophorum,
Instaura leges Justitiamque prius.*’

“ You know the book was published in 1620, a few months before the impeachment.

“ The verses not only reprove S^r Fr. B. for going out of his profession, but allude to his character as a pre-

rogative lawyer, & his corrupt administration of the Chancery.

“Over the *device* of the ship passing between Hercules’s pillars are written two English verses, not so good as the Latin distich. These are also in the handwriting of S^r Edw. C.

“‘It deserveth not to be read in schooles,
But to be freighted in the ship of fooles.’

“I think that Du Bartas wrote a satyr on bad authors, in that age, called the *Ship of Fools*. The conceit refers to that book. Pray let me know whether my conjecture is right. Du Bartas died in 1591.

“C. YORKE.

“*Tuesday, Oct. 2, 1764.*”*

One of Mr. Yorke’s familiar letters to Dr. Birch, dated “Wimpole, Sunday, Oct. 13, 1764,” runs thus, and shows their close intimacy at this time:—

“A thousand thanks to you, my dear friend, for all your goodness & kind attention to me this long vacation, in which I have given you much trouble.”†

A pretty exact idea of Mr. Yorke’s rise and progress at the bar may be obtained by reference to that important and interesting document in the law-library of a successful advocate,—his “fee-book.” From this it appears that his advancement was much more gradual than has been generally represented, and far more so than might be supposed to be the case with the son of a Chancellor, especially one who was so fully qualified for the performance of his duties, as Mr. Yorke was. During his first year at the bar he made only £121; during his second year, £201; during his third and fourth years,

* Dr. Birch’s MS. Col. Brit. Mus.

† Hardwicke MSS., Wimpole.

between £300 and £400 in each. In his fifth year he received nearly £700; in his sixth, more than £800; in his seventh, nearly £1,000. In his ninth year his receipts were above £1,600; and in his tenth, nearly £2,500. In 1757, when he was Solicitor-General, he made more than £3,400; and the next year, above £5,000. His largest receipt in any one year, which was in 1763, was £7,322 8s. 6d., a very great sum, considering the difference between the value of money at that time and the present.

Some notion, of the extent of Mr. Yorke's professional engagements, when he was at the height of his practice, may be formed from his correspondence with his friends at that time.

In one letter written in July, 1765, to Archbishop Secker, he says,—

“This day I have *forty* briefs to read for the Cockpit, both prize & plantation causes, some of which are of considerable difficulty; & all, or the greater part, must be read in the course of the day or night. The hearing of them will begin to-morrow. I have likewise some briefs for chancery to-morrow, & shall have more during the course of the week.”*

And in another epistle to his brother, Lord Hardwicke, and dated Sunday morning, he begins,—

“This day, tho' Sunday, shines no Sabbath day to me. I have such a load of causes at the Cockpit for *two* or *three* days to come, besides that the Chancery will not conclude till Thursday or Friday, that I have no time to write.”†

Archbishop Secker addressed the letter which follows

* Hardwicke MSS., Wimpole.

† Ibid.

to Mr. Charles Yorke, in relation, it is supposed, to the offer of returning to the Attorney-Generalship, which was pressed upon him in July, 1765, and respecting which the Archbishop was entrusted with a message from the King to him. The critical state of his health, even at this period, and the alarm which this occasionally caused to his friends, are here apparent.

“GOOD MR. YORKE,*—Your letter frights me. For God’s sake put this whole matter as totally, if possible, out of your mind, as if it did not exist. I will write immediately to Lord Rockingham to beg, in the strongest terms, that you may be pressed no further by any one till after Thursday. And I will enclose to him your letter, which is far stronger a letter than any thing I can say; & must have the effect which you wish it. If I were not sure of that, I would not take the liberty of sending it. Therefore, dear Mr. Yorke, be composed, & sleep quietly to night, & think of nothing but your causes, & not too much of them; & forgive it, if you have been urged too earnestly by

“Your most faithful servant,

“THO. CANT.

“Lambeth, Sunday evening, past seven.”

The best specimen which we possess of the oratorical power of Mr. Charles Yorke is his reply, already quoted,† to the defence of Earl Ferrers, which was at once a very eloquent and able performance. It is a singular coincidence, that the principal occasion on which his father distinguished himself as an orator was his reply, as Solicitor-General, to the defence of a state criminal, at the trial of Mr. Layer.

Mr. C. Yorke, on the death of his father, succeeded

* Hardwicke MSS., Wimpole.

† *Vide ante*, p. 204.

him as Recorder of Dover. During the latter part of his parliamentary career, Mr. Yorke was returned to Parliament as one of the representatives for the University of Cambridge. He had previously sat for Reigate. An amusing anecdote is told of him on one occasion, illustrative of the humorous turn of Mr. Yorke. When the Cambridge election was over, he went round the Senate to thank those who had voted for him. Among their number, was one gentleman who was proverbial for having the largest and most hideous face that ever was seen. Mr. Yorke, in thanking him, said, "Sir, I have great reason to be thankful to my friends in general; but confess myself under a particular obligation to you, for the *very remarkable countenance* you have *shown* me upon this occasion."

The following is from the Diary of the second Earl of Hardwicke, relating to family events, and already extracted from in this chapter:—

"In the winter of 1764 & 5, my brother had an offer from Mr. Grenville of the Rolls, vacant by Sir T. Clarke's death; & afterwards of the Attorney-General's office, as Sir Fletcher Norton was willing to be removed to the Rolls. The negotiation broke off, after some conferences between Mr. Yorke & Mr. Grenville, then the first minister. As well as I remember, they differed upon the manner of deciding the question about general warrants, which was to come before Parliament, about relinquishing the Crown prosecutions in the affair of Wilkes; &, if I mistake not, there was some difficulty abt Lord Sandwich giving up his pretensions to the High Stewardship. However, the Court was then very desirous to bestow some compliment on my brother, & he was rather willing to be obliged. The negotiation ended

in his taking a patent of precedence. The world at large, & many of his friends, blamed his accepting it, as below his figure & consideration; but he alledged in his defence that it binds him to nothing, he was as independent as before, & that it was highly convenient to him in his practice to have rank within the bar. He spoke pretty often that session in the House of Commons, not unfrequently on the side of government, particularly on the American Stamp Act & on the Regency Bill. By this time Lord Bute had set on foot an intrigue to overturn the ministry, of which there were some symptoms even while the transaction with my brother was depending; for I well remember, that in a conversation he had with that lord, the latter blamed the ministry for not taking him on his *own terms*, & wished he had accepted without *any*, saying, ‘What might not the King & his Attorney-General do?’ And His Majesty himself, when he had an audience ab^t the patent, said emphatically, ‘that he hoped he would be his *friend*,’ even in distinction to or unconnected with his ministry.

“The negotiation between the King & Duke of Cumberland, for a change in the ministry, was begun just before the Newmarket Meeting at Easter, 1765. I do not know that his R. H. & Lord Bute had any direct intercourse, but I have been told, on good authority, that the Duke of Northumberland carried messages betⁿ them. Whilst the Regency Bill was in the House of Lords, the clause ab^t naming the King’s brothers was concerted with the Duke of Cumberland, unknown to the ministry, till the King sent it to them. They, to return the compliment, framed the clause for omitting the Princess Dowager, & procured the King’s consent to it. This raised a storm in the interior of the palaces, &

the result of it, after many intrigues & jarrings, was the overthrow of that administration.

“ I have set down, in a paper apart, the circumstances of the offers then made to our family, & how they ended in my declining what was proposed to me, & my brother’s accepting what was so earnestly pressed upon him. But it cannot be sufficiently repeated, that he resumed the office of Attorney-General on an express promise from the King’s own mouth, that he should be Lord Chancellor by the end of next session ; & when my brother begged of His Majesty (as decency & duty required) that he would not engage himself so far, the King replied, ‘ I will pledge myself to you.’ The King likewise, previous to this conference, wrote a letter to Lord Egmont, to be shown my brother, in which he entered into the same kind of engagement ; but the letter itself I never saw, nor had Mr. Y. a copy of it. Certain it is, that his friends had it in their power at that juncture to have made him Chancellor, as Lord Northington was generally disliked ; but they wanted his assistance in the House of Commons, where they had no able speaker in the law line. I sho^d here take notice that Mr. John Yorke was restored to the Board of Trade, & soon after had a seat at the Admiralty, in both instances without his asking, & with circumstances of personal attention to him.”*

Mr. Charles Yorke has left a journal, in which he records all that took place between His Majesty and himself, during the conference in question ; which was held on the 4th of July, 1765, and in which he states as follows :—

“ After Comp^{ts} to the memory of my father, to the

* Hardwicke MSS., Wimpole.

present Lord H., to the whole family, & to myself, he said, that he was desirous to talk upon his affairs, had many things to say, which he would say to nobody else. Difficulties to settle a proper administration. Some among his late servants he had liked, not others; had given him causes of complaint. They had jealousies of his intention in the Regency Bill—that bill proceeded originally from himself. Ministers too jealous, & behaved ill to him in the course of it. He had mentioned it first to the D. of Cum. ; D. of C. rather against it—hurt at not being named as in the former bill—desirous to live well with his family, his brothers, as well as the Duke of C. From this conversation had arisen others—D. had desired to see K. before he died—D. recommended in those visits to make up with his grandfather's old friends & servants. Ministers jealous of these visits—connected more together, to form a party in the Court. The K. complained of George Grenville in particular, for going into that party. Instance of L^d Weymouth's appointment to Ireland, where the D. of Bedford insisted, & G. G. would not remonstrate, as the King desired; upon this thought it right to adopt some other persons—for that purpose proposed an adjournment—sent for his Royal Highness the Duke. He advised talking to Pitt, & proposed to go to Hayes himself. The King doubted how that would end. D. went—it ended as expected. The K. asked him what next. Would the D. of Newcastle & his friend assist? D. thought not—advised making up wth the last ministers—sent the Chancellor to them—told them he had been displeased, but found himself obliged to desire them to stay. They considered of it—insisted upon new terms. Dismission of Mackenzie, & that Lord W. should go to Ireland. Told them his situation, as to Mackenzie; distinguished between his office & the Scotch

correspondence—was ready to take away the last, but desired them not to make him break his word—spoke to them with vehemence, & gave them two days to consider it—they returned, & insisted. The King told them they must take the consequence. Then came the Duke of Bedford & read a paper, sort of declaration for the King to make. The D. of B. complained that the K. had withdrawn his countenance from them : desired His Majesty therefore to declare, that he would not only give them his confidence, but his favour & countenance ; & to declare that he would not consult L^d Bute, either as to persons or employments. The King said he was displeased, and could not dissemble. As to L^d B. that he was much hurt, with his being told of consulting him. That he was not only willing to declare for the future, but he would go further, & declare the like for the past, ever since he had told them so before. Sent again for the Duke, asked his advice. His Royal Highness did not know what to advise—had done his best before with Pitt. His Majesty very averse. Gave reasons, but yielded at last. In the first audience, Pitt talked only of affairs, with great professions. The 2nd time he said something of persons, but proposed no removals ; spoke harshly of nobody. Recommended Ch. J. Pratt for Peerage, & the Cabinet : Lord Temple for the Treasury, as the *sine qua non* of his acceptance. Pitt endeavoured to sound His Majesty as to future disposition of Great Seal. The King desired to be excused answering that question. Did not fall upon Lord M——d,* which had surprised His Majesty. Said Sir F. Norton was an able man, could not answer for Lord Temple, wished his Majesty to speak to him. The K. consented, felt a great reluctance. L^d Temple came, nervous & trembling, made fine speeches,

* Mansfield.

happy to approach him once more, that he had many reasons of the *most delicate & tender nature* against accepting Treasury, or any other office; excused himself from entering into them, wished his Majesty all happiness, *but was afraid that he foresaw more misfortunes in His Majesty's reign than in any former period of history.* Pitt came next day, & L^d Temple having refused, thought himself obliged to decline, professed to be much satisfied with the K.'s good intentions and declarations. *So, added the King, we parted very civilly.* The King sent for the D. of Cumberland again, proposed to resort to the D. of Newcastle again. There was a meeting at Claremont, on Friday following; it was determined to decline. Another meeting was had on Sunday, to the number of near twenty. The D. of Newcastle asked their opinions *seriatim*, all but three or four were for accepting. His Majesty expressed his wonder at the D. of N.'s asking their opinions in that manner; *that he ought to have led their opinions.* The K. observed upon the D. of N.'s listening too much to the younger people, their passions and disgusts. Wondered at the D. of N.'s friends looking so much towards Hayes, as to things and persons, after Pitt declined. These gentlemen having accepted, he had ordered his Royal Highness to send for him, Mr. Yorke. That he knew his weight in the profession, & in the House of Commons. That he had acted honestly upon principles of his governm^t & with great personal honour to his friends, who had not behaved so well to him. His Majesty thought, however, that if he came back to his service, the best method of doing it was with them. *That he must have his services.* Asked no conditions as to his conduct; *I know you will do right; don't mean to bind you, as to your opinions.* Wished to give him the Great Seal, & determined to do it; had intended it ever since

he came to the Crown. The profession & the public called for it, wished to have done it now; it would deliver C. Y. from many difficulties; would have made Lord North Pres. of Council, as the D. of N. would not take it; wondered at Lord Winch^s accepting that office, at his time of life. The King declared that he was resolved to give him the Great Seal in less than a twelvemonth (*every thing on this subject said with earnestness*). Spoke of Pratt as unfit for it, & not thought in the same light for it. Mentioned stories he had heard of Pratt's deference to *his* opinions, when in office together. Wanted to know whether he had heard from Lord Hardwicke. Integrity & abilities of family in general. Desirous he should take some great employment. Board of Trade & Cabinet. Mr. John not to return to the same board—Dean* a Bishop.

“C. Y.'s answers in general were to the same effect as to the D. of Cumberland, only much fuller as to the consequences of such frequent changes in administration, and state of the House of Commons. The *first* thing was, that His Majesty would be continually throwing away the boons & graces of the Crown, without the least utility to himself. The *second* consequence was, that it tended to expose all the secrets of the government; for that persons dismissed turned their official knowledge into fuel for opposition, which weakened his service, & made it impracticable. The *third* was, that such frequent changes made every man oppose, & think himself fit for everything; whereas, when men of real ability were employed, they would gain authority with time & experience, which would strengthen His Majesty's hands, & make other men grow modest. The *last* was, that corrupt as the times were, & as much inclined as members of Par-

* James Yorke.

liament were to follow the service of the Crown, yet I feared that they would grow weary of an unsettled state of administration, & be at last ashamed of being delivered over from hand to hand, which might draw danger and dishonour to the King. This *idea* I illustrated by an expression which once dropt from Mr. Pitt in the House of Commons, in debate upon the German war, when he said, that '*he had borrowed a majority to carry on his measures.*' C. Y. spoke well of George Grenville, recommended Dr. Hay to the King's protection, & told his story at large. Upon the K.'s mentioning S^r C. Pratt's having been in office with him, C. Y. said, that Pratt had some obligation to his father—some to him. That he had given him more assistance in office than had ever been done by a Solicitor to an Attorney-General, particularly in reports of difficulty; did justice to him, as not being jealous in that respect, & very fair in receiving information & conviction, except upon occasions where some other reason for his difference of opinion appeared. K. said, he believed they would remove Norton: they did not like him, & he was unpopular. C. Y. gave several reasons against removing him, respecting the King, Westminster Hall, & himself; & assured His Majesty, that his conduct would be the same in or out of office, & hoped that no prejudice would be done to any man upon his account. The K. wished him to advise, & to interpose to prevent their requiring the dismissal of some persons who belonged to His Majesty, or his father, the late Prince of Wales, & whose dependence was only on their places; & to recommend temperate measures.

"In the course of the conversation, the K. complained strongly in general terms of the little business done. No foreign system. The colonies and new conquests

neglected. A great scene. In the conversation, K. said emphatically, that he had told his ministers he was of his (C. Y.'s) opinion about the conduct of the affair of general warrants in the House of Commons.

“ *Friday, July 5th.—D. of Cumb.*

“The D. of C. came from dinner with company. C. Y. reported Lord H.'s answer. His royal highness hoped it was nothing but health. Was there any thing else he could like better? Wou^d Mr. J. Y. return to the Board of Trade? That is in the King's hands, & in your Royal Highness's. Shortly touched my audience of the K., which I represented as held to a member of the House of Commons; but referred him to the K. His Royal Highness, a little impatient at my saying any thing of it. Duke of Cumb. said that Sir Fletcher Norton must go out—unpopular—not fit to be there. He must go, whether I took the office or not. I said that I had told the King I was very unwilling to go there. No object to me; that it was my opinion Westminster Hall should be left as it was; or that whatever was done, should be done without marks of disgrace, & some degree of satisfaction. He answered short, You don't think anybody will ask compensation for Sir Fletcher Norton? ‘Sir, I know how difficult that is, but there are ways of giving satisfaction. I hope your R. H. will leave it to the K.’ If you don't take that office, somebody else must. ‘Sir, your Royal Highness will excuse me, I can't suffer an Attorney-General to go over my head, & stay in Westminster Hall.’ Well, if you don't like the office, will you take pre-audience of the bar? Everybody wishes to show you respect. ‘Sir, there are many things in it. I hope your R. H. will have the goodness to feel for me, & leave it to the King.’ When I said I had talked to the K. of a conciliating & comprehensive

plan, he said, 'I hope the K. told you, that a beginning must be made.' I said, the King had held that language. He wished I would consider it. I concluded, that I saw I broke in upon his time; & if he had any commands for me, that I should think it an honour to attend him at his leisure.

"On Sunday 7th I was at court. The K. more civil to me than to anybody in the drawing-room. When it was over, Lord Egmont said he must speak to me, by His Majesty's order, about Sir Fletcher Norton & D^r Hay; that the King wished to know exactly what I had said. The King was under difficulties. Half-past three I waited on Lord Egmont. Repeated what I had said. Received, next morning, letter dated July 7th. I observed, that it proposed a bargain before vacancy; a proposition inconsistent with my opinion & declarations. In that evening I saw the Marquis of Rockingham. Talked strongly in the stile of 'Leave Westminster Hall as it is,' &c. I thought I had convinced, but found, in few days, that I had only silenced. Debate with myself.

"Tuesday 9th. Writ to Lord E. a note for the K. Saw him afterwards; told him I thought I had convinced the Marquis of Rockingham to leave things as they were. Was earnest on the subject; had writ two notes, the *first* of which laid great stress on doing nothing at court which might reflect on what had passed in the affair of Wilkes. This for the King's honor. When I saw Lord E., I told him that letter was my opinion. He seemed disturbed with it, but would report it to the King. At night saw the Duke of Newcastle. Vehement with him on the subject. Desired him to weigh & act by it. Said he would weigh, but was not sure he could act by it. Next morning he sent Jones to me, to tell me that the D. of Cumb. & all of them, had a great

kindness for me, & wished I would see his Royal Highness again : that it was impossible to do any thing in the case of Sir F. Norton, or Dr. Hay. *Next day* (July 11), called upon him, complimented him on his return to the King's Counsel & office of Privy Seal. At two o'clock he sent me a letter. I writ no answer. Rec^d a pressing message from Abp. of Canterbury, to talk with me. Saw his Grace on Friday. He was very earnest with me to return to the office of Attorney-General.* K. had talked with his Grace, as also the Dukes of Grafton, Newcastle, & Marquis of Rockingham, that I must go to the Great Seal. That he would not have me disgust my friends, & party, & the K. That the public *hated* Norton, wished me back again—an office of great consequence, &c. &c. That I ought not to consider the faults of one man or another—the court or the opposition. Answerable only for my own conduct, & that it would not turn upon me, whether the vacancy was made or not. That he was *sure* my father would have been of this opinion, &c. On Monday, July 15th, Lord Camden was presented to the King, for his peerage. The Archbishop came to me at the Cockpit, by the K.'s order, to acquaint me with it, to say that it interfered with nothing which had passed between the King & me. That the Duke of Cumberland had writ a letter to the Duke of Newcastle, to this effect. That his Majesty spoke with the greatest kindness of my talents & probity. That he expected they would have differently destined J^{no} Y. That the King would take care of Dr. Hay. I treated all this coldly & superficially. The King desired to see my letter to his Grace, written on *Sunday, July 14th*, which he read twice. On *Friday, July 19th*, saw Mr. George Grenville, on a *dismission visit*, & was unexpectedly let in. Had a long conversation. His general discourse calmer, & in a lower

* *Vide ante*, p. 442.

tone than formerly, as if surprized that the new plan had so much as taken a beginning. I gave him some account of my audiences of the Duke of Cumb. & the King. He took it kindly, & seemed affected with what I told him of the character in which I had spoke of himself. Went thro' many things he had touched before, of state of the court, invisible influence, & rested on this,—*that we must all concur in not imputing these things to the person of the King.* That if my situation, which was *great*, grew still *greater*, he was sure I should suit it. I said I should be glad to do good ; saw connections broke, friendships violated, parties melted down, & that confusion in persons must produce *disorder* in the times. He said every day would produce difficulties in the colonies, & with foreign powers ; that nobody could do good. He was afraid that the King had been taught that *division* was the art of government. I said *divide & impera* was a dangerous maxim. He replied, that it might end in, *unite & be governed.* I touched on the business of Sir Fletcher Norton & what I had said upon it, but thought it was resolved to dismiss him ; and spoke of the D. of C.'s alternative—pre-audience, or the office. He was of opinion for the office, as taking some part. We left one another on very friendly terms.

“ Saturday, 20th. Grub, clerk of patents, came from Sir F. Norton, to acquaint me that he was dismissed, & had ordered Grub to wait on me as Attorney-General. Told him I knew nothing of it, nor knew who would be Attorney-General. Had intended to visit Sir F. Norton that morning, but could not now without notice. Called on the Solicitor-General ; talked over the subject with him.

“ Monday 22nd. Saw Sir F. Norton in the evening. He complained ; laid his point : *first*, that the beginning of his misfortune was my resigning. *2ndly*. Not return-

ing to the office when he was willing to take the Rolls. To the *first*, I answered, that the misfortune was equally mine; & the causes, personal honor. To the *2nd*, that he had never communicated with me. It was his own affair. He had his *compensation*, & the ministers & I could not agree. He *spoke* of the King's engagement to protect him; found he had not offended the King, who was sorry for him, & that he received a very handsome message from Mr. Pitt. I did not doubt of either; and said these things were *vitia temporum non hominum*, & we were involved in consequences where we were not responsible for causes; that I had resisted his dismissal.

“He said my opinion had been little respected, which he wondered at, in my own line especially, as nobody else was fit for the office. That he could not but believe what I said, because I said it; but had heard that, the very night he was dismissed, letters came directed to me from the Secretary of State as Attorney-General. I told him that it was absurd & false. N.B. Lord Egmont saw him that very morning at my desire, & explained to him the part which I had acted.

“Within a few days, I saw the Marquis of Rockingham. Explained my dissatisfaction at Sir F. Norton's removal, repeating my reasons. Difficulties laid on me. In another visit, matters depending in the office, & what might be expected from me in Parliament, of which I dictated a note. Explained like matters to the Duke of Newcastle, & desired it might be mentioned to nobody but the Duke of Cumberland & Marquis of Rockingham. In a subsequent visit, I was very full with the D. of New. on these heads:—

“1st. Disagreeable to go back to office resigned—no object.

“2ndly. On dismissal contrary to opinion & wishes.

“3rdly. A new precedent in Parliamt & in Westminster

Hall. No such thing since Revolution, under the same circumstances.

“ 4thly. Official business. Actions & damages, *Almon, Wilkes's outlawry*. I said that, abstracted from persons & things, was it fit that the outlawry should be reversed at this time? that after some years, & more foreign air, it might be matter of the King's clemency, but just now, it was giving up the whole of his honour. If reversed, & he attempted to come into Parliam^t, he must be expelled. *D. of Newcastle* said it was very weighty, & ought to be considered, but that he had nothing to do nor to say. Younger people governed. *I told him*, if that was so, the less safety I saw, & the more I should insist on my opinions. That his Grace mistook if he fancied that people would not lay the whole upon him; that if it failed, he would lose reputation at home & abroad, & that his plan of restitution would not stand half an hour; that nothing could make it kind & friendly to those whom he restored, but stability; that this depended on not driving able men, who cou^d honourably stay in the King's service, into opposition; & forming some plan of measures which would do his business without compelling the House of Commons to undo things w^{ch} they had done.

“ On the same day, I went thro' the same matters shortly, to the Marq. of Rockingham. He expressed his impatience for my return to the office. That he wou^d lay it before the King. And when I said the King ought not to make an Attorney-Gen^l like a groom of his bed-chamber, but thro' the Great Seal, he said, that the King would send to Lord Chancellor, & *order my attendance thro' him, &c.*

“ On Sunday, July 28th, I saw L^d Lyttelton. Much conversation; material points were: 1st. *That Pitt & Lord Temple were disunited, but that they might come together into office.* 2ndly. *Pitt's inclination to come to*

*the head of this new ministry, & most certainly rather to these families, & this party, than to the D. of Bedf^d & Geo. Grenville. 3rdly. That he was of opinion, if I stood under no personal engagements to the D. of Bedf^d & Geo. Grenville, that it was much better to return to the office of Attorney-Gen^l, & be found there. That the hour of my espousing Dr. Hay so warmly, for Judge of the Prerogative, Mr. Pitt spoke of L^d C. J. Pratt & me with equal regard, & leaving the decision to the King, saying at the same time, it was easy to see where that would fall."**

The following is extracted, in continuation, from the journal of the second Earl of Hardwicke:—

"In the narrative above cited, I have given an account of the conduct of the Rockingham administration, & how an end was put to it in July, 1766, by another court intrigue, conducted by that worthy statesman L^d Northington, who gained immensely by the jobb. One of the principal terms insisted upon by L^d Chatham was, that his favourite, L^d Campden, shou^d have the Seals, & that being agreed to, & no compensation or equivalent proposed to my brother, he thought himself in honour obliged to resign the office of Attorney-General. Lord Chatham endeavoured to divert him from his purpose, in a smooth & flattering conversation, at Hampstead, urging the service he could do, & the weight he carried in the House of Commons. When Mr. Yorke had his audience of the King, he complained of the force put upon him, & seemed concerned at his resignation, but made no proposal, except one, in a dry way, 'There is the Common Pleas for you.' 'Surely, Sir,' said my brother, 'your Majesty will not wish me to

* Hardwicke MSS., Wimpole.

take it in a manner different from that in which Lord Campden has enjoyed it?" meaning without a peerage; to which the King made no answer; nor do I think the matter was pressed so far as it might have been. Certain it is, that such a distinction with the Common Pleas wou^d have made Mr. Yorke happy, that he wou^d have accepted it with thankfulness, & that it would have been a political as well as an honourable measure in the King to have granted it. In consequence of this ill usage of Mr. Y., Mr. J. Yorke, very disinterestedly, & quite spontaneously, gave up his seat at the Admiralty, desiring his chief, Lord Egmont, to carry in his resignation, which he did, & resigned at the same time himself, tho' from different motives. I must, however, do this noble lord the justice to say, that he always blamed most highly the conduct towards my brother, & avowed every part of the message with which he had been sent to him by the King. Lord Breadalbane, who had unluckily accepted Mackenzie's Scotch place when it was offered him by Lord Rockingham, was immediately dismissed, without any consideration or assurance of future favour. So when this great change was effected, every friend and relation we had of consequence (Sir Joseph excepted) being out, we were of course considered as disobliged men & thrown into the ranks of opposition. I pressed Mr. Y. often to have exposed the behaviour of the court towards him, & to have taken a warmer part on some occasions in Parliament; but he always hung back as to personalities & political appeals to the public, & I thought no other methods cou^d make an impression on the unfeeling & the ungrateful. He did however, in the session of 1767, speak several times with weight against the enquiry into the affairs of the East India Company, which he thought subversive of their charter, & intended to throw their wealth & power

entirely into the hands of the Crown, entirely to serve court purposes. During that winter & the following spring, I mixed with Lord Rockingham's party. Some of his friends, disgusted at Lord Chatham's arrogance, viz., Duke of Portland, Lord Besborough, Sir Charles Saunders, &c., resigned their posts just before the session, &, together with the Duke of Newcastle's few remaining followers, formed a sort of connected opposition. They were seconded by the ill-humour of the Bedford party, whose demands Lord Chatham had not complied with, & tho' he had made them overtures, & by the intrigues of that unsteady but artful politician, Mr. Charles Townshend. In the House of Commons the ministry had a considerable ascendant, but in the Lords the divisions were run very near. By the end of the session, the Duke of Grafton seemed so dissatisfied with the rest of his colleagues, & the state of the administration, that, in July, 1767, (just in the same month, & pretty nearly in the same week that the change was made the preceding year,) he was making overtures to Lord Rockingham for an alteration. How far they were real & sincere I will not pretend to determine; certain it is, that the King was not in earnest for a change; that he never expressly owned his having authorized the Duke of Grafton to offer Lord Rockingham the Treasury, & that the footing upon which the negotiation was first put, that of an administration to comprehend everybody, might as easily be settled *in this* country as the longitude.

"I shall not here recapitulate all that passed in this short-lived negotiation; Lord Rockingham favoured me with a long letter on the subject, & I was in town part of the time myself, but a very troublesome indisposition obliged me to go back abruptly into the country. I have always thought that Lord Rockingham managed it ill;

he differed with the Bedfords for the sake of Mr. Conway, who adhered finally to the subsisting administration ; and he never came close enough to the point with the Duke of Grafton to have seen what he cou^d make of that. I am far from saying it would have done, but the Duke certainly offered to treat with him after the Duke of Bedford had refused to concur in setting down Mr. Conway for Secretary of State.

“ Mr. Yorke was certainly neglected on the conduct of this awkward treaty ; for, after I was gone, he was not invited by Lord Rockingham to assist at the conferences with the Bedfords at Newcastle House. I once mentioned it to Lord R., & he cou^d assign no good reason for not sending to him. As things were conducted, it was very immaterial ; but the source of it lay in L^d Rockingham's particular confidants, who were jealous of Mr. Yorke's influence.

“ Lord Chatham, from his lingering indisposition, being considered as *hors de combat*, & not likely to appear any more, the Duke of Grafton thought fit to strengthen himself, in January, 1768, by taking in the whole Bedford party, who quitted their connections with Mr. Grenville & L^d Rockingham very readily & cheerfully for the loaves & the fishes which a first minister has it in his power to distribute

“ It cannot be denied but the minister gained a considerable degree of additional strength, both in & out of Parliament, by this connection, (vulgarly & not improperly christened by the name of the Bloomsbury Gang.) The opponents made no considerable figure that session, except in the House of Commons on a debate on bringing in the *Nullum Tempus* Bill, wherein Mr. Y. distinguished himself very much. I spoke in the House of Lords against the bill for limiting the dividend by Act of

Parliament, but did not concur in a protest which I thought too violent.

“ When the elections for a new Parliament came on in the spring of 1768, Mr. Y. preferred a quiet election for the University of Cambridge to one for the county, which as parties then stood might have been attended with trouble.

“ The Duke of Newcastle gave him his interest in the University very readily, & he had a very good personal one, which he had been fond of cultivating there, preferably to any other place. The government acquiesced in Sir Joseph Yorke's being re-chosen for Dover, & Mr. J. Yorke came in for Ryegate on a family interest, so we were all prepared to take our fortune in the contest & squabbles of a new Parliament.

“ Lord Chatham, who was thought sunk in a lethargy, aroused himself towards the end of autumn upon the resolution taken to dismiss his friend Shelburne, & resigned the Privy Seal. It was reported at the time that he was displeased with Lord Campden for not resigning too, & that the latter was diverted from it by strong flattery on the King's part. How true this is I know not, but Mr. Y. told me that Lord Northington had said at Bath, that if the Chancellor had then quitted, the King wou^d have remembered his engagement to him. My brother gave himself no trouble on this or any other occasion, to get at the bottom of such reports, nor did he encourage any zeal on the part of his friends.

* * * * *

“ It happened very unluckily for Mr. Yorke, that before the sitting down of the new Parliament, the whole attention of government, as well as opposition. was engaged in Wilkes's business. My brother had always a strong dislike to his cause & character, had filed the first in-

formation for the famous No. 45, as Attorney-General, & spoke with remarkable zeal & spirit at Guildhall, on the actions brought by the journeymen printers against the King's messengers. He took warm part in both the Middlesex elections in favour of S^r William Beauchamp, who was his relation by marriage, & all the ill usage he had received from the court, could not induce him to support one of the many opposition points which arose out of this complicated subject.

“He did not attend any of the long debates which preceded Wilkes's expulsion in consequence of his Introduction to Lord Weymouth's Letter, & I think spoke but twice in that session, first about the Cumberland election, in which his client, the Duke of Portland's interest was concerned, & in support of the *Nullum Tempus* Bill which the court in vain attempted to throw out. When the question arose towards the close of this session about the *power* of the House of Commons to disqualify, he wou^d never give his opinion upon it in public, tho' to a few friends in private if he was asked, he declared himself strongly for the power. After the House of Commons had voted in Colonel Luttrell, the question of right was taken up again on a petition of some Middlesex electors, & as I foresaw it was likely to become a very serious matter, I pressed him most earnestly one morning, when he called upon me in S^t James's Square, to go down to the house & give his full opinion in the cause. I thought it incumbent on him both as a lawyer & a Member of Parliament, & I thought he might do it without being suspected of any intention to compliment the court. There was not then the least prospect of Lord Camden's removal, & it was basely whispered abroad that his opinion went the other way. Lord Chatham's indeed was more publicly known. How-

ever, most unfortunately, all my instances, (& I never used stronger to him,) did not prevail, & he was inflexible in not attending the house.* I spoke to him at the same time upon his previous reserve to us, & the rather as Mr. John Yorke had, without knowing his sentiments, much less his reasons, (of which he was often too incommunicative,) gone to the house & voted with the minority. He seemed not to dislike that, at the same time that he cou^d not himself take that side of the question, but was really of the contrary. In short, I never was so much dissatisfied with any conversation in my life, & was very apprehensive that his conduct wou^d become more embarrassed & uncertain, & that he would end in pleasing nobody, not even himself.

“ After the session was over, & the summer advanced, *meetings for petitioning the crown to dissolve the Parliament* took place in some counties, as Surrey & Middlesex, & were advertised for more, as Yorkshire, & Buckinghamshire, & there was no doubt of their being carried. My brother & his family made me a visit as usual at Wrest, in the long vacation, (alas! for the last time,) & then he much disapproved of their proceedings, & told me that he had given his opinion in the same stile to the Marquis of Rockingham. He said amongst other things, with more emphasis than he usually did, that if the King was prevailed with to dissolve the Parliam^t on this point, he cou^d never recover the least degree of authority for his whole reign. He related to me at the same time a conversation with Dr. Hay, in which the latter had plainly told him, that from his conversations with persons in power, he was sure Lord Camden wou^d not keep the seals; that they wou^d be obliged to remove him; that there was

* “ Lord Temple told me in the Summer of 1770—you gave very good council for himself, though *very bad for us*.”

no disposition at court to send for Lord Chatham, (who by the way had been at the levee, & in the closet, that summer), & in short, that my brother should prepare himself for an offer of the *Great Seal*.

“ We talked the matter over backwards & forwards, & I must own my opinion then inclined for his accepting it; & I remember I concluded with telling him, that if he had a mind to be Chancellor, he must not expect it cou^d come to him in any agreeable *mode*; he must take it, as the times wou^d give it. I should not have said this if his coming in would have laid any necessity upon him, of acting against his real opinion or breaking any engagement. I heartily wished I had stuck firm to *this* text, & never entered into speculative comments upon it. And it has confirmed me in an opinion, that people of tolerable understanding judge better when left to themselves, than when confounded by the various opinions of friends, where the point is at all delicate.

“ The vacation past over, & law business and term began without any thing more being said to my brother. Lord Camden continued to sit in Chancery after his return from Bath, but there were confused reports, that he would not long be permitted to hold his office: it was even said that he had been heard to wish they would turn him out.

“ Not many days before Christmas, I had a private dinner at my own house with Mr. Yorke & my brother John, on purpose that we might agree upon some plan of conduct. Mr. Y. seemed more irresolute than ever, &, notwithstanding all we cou^d urge, was determined not to be at the house the first day, tho’ it was said that some debate of consequence would arise. As well as I can recollect, Mr. John Yorke & myself were clear in two points, that it would be unbecoming not to attend, &

that he ought long ago to have explained himself to Lord Rockingham, that the world might not have run away with the idea that he particularly belonged to that connection. I believe we differed in opinion, whether, *rebus sic stantibus*, it would be expedient for Mr. Y. to accept the Great Seal.

The meeting broke up without Mr. Yorke's coming to any clear decision, & when I pressed him to give his opinion in the house upon the disqualification question, he used these memorable, tho' unhappy words: 'I cannot do it; because, if I go with the court, they will betray me, or give me up as they did before, & if with the opposition, it will be against my convictions.' Mr. Yorke went to Tittenhanger three days before the Parliament began; he stayed over the first day, & on his return met with the Duke of Grafton's note which opened that future treaty."*

In the commencement of the year 1770 a rupture occurred between the ministry of the Duke of Grafton and the Chancellor, Lord Camden, late Lord Chief Justice Pratt, which ended in the abrupt dismissal of the Chancellor from his office. The subsequent proceedings arising out of this event, and the melancholy termination of them, are described in the two following letters from Mr. Horace Walpole to Sir Horace Mann.

Horace Walpole says to Sir Horace Mann:—†

"Jan. 18, 1770.

"The most imprudent step has been the dismissal of the Chancellor, and that before any preparation was made for a successor. The seals were indeed privately offered to Lord Mansfield, who refused them, but published the offer; and then to Mr. Yorke: but the Chancellor heard the news by common report, before he had received the least notification of his disgrace. Though I believe he did not intend

* Hardwicke MSS., Wimpole. † Walpole's Letters to Sir H. Mann.

to remain in office, these slights will not have soothed him. They have hurried on too the resignation of Lord Granby, who yesterday gave up the command of the army and the ordnance, only reserving his regiment of Blues.

"You may imagine how these events have raised the spirits and animosity of the opposition; but the greatest blow is yet to come. Mr. Yorke, the night before last, absolutely declined the seals, though the great object of his life and of his variations; but terror and Lord Rockingham pulled more forcibly the other way. There is nobody else; the Chief Justice Wilmot's health will not allow him to take them, and the Attorney-General cannot be spared from the House of Commons, where it is supposed Dunning, the Solicitor-General, will follow his friend the Chancellor, especially as he spoke on the same side the first day. When the seals go a begging, and the army is abandoned by the popular general, you will not think the circumstances of administration very flourishing. Well! you will not be more astonished than I was yesterday, at four o'clock, to hear that Mr. Yorke had just accepted and is Chancellor. The rage of the opposition speaks the importance of this acquisition to the court. It will be great indeed if it stops the tide of resignations."

In another letter, from the same to the same, it is mentioned:—

"Arlington Street, Monday, Jan. 22, 1770."*

"What a strange event! Though my letters tread on each other's heels, they can scarce keep up with the rapid motion of the times. Mr. Yorke is dead!—yes, the new Chancellor! He kissed the King's hand for the Great Seal on Wednesday night, and expired between five and six on Saturday evening. It was Semele perishing by the lightnings she had longed for. When you have recovered your surprise, you will want to know the circumstances. I believe the following are nearly the truth. To be second Chancellor in succession in his own house had been the great object of Mr. Yorke's life, and his family were not less eager for it. This point had occasioned much uncertainty in their conduct. In general, they were attached to Lord Rockingham; but being decent, and naturally *legal*, they had given into none of the violences of their party, particularly on the petitions; all the brothers absenting themselves on the first day of the session. When the Great Seal, on the intended dismissal of Lord Camden, was offered to Mr. Yorke, his connections and dread of abuse weighed so strongly against

* Walpole's Letters to Sir H. Mann.

his ambition, that he determined to refuse it. Some say that his brother Lord Hardwicke advised, others that he dissuaded the acceptance. Certain it is, that he had given a positive refusal both to the King and the Duke of Grafton, and that the Earl had notified it to Lord Rockingham. Within two hours after the King prevailed on Yorke to accept.

“The conflict occasioned in his mind by these struggles, working on a complexion that boiled over with blood, threw him into a high fever on Wednesday night, and a vomiting ensuing on Thursday morning, he burst a blood-vessel, and no art could save him. The Cerberus of Billingsgate had opened all its throats, but must shut them, for the poor man had accepted handsomely, without making a single condition for himself: I do not reckon the peerage, as a Chancellor must have it, or is a mute at the head of the House of Lords. The blow is heavy on the administration. The Chief Justice Wilmot, it is thought, will be prevailed upon to accept the seals; but at present they must be put into commission, for the Chancery cannot stand still.”

Horace Walpole, in a letter to Sir D. Dalrymple, dated “January 23, 1770,” thus feelingly alluded to this tragic event:—

“The rapid history of Mr. Yorke is very touching. For himself, he has escaped a torrent of obloquy, which this unfeeling and prejudiced moment was ready to pour on him. Many of his survivors may, perhaps, live to envy him.”

In his *Memoirs of George the Third*, it is stated by Horace Walpole, in reference to this subject,—

“The wanton insolence of the court, on the first day’s victory, was well nigh costing them a total defeat. They had dismissed the Chancellor without being provided with a successor. Mr. Conway acquainted me, in the greatest secrecy, that the Duke of Grafton, dismayed at Yorke’s refusal of the Great Seal, would give up the administration. Not a lawyer could be found able enough—or, if able, bold enough—or if bold, decent enough—to fill the employment. Norton had all the requisites of knowledge and capacity, but wanted even the semblance of integrity; though for that reason was probably the secret wish of the court. He was enraged at the preference given to Yorke; yet nobody dared to propose him, even when Yorke had refused. Sir Eardley Wilmot had character and abilities, but wanted health. The Attorney-General, De Grey, wanted health and weight, and yet asked too extra-

vagant terms. Dunning, the Solicitor-General, had taken the same part as his friends, Lord Camden and Lord Shelburne. Hussey, so far from being inclined to accept the office, determined to resign with his friend, Lord Camden ; though earnest against the dissolution of Parliament. Of Lord Mansfield there could be no question : when the post was dangerous, his cowardice was too well known to give hopes that he could be pressed to defend it. In this exigency, Grafton's courage was not more conspicuous. His first thought, without consulting the King's inclination, was to offer the administration to Lord Chatham or Lord Rockingham ; but, inclining to the latter, he had desired Mr. Conway to come to him in the evening, and meet Lord Gower, Lord Weymouth, and Lord North, in the most private manner, for consultation. Conway went away in haste to court, promising to return and dine with me, that he might consider what advice he would give to the duke at night ; but what was my astonishment, when, in two hours, Mr. Onslow came and told me that Mr. Yorke had accepted the seals ! He had been with the King over-night, without the knowledge of the Duke of Grafton, and had again declined ; but, being pressed to reconsider, and returning in the morning, the King had so overwhelmed him with flatteries, entreaties, prayers, and at last with commands and threats, of never giving him the post if not accepted now, that the poor man sunk under the importunity ; though he had given a solemn promise to his brother, Lord Hardwicke, and Lord Rockingham, that he would not yield. He betrayed, however, none of the rapaciousness of the times, nor exacted but one condition, the grant of which fixed his irresolution. The Chancellor must of necessity be a peer, or cannot sit in the House of Lords. The coronet was announced to Yorke, but he slighted it as of no consequence to his eldest son, who would probably succeed his uncle, Lord Hardwicke ; the latter having been long married and having only two daughters. But Mr. Yorke himself had a second wife, a very beautiful woman, and by her had another son. She it is supposed urged him to accept the chancery, as the King offered or consented that the new peerage should descend to her son, and not to the eldest. The rest of his story was indeed melancholy, and his fate so rapid as to intercept the completion of his elevation.”*

The following memorial, containing a full account of

* “ For the Great Seal was never affixed to the patent of his barony ; and the King had not the generosity to make atonement to his family, by confirming the promise, for having forced the unhappy person to take a step that cost him his life.”

the offer of the Great Seal to Mr. Charles Yorke, of his acceptance of it, and of his death, is in the handwriting of the second Earl of Hardwicke.*

“ Private Memorial.

“ *December the 30th, 1770.**

“ I shall set down on this paper the extraordinary & melancholy circumstances w^{ch} attended the offer of the Gr. Seal to my brother in Jan^y last. On the 12th of that month he received, on his return from Tittenhanger, a note from the D. of Grafton, desiring to see him. He sent it immediately to me, & I went to Bloomsbury Square, where I met my brother John, & we had a long conversation with Mr. Yorke. He saw the D. of Grafton (by appointment) in the evening, & his Grace made him (in form & with^t personal cordiality) an offer of the Gr. S., complaining heavily of L^d Campden's conduct, particularly his hostile speech in the H. of Lords the 1st day of the session. My brother desired a little time to consider of so momentous an affair, & stated to the Duke the difficulties it laid him under. His Grace gave him till Sunday in the forenoon. He (Mr. Y.) called on me that morning (the 14th), & seemed in great perplexity & agitation. I asked him if he saw his way thro' the clamorous & difficult points upon w^{ch} it would be immediately expected he should give his opinion, viz. the Middlesex election, America, & the state of Ireland, where the Parliament had just been prorogued on a popular point. 'He seriously declared he did not, & that he might be called upon to devise measures of a higher & more dangerous nature than he sho^d chuse to be responsible for. He was clearly of opinion that he was not sent for at the present juncture from predilec-

* Hardwicke MSS., Wimpole.

tion, but necessity ; & how much soever the Gr. S. had justly been the object of his ambition, he was now afraid of accepting it.' Seeing him in so low & fluttered a state of spirits, & knowing how much the times called for a *higher*, I did not venture to push him on, & gave into the idea he himself started, of advising to put the Gr. Seal in commission, by w^{ch} time wo^d be gained. He went from me to the D. of Grafton, repeated his declining answer, & proposed a commission for the present, for w^{ch} precedents of various times were not wanting. The D. of Grafton expressed a more earnest desire that my brother sho^d accept than he did at the first interview, & pressed his seeing the King before he took a final resolution. I saw him again, in Montague House Garden, on Monday the 15th, & he then seemed determined to decline, said a particular friend of his in the law (Mr. W.) had rather discouraged him, & that nothing affected him with concern but the uneasiness which it might give to Mrs. Y.

" On Tuesday forenoon (the 16th) he called upon me in great agitation, & talked of *accepting*. He changed his mind again by the evening, when he saw the King at the Queen's Palace, & finally declined. He told me just after the audience, that ' the K. had not pressed him so strongly as he expected ; that he had not held forth much prospect of stability in administration ; & that he had not talked so *well* to him as he did when he accepted the office of Attorney-General in 1765. His Majesty, however, ended the conversation very humanely & prettily, that " after what he had said to excuse himself, it would be cruelty to press his acceptance." ' I must here solemnly declare that my brother was all along in such an agitation of mind that he never told me all the particulars w^{ch} passed in the different conversations, & many

material things may have been said to him w^{ch} I am ignorant of. He left me soon after, to call on Mr. Anson & L^d Rockingham, authorizing me to acquaint everybody that he had declined, adding discontentedly that 'It was the confusion of the times w^{ch} occasioned his having taken the resolution.' He appeared to me very much ruffled & disturbed, but I made myself easy on being informed that he would be quiet next day, & take physick. He wanted both *that* & bleeding, for his spirits were in a fever.

" On Wednesday morning (the 17th) I accidentally met with several friends, & told them what I then thought my brother's resolution. Some approved, all acquiesced, nobody much wondered at it. The state of things appeared very fluctuating & uncertain; several resignations had happened, more were talked of, & I had been favoured with no private communications from any quarter (but L^d Rockingham's) to direct my judgment. That very morning, instead of taking his physick, he left it on the table, after a broken night's rest, & went to the levee, was called into the closet, & in a manner *compelled* by the K. to accept the Gr. S., with expressions like these. 'My sleep has been disturbed by y^r declining; do you mean to declare yrself unfit for it?' & still stronger afterwards. 'If you will not comply, it must make an eternal breach betwixt us.' At his return from Court, about 3 o'clock, he broke in unexpectedly on me, who was talking with L^d R. & gave us this account. We were both *astounded* (to use an obsolete but strong word) at so sudden an event, & I was particularly shocked at his being so overborn in a manner I had never heard of, nor co^d imagine possible between prince & subject. I was hurt *personally* at the figure I had been making for a day before, telling everybody, by his authority, that he was

determined to decline ; & I was vexed at his taking no notice of me, or the rest of the family, when he accepted. All these considerations working on my mind at this distracting moment, induced me (L^d Rock. joining in it) to press him to return forthwith to the King, & to intreat His M^{ty}, either to allow him time 'till next morning to recollect himself, or to put the Gr. S. in commission, as had been before resolved upon. We co^d not prevail. ' He said he co^d not in honor do it. He had given his word, had been wished joy,' &c. Mr. John Yorke came in during this conversation, and did not take much part in it, but seemed quite confounded. After a long altercative conversation, Mr. Yorke (unhappily then L^d Chancellor) departed, & I went to dinner. In the evening, ab^t 8 o'clock, he called on me again, & acquainted me with his having been sworn in at the Queen's House, & that he had then the Gr. S. in the coach. He talked to me of the title he intended to take, that of *Morden*, w^{ch} is part of the Wimpey estate ; asked my forgiveness if he had acted improperly. We kissed & parted friends ; a warm word did not escape either of us. When he took leave he seemed more composed, but unhappy. Had I been quite cool, when he entered my room so abruptly at 3 o'clock, I sho^d have said little, wished him joy, & reserved expostulation till a calmer moment. I was heartily grieved, & expressed it too *sharply*, that he had not represented plainly to the K. the bad situation of his affairs, owing entirely to the imprudent & *hollow* conduct of the court. I thought, having been so ill-used before, he had no reason to conceal wholesome truths now, when he was called upon not from choice but necessity, & to replace a man whom the K. had greatly flattered to retain in his service not long before. This I was authentically informed of not long after. It came from Bob. Pratt.

“ On Thursday, the 18th, I went to Richmond to compose my thoughts, & to consider what part I sh^d take, for I was afraid that, in the manner my brother had come in, the public w^d consider him as carrying the family to court in his pocket. Mr. John Yorke & the Dean of Lincoln spent part of the day in Bloomsbury Square, & he proposed to the former the taking a place in the Ad^{ty}. w^{ch} the other civilly & gently declined, upon w^{ch} Mr. Yorke said, ‘ Then it w^d be the ruin of him.’ He said little to them, & appeared quite oppressed & melancholy. In the meanwhile, I had conversed with Dr. Jefferys, & he gave a very friendly & right opinion, ‘ that I sho^d do my best to support the part w^{ch} my brother had taken.’ I came to town with that *resolution*, Friday, in the forenoon, & am persuaded that had I found Mr. Y. as I left him, matters w^d have ended quite otherwise than they *did*. He was taken very ill that morning, & when I saw him in the evening of the 19th, he was in bed, & too much disordered to be talked with. There was a glimmering of hope on the 20th, in the morning; but he died that day, ab^t 5 in the evening.

“ The patent of peerage had passed all the forms, except the Gr. Seal, & when my poor brother was asked if the Seal sh^d be put to it, he waved it, & said, ‘ he hoped it was no longer in his custody.’

“ I can solemnly declare, that except what passed at my house on the Wednesday forenoon, I had not the least difference with him thro’ the whole transaction; not a sharp or even a warm expression passed, but we reasoned over the subject like friends & brothers, reciprocally communicating our respective ideas & intelligence. Seeing the state of mind he was in, I was rather of opinion that he sh^d let the Gr. Seal be put in commission, & give his opinion freely as a private man in

the H. of C. on the point of disqualification, in w^{ch} I knew he differed entirely with L^d Rockingham & his party. In short, the usage he met with in 1766, when faith was broke with him, had greatly impaired his judgment, dejected his spirits, & made him act below his superior knowledge & abilities. He w^d seldom explain himself, or let his opinion be known in time, to those who were ready to have acted with him in the utmost confidence. After the menacing language used in the closet, to compel Mr. Yorke's acceptance, & the loss w^{ch} the King sustained by his death at that critical juncture, the most unprejudiced & dispassionate were surprized at the *little* or rather *no* notice that was taken of his family; the not making an offer to complete the peerage was neither palliated nor justified in their opinion. It was due to the *manes* of the departed, from every motive of humanity & decorum. L^d Hillsborough told a friend of mine indeed, that the K. had, soon after his death, spoken of him with *tears in his eyes*, & enquired after his family, but it w^d surely not have misbecome his M^{ty}, conscious of the *whole* of his behaviour to an able, faithful, & despairing subject, to have expressed that concern in a more particular manner, & to those who were so deeply affected by the melancholy event. A worthier & better man there never was, nor more learned & accomplished in his own profession, as well as out of it. What he wanted was the calm, firm judgment of his father; & he had the misfortune to live in times w^{ch} required a double portion of it. Every precaution was taken by me to prepare him for the offer, & to persuade him to form some previous plan of conduct, but all in vain. He w^d never explain himself clearly, & left every thing to chance, till we were *all* overborn, perplexed, & confounded in that fatal interval w^{ch} opened & closed the

negotiation with my brother. With him the Somers line of the law seems to be at an end; I mean of that set in the profession who, mixing principles of liberty with those proper for monarchy, have conducted & guided that great body of men ever since the revolution.

“ ‘Manibus date lilia plenis,
Purpureos spargam flores, et fungar inani
Munere vir.’

“ 1781. I have reason to think, from what L^d H—gh hinted to me this winter, that some means were used w^{ch} I was ignorant of, to bring my brother to court, when the Gr. S. was forc’d upon him.”

Mr. Adolphus* says, that Mr. Yorke’s probable elevation to the dignity of Chancellor had been long contemplated with hope and expectation by the public, and consequently his death was considered highly prejudicial to the interests of the nation; as, had he lived, a firm and comprehensive system of administration might have been formed, and conciliatory measures adopted towards the American colonies.

Although not alluded to in any of the correspondence written at the time, even by Horace Walpole himself, a rumour was publicly circulated after Mr. Yorke’s lamented death, that the newly chosen Chancellor had died by his own hand. Though this absurd and unfounded calumny, as devoid of truth as many of the others propagated against the family of Mr. Yorke, does not seem to have received sufficient credit to call forth a reference to it by one of the more eminent writers who have treated on the events of this period, yet as the story has obtained a circulation, and even belief, it does demand a notice here. Several

* Hist. of England.

different and quite opposite accounts were, however, given of the mode in which this catastrophe occurred, —some asserting that it was by poison, others by the use of some deadly weapon; a proof at once that no real description of the transaction could have been communicated by any eye-witness, and evincing the probability that the suddenness of his death was what gave rise to the rumour in question.

Had there been any foundation for the story alluded to, or had the rumour of it been sufficiently notorious, or credited at the time, to require express authenticated contradiction, there can be no doubt that some reference to it would have been contained in the above account of Mr. Yorke's death written by his brother, which not only negatives the existence of the fact, by omitting, in this very minute detail of every incident that occurred from the commencement of Mr. Yorke's illness to his decease, to touch upon what would have been the most important feature in the narrative;—a document, moreover, which was not intended for general perusal, and has not before been made public, and in which, therefore, there could be no motive for concealment, or distortion of facts as they were;—but the noble Earl goes still further to contradict the truth of this report, by showing that the account given of his own behaviour, and of his feeling towards his brother on the occasion of his acceptance of the Great Seal, which were said to have hurried him on to the commission of the dreadful deed, were wholly different to what have been asserted, and could have occasioned no such ebullition of excitement as supposed.

It is, therefore, only necessary to observe, with respect to this very painful subject, that the rumour of Lord Chancellor Charles Yorke having died by his own hand, not only rests on no certain authority, but the various state-

ments respecting it are utterly at variance with, and contradictory of one another. That on the first whisper of the calumny, immediately after his death, the only efficient means of contradicting it,—that of admitting persons to view the body,—was at once resorted to; notwithstanding which the report was several years afterwards revived, when, of course, the same opportunity of rebutting it did not exist. The memorial already detailed by the second Earl of Hardwicke, which is at once full, and explicit, and consistent throughout, affords a complete narrative of all the circumstances attendant on Mr. Yorke's decease. The illness which occasioned his death, it is stated in the contemporary accounts in the public journals, first seized him at the house of a friend, after which he was conveyed to his own; by which another proof is given that it was through a visitation of this kind, and not by any act of his own, that he fell. Indeed, had any well-founded suspicion existed at the time, of his death occurring by other than natural causes, a coroner's inquest would, of course, have been held on the body.

A rumour of the kind here alluded to, so painful and so distressing, ought never to be raised but upon good grounds, nor credited without at least some proof of the existence of the facts stated. In the present instance, the reports on which the story rests are not only of the most vague and uncertain nature, but entirely contradictory of each other; and the whole charge of suicide is, moreover, directly and consistently refuted by the best evidence of various kinds that can now be adduced on the subject; in addition to which, the personal character of the unfortunate deceased,—which is of the utmost importance in a case of this nature,—goes far of itself, even were there no other testimony, to avert the supposition of his having died by his own hand. And it only remains

to be added, that while the story rests entirely on mere conjecture, and statements utterly inconsistent and contradictory ; it has been most fully, plainly, and emphatically denied, on each occasion that an opportunity for doing this has been afforded, by every person that has alluded to it, who, from his connection with the deceased, could have any certain information on the subject.

The writer of the life of Lord Hardwicke, in the "Law Magazine," before quoted from, gives the following account of this melancholy event, and a direct contradiction to the false and unfounded rumour which followed it :—

"His acceptance of the Great Seal, in January, 1770, gave such displeasure to his brother, to Lord Rockingham, and others of the party with which he was connected, that, stung with the coldness and the reproaches he had encountered in an interview with them, he no sooner arrived at his house in Ormond Street, than he drank freely of some brandy which happened to be on the sideboard. The ardent spirits, combined with the strong irritation and the nervous excitement of his mind, brought on a violent paroxysm of sickness, which occasioned the rupture of a blood vessel, and he lived but a very short time afterwards. The newspapers of the time hinted that he had put a period to his own existence ; a rumour to which the mode of his death, and the apparent symptoms of violence indicated by the copious effusion of blood, may possibly have first given rise. His relatives, however, took the best means to contradict this report by causing his body to be exposed to the view, not only of family, friends, and acquaintances, but even of domestics, so that do doubt could be entertained as to the real cause that terminated his life."

The same writer observes, of the career of Lord Chancellor Yorke,—

"His career, though short, was eminently successful ; and the talents of which he had given proof afforded such promise of future celebrity, that he was universally looked up to as likely to become one of the most brilliant ornaments of that profession to which his father had been indebted for all his wealth, his dignity, and fame." *

* *Law Magazine.*

Mr. Charles Yorke appears to have been a man of peculiarly elegant mind ; in the fullest sense, a gentleman and a scholar ; a person, too, of most amiable feeling and disposition, and whose talents were highly cultivated and refined, and imbued with intellectual pursuits, which were not merely congenial but natural to, and indeed inseparable from him. He was also not only well stored with learning of different kinds, but his mind was both capable and fond of original speculation and inquiry, and that on subjects of the loftiest and most abstruse nature.

As a poet, he attained more than a respectable rank ; —as a legal poet, few have at all approached him. Not many of his pieces are preserved ; but these serve abundantly to show the refinement, and taste, and genius of the writer, and the real feeling with which he engaged in pursuits of this description.

His education was more finished than that of his father had been, and he had the benefit of a regular classical and university course of study, a want which Lord Chancellor Hardwicke, in some measure, atoned for by his self-application, and constant cultivation of his powers. Mr. Charles Yorke had also the great advantage of his father's aid, and superintendence, and example. He wanted, however, the latter's vigour of mind and originality, and it can hardly be supposed that he would have risen by his own abilities as Lord Hardwicke did, or have distinguished himself as a man of the marked character and individuality of genius which the latter displayed. Mr. Yorke's was a more refined and poetical, but a much less masculine and original understanding than his father's. His speeches have more eloquence and feeling, but less power and vigour of thought and ingenuity than Lord Hardwicke's. He never would have framed new principles, or originated new theories in legal science, or

traced back to their fountain head the leading doctrines of many great constitutional topics in the masterly way that his father did. He was, perhaps, better calculated to shine as a scholar or a divine, than as a lawyer ; and it is said that he was not fond of his profession, and wished to have quitted it, but was induced, through Lord Hardwicke's influence, to continue in it. The study was probably too dry and barren for one so rich in exalted poetical imagery.

His oratory, too, eloquent and effective as it was, appears to have been too refined and studied for the rough usages of professional practice. With a mind fully imbued with the works of the classic authors of antiquity, he introduced the sentiments of the great orators and writers of Greece and Rome into the forensic arguments of modern days. The lofty philosophy and exalted ideas of the mighty spirits of ages gone by were resorted to, to illustrate the degenerate discussions of the eighteenth century. Following in the steps of another great genius in a different walk, he in reality caused Plato, and Aristotle, and Demosthenes to teach, and speak, and be heard in the legal forensic discussions of his time. Few men, engaged in the full pursuit of an arduous profession, have had so many intellectual acquaintance, with whom he appears not only to have kept up a correspondence, but to have entered deeply into their most abstruse studies and speculations.

His own brilliant and successful career affords luminous proof, that the noblest mental endowments do not disqualify the advocate for the drudgery of his calling ; that a devotional attention to literature, in its highest departments, is entirely compatible with the acquirement of the most extensive learning and knowledge in the legal profession ; and that the brightest accomplish-

ments of the scholar and the man of genius are no real obstacles to complete success in the law.

Charles Yorke was, however, probably fitted more to adorn the bench than he had done the bar, and his style of oratory was, doubtless, better adapted for the House of Lords than for the lower House. This leads us the more deeply to regret his loss, at a juncture when an opportunity the most favourable for the full display of his rich talents was just opening.

Joseph Yorke, the third son of Lord Chancellor Hardwicke, has been several times already alluded to in this memoir, as Colonel, and General, and subsequently Sir Joseph Yorke, and as his Majesty's resident ambassador at the Hague, which office he held for upwards of thirty years.

Sir N. Wraxall says that he

"Maintained a distinguished rank among the members of the corps diplomatique, in 1777, at the Hague. His table, splendid and hospitable, was open to strangers of every country. Educated under Horace Lord Walpole, and the first Lord Hampden, his manners and address had in them something ceremonious; but, the vigilance and ability he displayed during above twenty-five years that he was Ambassador of England to the States-General, more than compensated for these defects of external deportment. Never, perhaps, at any period of modern time, except by Sir William Temple, under Charles II., were the interests of Great Britain so zealously, yet temperately sustained as by him, for whom the Stadtholder felt and expressed a sort of filial regard. In 1777, the English Sovereign and nation still continued to preserve an ascendancy in the Dutch Councils; till the augmenting misfortunes, and accumulated disgraces of the American war, which finally enabled France to obtain a predominating influence, compelled Lord North to recall Sir Joseph Yorke from the Hague."*

A curious and amusing anecdote connected with a visit of the Duke of Newcastle to the Hague, while Sir Joseph Yorke was ambassador there, has been preserved.

* Historical Memoirs.

"The chief apprehension of the Duke of Newcastle, was that of catching cold. Often in the heat of summer, the debates in the House of Lords would stand still till some window were shut, in consequence of the duke's orders. The peers would be all melting that the duke might not catch cold.

"When Sir Joseph Yorke was ambassador at the Hague, a curious instance happened of this idle apprehension. King George II. going to Hanover, the Duke of Newcastle went with him. The day they were to pass the sea, a messenger came, at five o'clock in the morning, and drew Sir Joseph's bed-curtains. Sir Joseph starting, asked what was the matter. The man said he came from the Duke of Newcastle. 'For God's sake,' exclaimed Sir Joseph, 'what is it? Is the King ill?' No. After several fruitless questions, the messenger at length said, 'The duke sent me to see you in bed, for in this bed he means to sleep.'"

A letter from Stanislaus, King of Poland, to Sir Joseph Yorke, was addressed on the 20th of March, 1768, and was brought to him by Sir James Harris, afterwards Earl of Malmesbury. The subject of the letter relates too exclusively to diplomatic matters to render its insertion here desirable. The writer concludes thus :—

"Mon cher Ambassadeur, je ne sais si j'écris une lettre ou un testament, mais c'est mon cœur qui parle à quelqu'un qu'il chérit autant que mon esprit l'estime.

"STANISLAUS AUGUSTE ROI."†

While engaged in the duties of this important office, and under many critical occurrences, which, during so long a series, gave him frequent occasion to exercise his judgment, Sir Joseph Yorke always acquitted himself to the entire satisfaction of his sovereign, and for the benefit of his country. Of this his Majesty King George the Third was so sensible, that the honour of a peerage, by the title of Lord Dover, conferred on Sir Joseph Yorke, proceeded from the King's own mere

* Walpoliana. † Diaries and Correspondence of Earl of Malmesbury.

motion, without the least solicitation from any one whatever. A circumstance that greatly enhanced the value of it, as it could not but render it still more grateful to his lordship to receive, in such a manner, so distinguished a mark of approbation and regard from a Prince who has been ever known to take pleasure in rewarding those that have been peculiarly deserving of his royal favours.*

John Yorke was the fourth son of Lord Chancellor Hardwicke, having been born in the year 1728. Several letters written by him in a very entertaining style have already appeared in these volumes. He filled the offices of Clerk of the Crown, and Registrar of Bankrupts.

A writer† before quoted from says of Mr. John Yorke—

“I have only to refer to some genuine letters of his, preserved among the papers bequeathed by Dr. Price to the British Museum, in which the amiable qualities of his mind and manners are most pleasingly exhibited, and afford full proof that his preferring a private station in life, is not owing to the want of abilities to shine in the most conspicuous and exalted, if he had made such his choice.”

He appears also to have maintained an intimacy, and carried on a correspondence with Dr. Birch; and the following amusing letter addressed by him to the worthy divine affords a pleasing sample of the writer's style.

“*Malvern, Aug^t 4th, 1761.*‡

“DEAR SIR,—I am situated here in a very extraordinary spot, amidst the most extensive & beautiful

* Cooksey's Anecdotes.

† Ibid.

‡ Dr. Birch's MS. Collection, British Museum.

prospects, drinking freely of the purest water that is known, & w^{ch} has perform'd very extraordinary cures, in some very frightful cutaneous disorders. The resort of company is not very great, but the fame of this water encreases.

“The most distinguished persons now upon the spot are of your cloth. The B^p of Norwich is still here, & still B. of Norwich. We think he is likely to continue so, & that his brother of Lincoln has the start of him, tho’ I find you hear otherwise. He says he is greatly the better for these waters, & that he walks much better, & can bend his stiff knee much easier than he did; w^{ch} will be of advantage if he is to do homage for the see of London. The B^p met with an odd fellow here the other day, who is reputed a Deist, & is a man of some property. The gentleman thought proper to touch upon some point of religion to his l’d^p, who not chusing to enter far into the subject with him, said at last, ‘when I think a man much in the wrong in an opinion, I may pity him, but I can never be angry with him for differing from me. I never knew a man change his opinion for being kicked down stairs.’ ‘Very true my lord,’ (says the other,) ‘but I have known many a man do it for being kicked up stairs!’

“I did not hear it said, but I believe something did pass between them.

“I was shown the other day a printed letter from the B^p of Gloucester* to his clergy, notifying his intention to confirm in his diocese, & explaining his notion of that rite. It is full of his peculiarities, & worth your seeing. If the clergy did not understand it before, they won’t be greatly edify’d by his lordship’s letter.

“Tho’ I rejoice greatly in our late successes, upon all

* Dr. Warburton.

accounts, I sho^d have prefer'd the success of the negotiation to that of the war. What advantage can either side propose by continuing it? As the superiority of the French in Germany has not avail'd them, may we not hope they may now act sincerely in treating? Every man of sense & humanity must see that it can answer no end to go on at this rate.

“ I have enclos'd Mr. Dundas's letter & plan, & beg you will return it to Lord Royston. I will shortly thank him for it myself.

“ I am ever, dear Sir,

“ Your faithful, humble servant,

“ JOHN YORKE.

“ To the Rev. Dr. Birch,

“ In Norfolk Street.”

Mr. John Yorke sat for several years in the House of Commons, as member for Higham Ferrers.

James Yorke, the youngest son of the Lord Chancellor Hardwicke, entered holy orders, and was successively Dean of Lincoln in 1762, Bishop of St. David's in 1774, Bishop of Gloucester in 1779, and Bishop of Ely in 1781.

To this prelate, when Bishop of Ely, Archdeacon Paley dedicated his “Evidences of Christianity.” In the dedicatory letter the author states :—

“ When, five years ago, an important station in the University of Cambridge awaited your lordship's disposal, you were pleased to offer it to me. The circumstances under which this offer was made, demand a public acknowledgment. I had never seen your lordship ; I possessed no connection which could possibly recommend me to your favour ; I was known to you only by my endeavours, in common with many others, to discharge my duty as a tutor in the University ; and by some very imperfect, but certainly well intended, and, as you thought, useful publications since. In an age by no means wanting in examples of honourable patronage,—although this deserves not to be

mentioned in respect of the object of your lordship's choice,—it is inferior to none in the purity and disinterestedness of the motives which suggested it.”

A letter of Lord Chancellor Hardwicke to his eldest son, written from Wimpole, a year or two subsequent to his resignation,—after telling him that his leaving them after so short a stay created a lonely scene, which was revived by the coming of the Dean of Lincoln and of “Jack and Jem on Tuesday night,”—communicates an important circumstance relative to the latter.

“He is now particularly distressed on occasion of a most obliging letter, which the last post brought him from our friend the Master of the Rolls, offering him the preacher's place upon poor Dr. Forster's death. An offer so generous & unsought I look upon as a great obligation, & an instance of gratitude not very common in these days. Jem sees it in y^e same light, & I believe wishes to accept it, but cannot bring his poor spirits up to venture upon setting himself in such a light. Your mother & I think it best to leave him quite to his own decision, & only endeavour to keep up his spirits by talking cheerfully to him on the subject, & letting him know that, let that be which way it may, we shall not take it amiss or object to it. The profit is not great; but it is a genteel thing, & if executed well, might turn to his advantage.”*

Several divines of great learning, who eventually attained the highest eminence in the Church, have owed their first promotion to the law, and have been connected with some of the churches annexed to our inns of court. At the period of our history, Butler, Sherlocke, Herring, Warburton, and Hurd, each commenced their

* Hardwicke MSS., Wimpole.

career as preachers at the Rolls, the Temple, or Lincoln's Inn.

Lord Chancellor Hardwicke had two daughters,—Lady Elizabeth and Lady Margaret Yorke, both of whom are said to have been distinguished ornaments of the court of George the Second. They were wholly educated under Lady Hardwicke's own inspection and that of her sister, Lady Williams, with whom the eldest lived a good deal. "Here, from her earliest years, she cultivated a very elevated genius, with every art and accomplishment the country could bestow. Under the tuition of old Mr. Doherty, a mathematician of uncommon eminence, she made a progress in that science beyond what the sex in general are thought capable of, and became a proficient in drawing and painting equal to the first artists of that age."* A performance, in the pictorial art, of this accomplished lady, was the occasion of a poetical effusion, of great elegance and taste, addressed to her by her brother, Mr. Charles Yorke. Mr. Cooksey says that, "Lady Margaret, the youngest daughter, who was perfectly beautiful, acquired under her mother's eye the graces and accomplishments she was so well able to impart.

Lady Elizabeth Yorke, the eldest daughter of Lord Chancellor Hardwicke, married Lord Anson, and died on the 1st of June, 1760, of which an account has already been afforded.

The second daughter, Lady Margaret Yorke, was married in 1749 to John Heathcote, Esq., son and heir of Sir Gilbert Heathcote, Bart. Neither of these ladies had any children.

As has already been mentioned in this chapter, the second Earl of Hardwicke and the Marchioness Grey

* Cooksey.

died without having any son, but left two daughters, from the younger of whom are descended their present noble and distinguished representatives, the Earl de Grey and the Earl of Ripon.

On the demise of the second Lord Hardwicke, his titles devolved upon the eldest son of Mr. Charles Yorke, the young gentleman mentioned with such affection and tenderness in Lord Chancellor Hardwicke's letter on the death of Mrs. Charles Yorke. The good and enlightened wishes of the great ex-Chancellor, as expressed in the above letter, respecting the fortunes and career of his grandson, seem to have been fulfilled to their utmost extent. As a nobleman, the third and late Earl of Hardwicke maintained the character of this illustrious house, by his intellectual acquirements and endowments, and the valuable services which he rendered to his country. The responsible offices of Lord Lieutenant of Ireland, and High Steward of the University of Cambridge, were held by him. In the former of these he presided at a period of great difficulty and domestic trouble, though with singular judgment and acknowledged humanity. And, to the present day, his memory is revered in that country, especially as having been guided in the administration of his government by one grand principle, which his renowned ancestor propounded and ever inculcated,—that of considering moral influences superior to and more powerful than legal restrictions or the terror of the sword. On his death, without leaving male issue, the titles and honours of the house of Hardwicke descended on the present Earl, whose father, the late gallant and distinguished Vice-Admiral Sir Joseph Sydney Yorke, M.P., was the eldest son, by the second marriage, of Lord Chancellor Charles Yorke.

Of the living it becomes not here to speak, except as

immediately connected with the work before us. And here am I, indeed, bound to record, not only the extensive aid which, in the accomplishment of my very arduous undertaking, has been rendered me by the present Earl of Hardwicke, in the free access to his vast collection of interesting papers; but the uniform extreme kindness and condescension with which his conduct has throughout been characterized; and, above all, the liberality with which—unfettered by any restrictions or conditions as to the mode of their application, which too often deteriorate from the value of such materials—he has placed all the documents in his possession at the author's disposal. The real benefit which this country may derive from its rich and varied historical records must depend, not so much on the care and veneration with which these are very judiciously preserved, as on the extent to which they are made available to the ends they are capable of answering. If no family possesses a richer mine of intellectual treasure than the descendants of the great man whose history is here narrated, no family has proved more eminently deserving of such wealth, by thus rendering it serviceable to their country. The free and handsome mode in which this has been done by the present noble representative of Lord Chancellor Hardwicke, affords at once the highest proof, not only of his own liberality of mind, and of his true estimation of the nature and value of these precious relics, but of his consciousness, moreover, of the solid basis on which his great ancestor's claims to glory rest; which are, indeed, far too securely established to require either support from adulation, or to dread the result of the severest scrutiny.

CHAPTER XVII.

CHARACTER OF LORD CHANCELLOR HARDWICKE—THE PERFECT LAWYER—INTELLECTUAL ENDOWMENTS OF LORD HARDWICKE—MORAL QUALITIES—CHARACTER OF THE ERA OF LORD HARDWICKE—HIS PROFESSIONAL AND OFFICIAL CAREER—ENUMERATION AND REFUTATION OF THE CALUMNIES AGAINST HIM—HORACE WALPOLE AND LORD CHANCELLOR HARDWICKE—CONTRADICTIONARY ACCUSATIONS—COMPARISON BETWEEN LORD HARDWICKE AND LORD SOMERS—HIGH TESTIMONY ON LORD CHANCELLOR HARDWICKE'S BEHALF—NATURE AND STYLE OF HIS ELOQUENCE—HIS SUCCESS AND FAME AS A POLITICIAN—HIS VALUE AND EXCELLENCE AS A LAWYER—HIS ELUCIDATION OF FIRST PRINCIPLES IN EACH BRANCH—HIS RISE TO EMINENCE AND RENOWN IN OUR DAY—CONCLUSION.

THERE now only remains to complete the work before us, that very difficult though essential undertaking,—the drawing a just summary of the character of the individual described, and analyzing, with discrimination and accuracy, the various powers and qualities with which his mind was endowed.

IN a nation which is pre-eminently distinguished for the lofty station that it has attained from the excellence of its jurisprudential system, the biography of a great lawyer ought not to be without its interest, and cannot be without its use ; more especially, when the subject who is to be described is one, who was not only highly renowned as regards his professional and judicial reputation, but to whom we are so largely indebted for having mainly contributed to the upraising of our present magnificent system of constitutional and real-property law in this kingdom, which, of all the numerous departments

of this noble though complex code, are the most practically useful, the most perfect, and the most important.

Of the many different modes of instruction which may be resorted to, biography is that which is the most essentially serviceable in its end, and the most striking in its manner of attaining this. It sets before us the real living example we are to follow, which is far more efficient than mere precept, however correct, or however well enforced. By means of this, we are supplied not only with a chart to direct us, but with a pilot to steer our course. And perhaps of all the various species of biography which has been written for the instruction of mankind, it is not too much to say, that legal biography is that which is capable of being made most useful to those who are engaged in the pursuit of a profession where struggles so vast have to be encountered, errors so numerous to be corrected, disappointments so frequent to be overcome, and studies so arduous to be grappled with. The pointing out how those who have attained eventually high success carried themselves through all the difficulties inseparable from such a course, is a most valuable aid to such as may be aspiring to follow in their career. And few perhaps had to undergo at first more trials, or in the end achieved a more splendid conquest over them, than the subject of this memoir.

His whole life and character, indeed, are in many respects the most practically useful that could be offered for the instruction of those destined for the profession which he so eminently adorned; as he not only commenced at, and rose from, the humblest grade at which a professional aspirant may begin, but he attained at length the highest position, and successively passed through several intermediate offices, filling each with credit and honour, the success with which he discharged the

duties of one, pointing him out as a fit object for promotion to another more exalted. To his own merits and abilities alone he owed his rise, and whatever contributed to it in the aid extended towards him by those who had the opportunity of serving him ; as it was his deserts alone, and no private connection with his patrons, that in each instance first marked him out as a fit object of their regard.

To define the character of what might be termed a perfect lawyer—the true model, in every respect, of a jurist, an orator, and a reasoner, in whom are united all the highest qualities by which either may be adorned, while he is free from those defects to which each is subject,—must be a task which belongs rather to the imagination than the judgment ; as such a personage can have no existence, except in the mind of the individual who portrays the object. Though some may deem the reality of such a being not more chimerical, impossible, or improbable than that of one of which Burke appears to have not even doubted, and which he actually attempted to describe—a perfect wife ! As it is in great works of art, so is it in the characters of great men, that the possession, in a very extensive degree, of a few prominent leading qualities is what serves to distinguish the individual as a whole, without regard to those other endowments, his deficiency in which is overlooked in consequence of the glare of those that shine so brightly. It not unfrequently happens, however, that persons of the greatest genius are in some particulars more than ordinarily defective. Shakspeare and Michael Angelo had many faults of many kinds ; but it is that by which we are most forcibly struck that we chiefly keep in view in forming our judgment of the individual. The minor and less prominent points of character are cast into

shade. Such, indeed, is the constitution of our nature, that what may be strictly termed a perfect character in all the intellectual and moral points of excellence, fully developed, has probably never existed. So also in professional life; a lawyer who is at once adorned with the highest powers of eloquence, the acutest and the most comprehensive reasoning faculties, and the most profound and the most extensive learning, has in no age been met with. The extensive possession and cultivation of one of these powers or acquirements, is not only at variance, but altogether inconsistent with, and counteracts that of certain others. It is therefore only to a union of the most important qualities and gifts, joined with endowments the most suitable and exalted, that we are to look in estimating such a character as that before us. Thus viewed, Lord Hardwicke's mind and acquirements must be allowed to have been of a degree of perfection alike admirable and extraordinary. His excellences strike us with astonishment, as so far beyond those of the ordinary qualities of mankind. His defects are not less valuable to observe, as these are only a part of human infirmity itself.

There are three distinct and independent points in which the character of Lord Chancellor Hardwicke must be considered, as he attained a prominent station in three several departments, eminence in either of them being one of the first positions to which an individual can aspire; having been alike distinguished as an orator, both forensic and senatorial;—as a statesman, of no mean rank in times of no ordinary difficulty;—and as a lawyer of the very highest celebrity, both as an advocate and judge.

Although the last is the character in which Lord Hardwicke is generally most regarded, and with respect to which

most interest is felt about him, yet it must be admitted that it is principally owing to the eminence which he attained as a lawyer, that, in the two former capacities his celebrity is less high, or, at any rate, less considered.

On entering on the subject before us, it will be proper to take an enlarged view of, 1. The qualities and endowments which mainly characterized him; 2. The peculiar features of the times during which he lived.

As regards the natural powers of his mind and the cultivation bestowed upon them;—although, as we have seen, he had not the advantage of a finished education, yet his knowledge, both general and literary, was by no means confined, and his classical acquirements were above the common order. If he made no extensive display of his learning of this kind on the bench, or in the senate,—while he occasionally, when the subject called for it, had recourse to the ancient writers for illustration of his argument,—yet, on the other hand, he was never guilty of any of those violations of taste so common among those whose acquirements are really defective, but who are vain enough to fancy themselves adepts where they are least calculated to shine,—a matter concerning which the amusing blunders of some of Lord Hardwicke's successors on the bench have afforded a forcible illustration. Perhaps, indeed, the fact of his never having so committed himself, joined with his love of classic lore, and the tasteful style of his composition, might, even had we no other, be allowed as ample proofs of his skill here. His knowledge of the world, of life, and of human nature, was wide and general. His acquaintance with history was extensive and exact. This was the case as regarded history in general; but it was particularly so with regard to constitutional history, and especially that of his own country. In this respect he was peculiarly

gifted with the power of discerning the precise bearing and application of past political occurrences on the times in which he lived, notwithstanding the altered position of events and circumstances,—a faculty most important for a statesman and a great constitutional lawyer to be endowed with.

His general information was very considerable, combined with great accuracy as to the knowledge of particular facts ; so that, though he referred with minuteness to these, his statements were never contradicted.

In dealing with grand and comprehensive questions, both in law and politics, he was enabled to take a very extended view of the subject, and to consider it in all its various relations and bearings ; of which both his judicial decisions and parliamentary speeches afford alike ample and striking evidence. As in reasoning on constitutional topics, he applied to them the principles which he had deduced from historical study and research, collecting them from several sources, both ancient and modern, and pointing out their application to the question at issue ; so, in dealing with a great legal subject, he gleaned from many different authorities the leading principles of jurisprudence which bore on the topic before him, and from them deduced the rule to be laid down in the judgment on any point of practical law he was called upon to pronounce.

The sound sense with which he was endowed rendered his opinion at all times and on all subjects valuable to, and to be highly valued both by his colleagues in office, and by all those who were desirous of arriving at a just conclusion respecting the topic before them. Thus on matters where he might not only be supposed, but was known to be ignorant, and openly avowed himself to be so, except as regarded the general constitutional prin-

ciples applicable to the question, such as foreign, and naval, and military affairs, he was eagerly consulted on all occasions, both by those in office with him, and also by the King, as appears by the correspondence already quoted from. Where he was not fully informed on any subject he never hesitated to acknowledge at once, even before his opponents in Parliament, by whom he was of course liable to be taunted for this, his ignorance of the matter in debate. What he did not know he never affected to know; and, as a consequence of this, what he professed to know all allowed him to know.

The excessive candour of his mind, which served well to set off his other great and good qualities, was several times exhibited, and especially on one remarkable occasion already referred to,* where he openly and voluntarily acknowledged in full court that the decision which he had made on an important point in a case before him was erroneous, and must be reversed. This honest and honourable conduct, so far from destroying confidence in him, only served to establish it to the full. Besides, he who knew the vast riches which his mind possessed, felt conscious of his ability to render their due to truth and justice, without affecting his own credit or stability.

As a reasoner, Lord Chancellor Hardwicke was undoubtedly one of the most acute of which the profession which he adorned has ever been able to boast. The continual reference to first principles which is so abundant in his arguments at bar, in his judicial decisions, and also in his parliamentary speeches on constitutional topics, affords evidence of this, in addition to the logical skill by which they are distinguished. Yet refined and even metaphysical as his reasoning was, it was no less

* *Vide ante*, vol. i. p. 541.

practical, and was ever controlled by the rules of sense, and the principles which regulate the common affairs of life. This combination together of logical certainty and subtilty in reasoning, with the application of them to the ordinary duties of society, is that which constitutes the highest style and most perfect system of legal argument.

But closely applied, and acute, as the reasoning usually made use of by Lord Hardwicke was, there were nevertheless none who have been able to adduce arguments of greater weight and importance in dealing with a grand subject than he brought to bear upon it, or who have on such an occasion dealt less in trivial subtilties and refined distinctions than he did. Nor in the lighter, and at times not less effective weapons of wit and ridicule, was the Chancellor at all deficient. The turn of his mind for this in his younger days is shown by his humorous extemporaneous verses on Coke in reply to Mr. Justice Powys, and also his burlesque on the charge of the latter. This is moreover to be seen in several of his parliamentary speeches, especially those in the House of Commons, some of which abound in quiet sarcasm and well pointed satire. His ready reply to counsel at the conclusion of the case of *More con. More*, illustrative of his notion of female frailty, might be instanced here, as also several of his recorded sayings and juvenile freaks. The effective but dignified rebukes which he occasionally administered to his assailants, are evidences as well of his power in this respect.

The point with which some of his most able addresses were set off, should also be mentioned as another proof of that faculty of satirical power and ironical vigour he so abundantly possessed. In his speech during the

debate on the bill for indemnifying witnesses against the Earl of Orford, already referred to and quoted,* he summed up a host of powerful arguments, as well as telling sarcasms against the measure, with the emphatic declaration that he "would rather suffer by than support such a bill." His humorous turn is evinced in his correspondence, more especially that of the familiar kind; and the letters to him contain frequent references to the pleasantry and wit of his conversation, which made him to be esteemed so agreeable a companion.

A saying of Lord Hardwicke has been recorded in a note to Piozzi's edition of Boswell's *Life of Johnson*, as mentioned by the great lexicographer himself.

"To Mr. Ranby's doubts I will apply Lord Chancellor Hardwicke's expression of a Scotch law-book, called '*Dirleton's Doubts*.' His *doubts*, said his lordship, are better than most people's certainties."

The graceful structure of his sentences, and the generally tasteful style by which Lord Hardwicke's composition is distinguished, best evince the qualities of his mind of this nature. His study of the classics, resumed more ardently after he had retired from public life, shows his real fondness for pursuits of that kind. Of high poetical feeling, as his mind was not susceptible of this, so are his efforts disfigured by no abortive attempts to attain it.

The original power of his mind is fully exhibited by the original way in which he treated different topics which he had to deal with, both in his legal and political arguments, as also by his mode of framing some of his decisions, and elucidating new principles entirely the

* *Ante*, vol. ii. p. 9.

emanations of his own genius. A great proof of the abundant resources of his mind in this respect is afforded by his frequently being able to rise at the end of a debate of leading importance, when the argument seemed to be entirely exhausted, and men of the most distinguished power had applied themselves to the subject,—notwithstanding which the speech of the Chancellor not only infused fresh life and vigour into the discussion, but placed several matters in an entirely new light, and originated points which none of those who preceded him had discovered.

Of imagination he must be allowed to have been entirely destitute; and his great good sense, and accurate acquaintance with the limit of his own powers, prevented him from attempting to soar to those heights from which others, who have vainly striven to attain them, have been headlong precipitated.

His memory appears to have been clear and comprehensive; and on some particular points, which excited a deep interest in his mind, his power in this respect almost approached the marvellous. An instance of this is afforded in the story already related of him, that he repeated a passage of one of Bishop Sherlock's sermons, which he had only once heard, thirty years before. The recollection that he evinced on subjects of history and other matters, both during the debates and while on the judgment seat, gives additional proof of his capacity here.

Joined to these high and important qualifications of an intellectual nature, Lord Hardwicke had the advantage, during his youth, of a handsome person and, at all times, of a pleasing address, which, to an orator, is of no mean consequence. His countenance was both agreeable and animated, and his deportment while addressing his audience peculiarly dignified and impressive;

so as to win for him the declaration of Lord Mansfield, that when he delivered his judgments it seemed as if Wisdom herself had stepped forth from her throne—a sentiment which has been also applied to his manner as a speaker in the House of Lords. His demeanour was agreeable, easy, and gentlemanly.

By some, Lord Hardwicke has been accused of hauteur and coldness in society ; though his great antagonist, Lord Chesterfield, whose authority in such a matter was surely the highest, terms him “a cheerful, instructive companion, humane in his nature, decent in his manners.” Other testimonies, besides, to his agreeable qualities in this respect have already been several times adduced.

The writer of the article in the “Annual Register,” already quoted, who must have had opportunities of ascertaining this, states that “the amiableness of his manners, and his engaging address, rendered him as much beloved by those who had access to him, as he was revered and admired for his greater talents by the whole nation. And as few, in any age or country, equalled him in the latter respects, so none excelled him in the former.”

His conversation appears to have been regarded as particularly pleasant, as is shown alike by the letters of his early friends Palmer & Jocelyn, by that of Tickell, and by the testimony of Bolingbroke and other wits of the day, with whom he was in the habit of associating, as well as by the notice which it excited in Lord Macclesfield’s son when dining with him at the Temple.

His disposition seems to have been peculiarly amiable. The humanity which he displayed on several state occasions, when conducting prosecutions against persons accused of capital offences, has been acknowledged by his

opponents and already mentioned. Perhaps few individuals ever did more acts of substantial kindness, and with less ostentation, towards those from whom no hope of return was to be expected. To his early friends, and to those of his relations who were in want of his aid, he seems, from the letters from them which are among his correspondence, to have proved a sincere and steady friend. The warm attachment which he inspired among his acquaintance, and the general respect and favour with which he was regarded by those who were less closely connected with him, are strong testimonies in his behalf. Nor does it appear that, in any instance, the trust which was reposed in him was ever betrayed, either as regards his conduct towards his colleagues, or the reliance which those who occasionally resorted to him placed on his honour. As respects this, the very long period during which he acted with the same set of men, among whom their greater experience of him only served to confirm this confidence in him, is the best proof.

Nor was the general favour, with which he was wont to be regarded by so many men of different parties, at all owing to any compromise of his opinion to please or to conciliate them. In his communications with his colleagues, he appears to have been ever firm and consistent in the maintenance of those principles which he believed to be just; and even with the King himself he was no less disposed to yield one atom of his own judgment or independence, though at the imminent risk, on several occasions, of incurring the permanent resentment of his royal master, whose partiality he seems by this means entirely to have lost, and whose high opinion of his abilities and integrity alone stood in the way of his absolute dismissal.

As regards the regulation of his appetites he is allowed

by every one to have been a perfect pattern of temperance and moderation ; and to this, in a great measure, has been attributed the length of life which he attained, notwithstanding the delicate and often disordered frame which he possessed ; and by means of which also he retained all his faculties in full vigour to the last.

As a husband and father he was at once kind and judicious. With Lady Hardwicke he lived in uninterrupted affectionate union until death parted them. His children he brought up to be ornaments to society, and benefactors to their country, as he had been before them. To his relations he was liberal and considerate ; as a friend firm and candid. To his sovereign he was at once faithful and just. Of his country, at the same time a leading ruler, and a distinguished patriot.

The temper of Lord Hardwicke is by all acknowledged to have been quite imperturbable ; and surely it would have been difficult for the ingenuity of man to have invented occasions of severer trial for him in this respect, than several of those which arose during his long career as Lord High Chancellor, in the harassing disputes in the cabinet, the animated debates in Parliament, or the perplexing differences with the sovereign.

This quality will be found to originate in a certain magnanimity and greatness of mind, which will not allow of the person so gifted being affected by those incidents and casualties by which souls of less depth and power are apt to be moved. While every ripple on the surface of the waters sets in motion the light bark, it is only by the raging of the tempest, and by the fiercest agitation of the ocean's billows, that the stately man-of-war, which reposes on its bosom, can be disturbed from its ordinarily fixed posture.

Walpole and other great men, remarkable for the

eminent qualities and talents they possessed, were distinguished also for the equanimity of temper with which they were endowed. To ensure this, a habit of self-control, the power of contemning trifles, and a well regulated mind, must in no slight degree conduce.

The high conscientious feeling with which Lord Chancellor Hardwicke was at all times animated, and which governed and regulated his conduct through life, was prominently manifested in the negotiation which preceded his acceptance of that great judicial office which for so many years he so honourably filled, when he peremptorily refused to accede to the proposal of Sir Robert Walpole for increasing his own emolument by even apparent injustice to others.

Indeed, one of the main conducements to his supreme excellence as a lawyer, both constitutional and general,—beyond the natural capacities with which his mind was endowed for the dealing aptly with legal topics, and the sound and extensive knowledge, both theoretical and practical, which he had acquired of the subject which he had to consider,—was the moral excellence of his mind ; the acute and nice perception of right and wrong which he possessed, and the finely balanced feeling and accurate discernment to follow that which was just and correct. Much is due in his case, and his judicial character, to the existence and to the extensive cultivation of these high moral qualities, by which he attained that superior skill and power in dealing with a moral science. And it may be safely adopted as an unerring maxim, that it would be impossible for any person, however acute or however highly cultivated, to act correctly and efficiently in the practical carrying out of the principles of a pursuit of this nature, whose mind was not duly disciplined, both in the rules and the application of such a

study. An habitual disregard of the precepts of morality wholly incapacitates a person, however exquisitely gifted his mind may be, and adapted for such a course, for laying down correct principles for others, with regard to this, or for detecting with accuracy the breach of them. Unless the fountain itself be pure, how can the stream which flows from it be clear?

His integrity was so sure that, though almost every other great and good quality by which his character was adorned has been questioned by his enemies—in many instances, however, only to afford his friends an opportunity of establishing incontestably the proof of these virtues—the honesty of the Chancellor has ever stood, in silent grandeur, undoubted and unassailed. Amidst all the invective of party violence which raged through the country, hurling down ministers and high officers of state, and laying low many of the proudest names, and of talents the most exalted, the character of Lord Hardwicke, in the foregoing respect, stood unsuspected and unquestioned; though, on the other hand, several of the highest reputation and authority bore honourable and decisive testimony on his behalf. Thus Lord Chesterfield says of him, “Though avarice was his ruling passion, he was never in the least suspected of any kind of corruption,—a rare and meritorious instance of virtue and self-denial, under the influence of such a craving, insatiable, and increasing passion.” And what temptation, indeed, to commit wrong is so urgent and so incessant as a man’s own avarice? What peril to err from the path of honesty so dangerous or so exciting as the secret impulses of his own desires? While corruption was everywhere suspected, and in too many instances had been largely resorted to, here at least the foul charge never sought to rest itself. The majesty of justice was still inviolate

and unsullied. The venerable oracle of the law and of the senate stood unmoved, after having weathered the storm, unshaken and uninjured, amidst the roar of the elements, which had spread around a wide heap of desolation in the prostrate trunks and withering branches which marked its fury.

In an age, and among a set of men notorious for their intrigues, he was never accused, or even suspected of duplicity, or found wanting in candour or fair dealing.

To what extent Lord Hardwicke was imbued with ambition, does not appear from the records of his biography. This is a feeling which, according to its use or its abuse, may be productive of ends the most beneficial, or the most disastrous. If it leads on the individual to honourable exertion, to attain great achievements, and to perform noble actions, the happiest results may arise from its existence and influence. If, on the other hand, it be unaccompanied by right principle, and is directed to selfish views, incalculable may be the evil and devastation which it may produce. In Lord Hardwicke's case, this motive appears to have prevailed sufficiently at least to stimulate him on in his early struggles to arrive at that success and that eminence which he was capable of reaching; while, on the other hand, his sound and upright high moral sense prevented him from having recourse to any undue methods to promote his advancement. On the whole, however, he does not seem to have been to any great extent what is ordinarily termed an ambitious man. The successive high offices which he filled, and the honours that were heaped upon him, must have been sufficient to satisfy any one imbued with a very large share of this feeling. Nevertheless, he does not appear to have been active in pursuit of these distinc-

tions, and both the Chancellorship and the earldom were somewhat reluctantly forced upon him. He has been accused indeed of aspiring to the first post in the Cabinet. But this assertion has been made without any apparent foundation to support it; and it is highly improbable that he should desire an office, of which he already possessed all the power and influence, without the responsibility and the annoyance inseparable from it; and at the cost of resigning one in the discharge of which he was pre-eminently without a rival; which afforded him the fullest patronage and emolument, and gave him, moreover, a position which no other station could have conferred.

With respect to the physical powers and health enjoyed by Lord Hardwicke, the able writer in the "Annual Register" tells us that "his constitution in the earlier part of his life did not seem to promise so much health and vigour, as he afterwards enjoyed for a longer period than usually falls to the share of men of more robust habit of body, and less oppressed by an unremitting application to affairs of the most difficult and complicated nature. But his care to guard against any excesses secured to him an almost uninterrupted tenor of health, and his habitual mastery of his passions gave him a firmness and tranquillity of mind unabated by the fatigues and anxieties of business; from the daily circle of which he rose to the enjoyment of the conversation of his family and friends, with the spirits of a person entirely vacant and disengaged. Till the latter end of his seventy-third year he preserved the appearance and vivacity of youth in his countenance, in which the characters of dignity and amiableness were remarkably united. And he supported the disorder which proved fatal to him, of many months' continuance, and of the most depressing kind, with an uncommon patience, resignation, and even

cheerfulness, enjoying the strength and quickness of his understanding till the close of life."

The consideration of the peculiar character of the times during which Lord Chancellor Hardwicke filled the distinguished offices that he held is a subject which ought to be fully regarded in estimating his own character and talents. The era in which he flourished was one in many respects well adapted for developing the powers of a great mind, and for affording it the fullest scope for the exercise of all its varied faculties, if equal to the mighty task which was prepared for it. On the other hand, such was the momentous and difficult nature of the events and measures then to be dealt with, that they must have speedily overwhelmed and annihilated a person of less resources, or feebler abilities, who had to encounter them. This period of our history was to an enormous extent at once perplexing and perilous to those in authority, and to none more so than one in Lord Hardwicke's high position as Chancellor, as a leading statesman in the country, and who had besides sometimes the additional responsibility of acting as one of the Lords Justices of the kingdom, on whom the whole government of the nation devolved during the absence of the King on his visits to Germany, and on one of which occasions it was that the Rebellion of 1745 broke out. Placed as Lord Hardwicke was, how many matters of momentous importance connected more immediately with his judicial office, and his political position,—in law, politics, and, above all, the great constitutional questions which had to be settled,—had he to deal with, and where he stood almost alone as regarded the direction of them ;—where his judgment required to be at once prompt and decisive, and where an error of the most trivial kind must be irremediable, if not fatal! Occasions such as these, at once

called forth all the resources, exhibited all the powers, and tried all the weaknesses of his mind ; as in the case of a ship beset by a tempest, when the real strength and seaworthiness of it would be fairly tested. In Lord Hardwicke's case, it is not too much to assert, that the more terrific were the billows of adversity that foamed around him, the greater did he prove himself, by the superior skill and power with which he surmounted them. How difficult and how perilous was the task which he had to encounter is fully evinced by the numerous wrecks of reputation among men of the highest talent which that period witnessed, in Harley, Bolingbroke, Walpole, Macclesfield, and many others. The Hanoverian differences and jealousies, the distrust and temper of the sovereign, the divisions in the royal family, the high state of parties, the intrigues in the cabinet, the strong interest and repeated attempts of the Pretender, and the difficult position of this country with respect to Foreign Powers,—supplied each of them tasks that called for singly a mind of Herculean powers to grapple with ; and these when taken together required, indeed, extraordinary ability and wisdom to conduct successfully. In the management of all these matters, Lord Chancellor Hardwicke nevertheless either directly or indirectly took part, aiding the discussion and settlement of them at the council board, and in public declaring his opinion on these measures, and defending them against attack, when he was, of course, open to animadversion from the opposite faction. At no period of our history have party spirit and personal political hostility been carried further than they were at this time ; and which, considering the extent to which this feeling prevailed, appears wholly impossible.

As regards the professional duties which Lord Hardwicke was called upon to discharge, his powers were very

fully tested, and in various ways. For several years he was the official advocate of the government, and stood at the head of the profession to which he belonged ; and this, too, at a time of considerable difficulty, during which he had both to advise upon, and to conduct state prosecutions of the utmost consequence. He presided in two different judicial offices, the two highest and most important in the realm, and yet widely varying from each other in the nature of their duties, and the requirements for their fulfilment. The long period during which he officiated as Lord High Chancellor of Great Britain, was one of immense labour and no small difficulty, as on his judgment and ability rested the foundation and development of a system of law, and the origination of principles in the science of jurisprudence, which were to be the guide of all his followers. How few would have been found competent for so great a task. How ably and fully, in all respects, did Lord Hardwicke acquit himself in this important duty.

The times during which Lord Hardwicke lived were indeed peculiarly favourable for the display of judicial talents such as his, both as regards their particular nature, and the extent to which he was endowed with them. This is especially observable in the three following points:—1. As regards the times which immediately preceded those of Lord Hardwicke ; the law having been left by his predecessors,—few of whom for a long period together filled the Chancellorship,—in an unsettled, undigested state ; so as to allow full scope for his great legal, philosophical mind to exercise itself in framing decisions, and giving birth to principles of the most important and leading character. 2. As regards the times which followed him. Had he lived during these, or a century later than he did, so many cases must have been

decided before his time in every department, that hardly any scope would have been allowed for him to lay down the rules on which the different judgments he propounded were to rest; whereas now, those who have been called upon to deliver judgments subsequent to his, have had the advantage of his luminous arguments to refer to, and which mainly guided them as regards the principles they establish. Had Lord Hardwicke presided as Chancellor during the later period to which I have referred, he would not have been called upon, and by a consequence would not have ventured to lay down new principles in his judgments, or have determined any cases by these alone, as he would have found so many authorities on each point who had preceded him, and who had already effected this, but whose decisions he would not probably have ventured to disturb; as, though the principles which he would have deduced might have been much more sound, more able and more correct than theirs, yet the evil of overturning a multiplicity of previous determinations which were generally relied upon, might be apprehended to be greater than allowing them to rest, though based on an inferior principle to what might have been substituted for theirs.

3. As regards the number of state trials of the highest importance which took place during his Chancellorship; which afforded the noblest opportunities for the display of his judicial powers and qualities, as a criminal judge of the first rank.

It is probably, therefore, not too much to assert that, considered in all his points, Lord Hardwicke was not only the greatest lawyer that ever has lived, but the greatest that ever will live to adorn the history of this country.

But it is hardly possible for a great man to exist without having his traducers. The attainment of high rank and fame is almost necessarily accompanied by jealousy

and envy, and shining virtues will never fail to provoke the scorn of those who are loth to praise, as they are unable to imitate them. To this general principle Lord Hardwicke certainly formed no exception. The accusations which have been brought against him I am, however, not only not disposed to evade ; but I am desirous of stating them each in the fullest manner, and boldly examining the truth or falsehood of every charge.

The task of defending a lawyer will probably be deemed no light undertaking in the eyes of many of my readers. Indeed, a gentleman of this profession, when under accusation, has ever an unfortunate bias to contend against. In the case of one who has been so roughly handled as has been the lot of Lord Chancellor Hardwicke, the attempt may seem to require Herculean powers. Even the law itself, as a profession, has been sometimes grievously maligned, and no worse nor less a man than the venerable Bishop Hall casts an ugly slur upon it by his occasional reference to "the Devil's *clients*," as though that author of all evil was entitled to fraternity with the members of this learned calling. Nay, more than this, on one untoward occasion the divine in question speaks in express and unequivocal terms of "that old *solicitor*, Satan !"

Notwithstanding, however, these foul aspersions both against the legal profession generally, and Lord Chancellor Hardwicke in particular, the attempt to vindicate them will, on examination, be found less arduous than appearances might lead us to suppose: the traducers in most cases will be discovered to be actuated by motives which will do little towards supporting their credit in their efforts ; and truth and justice, whose champions the legal profession should ever be, will in the end achieve their due triumph.

In the before-mentioned character of Lord Hardwicke, in the "Annual Register," in part quoted from, it is well observed, "that so shining and exemplary a character should have been attacked by calumny, is not to be wondered at; that it should have escaped so long, can only be attributed to its acknowledged worth; men of all parties have concurred in detesting the mean and malicious attempts which have been lately made to asperse his good name to posterity."

To show the absurdity and utter groundlessness of some of the assertions that were made respecting the subject of this memoir, I cite the following from an authority who, probably from his strong Jacobite principles, was not very favourable to the Chancellor, but who is, nevertheless, ordinarily both impartial and correct. The good classical education which Lord Hardwicke received under the tuition of Mr. Morland, and the facility with which he wrote Latin during his youth, will be in the recollection of the reader.

"For a century and an half we have had only two High Chancellors who could be called learned men, though many of them have been reputed excellent orators; and in our days, the man who enjoyed this great office for twenty years, and during that time dictated to the House of Peers, did not learn Latin, I am well assured, until after he was made Lord Chancellor."

The assertion that Lord Hardwicke did not learn Latin until late in life, though comparatively trivial in itself, is important as exhibiting a fair sample of the many groundless and ridiculous rumours which were occasionally invented and circulated respecting him, by those who wished to lower him in the public estimation.

Another fabrication, equally unfounded and ridiculous, is a charge of incontinency which was brought against

* Dr. King's Anecdotes.

him by one of his vituperators, arising out of an absurd blunder made respecting some lines by the famous Duke of Wharton on Dr. Blackburn, Archbishop of York, and which have been construed to apply to Lord Hardwicke, from his possessing the family name of Yorke.

“When *York* to heav’n shall lift his pious eye,
And love his wife more than adultery.”

The first of the accusations of a really serious character against Lord Hardwicke, to which I will allude, is one that may appear to be the best founded of them all, and which has been made in several quarters, and many times repeated,—that of his extreme avarice. Dr. King* even refers to Lord Hardwicke as an extraordinary instance of the possession of this frailty, in common with the great mental endowments which he attributes to the Chancellor. “The greatest endowments of the mind, the greatest abilities in a profession, and even the quiet possession of an immense treasure, will never prevail against avarice. My Lord Hardwicke, the late Lord Chancellor, who is said to be worth £800,000, sets the same value on half-a-crown now as he did when he was only worth £100.”

That he was very careful of the money which he earned by the hardest labour cannot be doubted, but it does not appear that this feeling ever led him to commit unjust or dishonourable actions, which is the real evil which avarice produces, being the counterpart failing to the opposite folly of heedless prodigality. To his poorer relations the Chancellor exhibited his liberality in a pecuniary way, as is evident by their letters to him, which he also did to other persons of real desert, who were in want of, and solicited his aid; and on

* Anecdotes.

the occasion of the offer made to him by Sir Robert Walpole, during the negotiation for inducing him to accept the Great Seal, he expressly refused to benefit himself largely in a pecuniary way, solely because he thought that the mode proposed might operate unfairly towards others. And however much we may be disposed to blame him for the parsimony which he is said to have displayed, and which some are disposed to regard as the main blot on his character, and which has been thought to diminish the fair fame of other renowned lawyers similarly situated to Lord Hardwicke, and probably for the same reasons, yet it should be particularly borne in mind, that a person placed in Lord Hardwicke's high position was not only expected but compelled to be the founder of a fortune as well as of a family. The well-earned honours that he bore, it was not only his pride but his duty to support with becoming dignity. He had an obligation in this respect to perform, both to his immediate family, and to his descendants in succession. The earldom, it is well known, he deferred accepting for some years; and the fortune which he amassed, he saved not for himself, but for others. In thus acting, he not only did not rob the state, but he directly avoided the necessity of burdening it with his large family as the pensioners on its bounty; and, as in the case lately referred to, he scorned to benefit either his family or himself by doing that which might be construed unfair to others, however plausible or apparently sound the excuse for his doing so held out; indeed, his refusal, on his resigning the Great Seal, to accept any pension for his long and very eminent services, must of itself be a tolerable refutation of the charge of avarice.

It is, however, not improbable that the miseries which he is said to have witnessed in his early days among the

members of his own family, from the pressure of poverty, and his own feeling of dependence on strangers at that time, had an extensive influence on his character through life. By this he might have been much affected in his youth, when he was a spectator of these sufferings, (allowing, for the sake of argument, that his family were thus straitened), and when his mind would be most susceptible of receiving impressions. As he advanced in age and honours, he acquired additional dignities, which required to be kept up; and though he increased in wealth, his growing family and the other expenses of his station also widely increased. There is no station of life in which the feeling of poverty is so chilling or so harassing as among the aristocracy, where the ignominy that is experienced is only rendered keener by its exposure, and where the attempt to conceal it so often lays open the sufferers to calumny and misrepresentation. Nevertheless, in Lord Hardwicke's correspondence already cited, there is nothing of this supposed cupidity displayed; and in his letters to his children, though he occasionally cautions them against extravagance and prodigality, yet this is always accompanied by an intimation that whatever is necessary for their becoming rank shall be readily supplied them.

Mr. Nicholls, in his "Recollections and Reflections," after observing of Lord Hardwicke that he "was certainly a very able magistrate, and a very honest man, under a most craving appetite, extreme avarice,"—remarks of Lord Waldegrave's character of him, in which his miserly disposition is also asserted,—

"Every one must see that this character was not drawn by a friendly hand. That the Earl of Hardwicke desired to accumulate wealth is most certainly true; but let it be remembered, that he was not even suspected of having ever acquired money by incorrect means; he had

received no fortune from his parents ; all the wealth which he possessed was acquired either by his profession or by the great offices which he had held, and accumulated by means of his frugality. Let it also be recollected, that he had five sons and two daughters, who were all to be presented in society, with that degree of opulence which is required for the children of a peer. I have also heard it said, that though the Earl of Hardwicke practised frugality in his private life, yet whenever he presented himself on public business, no man was more observant of the splendour which suited the occasion. He certainly may be reckoned among our greatest and most spotless lawyers."

Mrs. Montagu thus expressed herself in a letter to the second Earl of Hardwicke, with reference to that part of the Chancellor's character lately adverted to :—

"The character L^d Chesterfield has drawn of the late L^d Hardwicke renders Mrs. M. more than ever averse to this species of writing. To his lordship's great qualities he has done very niggardly justice, & has gratuitously bestowed the vice of covetousness upon him. I have been credibly inform'd that his lordship, tho' in possession of all y^e secrets of the cabinet, never made one shilling by stock-jobbing, tho' his ready money might have procured him infinite sums so employed. Lord Hardwicke's table, his whole domestick arrangement, was much [more] noble & liberal than Lord Chesterfield's, who had no children; and Lord Hardwicke's charity was unbounded."*

The next serious accusation against Lord Hardwicke is one which has been several times made with considerable asperity, and may also appear at first to have some reason to support it. It is that, either from envy, or in order to preserve his own supremacy in the House of Lords, and prevent his judgments being overruled there in case of appeals against them, he was the means of preventing those among the judges who are ordinarily

* Hardwicke MSS., Wimpole.

rewarded with peerages from obtaining that distinction ; —an accusation which involves great injustice, as well as illiberality and meanness, in the charge.

It is not definitely stated by any writer who the individuals thus disappointed were, except that Lee and Ryder, who were successively Chief Justices of the King's Bench, and Willes, the Chief Justice of the Common Pleas, were "denied their well-earned peerages." The Chief Baron and the Master of the Rolls do not appear to have been better treated. Here, however, it must be observed, that Lord Chief Justice Lee was an old and intimate friend of Lord Hardwicke ; and his denial of, or even desire for a peerage, has never yet been directly asserted on any authority. Horace Walpole says that he was a creature of the Chancellor's. If so, the reason above stated would never have operated to retard his ennoblement, but must have rather had a contrary effect. It is probable that his filling the office of Chancellor of the Exchequer, as well as of Chief Justice, might have been the reason why he remained a commoner. Ryder's peerage not only was not denied him, but the patent for it was prepared, when his premature and sudden death prevented its completion. It was, however, soon afterwards conferred on his son. Willes was an open and bitter enemy of Lord Hardwicke, and ever opposed to the ministry of which Lord Hardwicke was the Chancellor ; and was, moreover, put forward by the Prince of Wales's party as their intended Chancellor in Lord Hardwicke's place, should they succeed in obtaining power and ousting the latter. This alone would at least afford sufficient reason against Willes's elevation ; though a more satisfactory one is stated by the anonymous writer in Cooksey, who complains of his unjust treatment in this respect—that he was to an enormous

extent involved in debt. In our day, the late revered, learned, and able Chief Justice of the Court of Common Pleas, who filled the office for so many years with the highest satisfaction to all parties, was not rewarded with a peerage; and yet no aspersions have been cast on the character of the late or the present Chancellor on this account. Nor has the present Lord Chief Baron experienced better treatment; and even the late Lord Chief Justice of England did not receive his peerage until after many years' service, though all acknowledged his high merit as a judge; and the predecessor of the late Chief Justice of the Common Pleas was not ennobled until after his retirement. The late Master of the Rolls had no such honour conferred upon him, nor has the present nor the late Lord Chancellor of Ireland; in which respect the legal head of that kingdom of Lord Hardwicke's day, his friend Jocelyn, was more fortunate, as he was advanced to the peerage both of that kingdom and of this. From this, it seems that the proportion of legal peerages conferred during Lord Hardwicke's Chancellorship was quite equal to those bestowed in our day, when the complaint certainly is not that there are too few but that there are too many law lords. It should also be borne in mind, when considering the motives that have been attributed to Lord Hardwicke for his supposed delinquency here, that Lord Mansfield, of whom, above all others, both as a lawyer and a politician, the Chancellor had the most reason to be jealous and to dread the introduction of into the House of Lords, was not only at once raised to a barony on his promotion to the Chief Justiceship, but Lord Hardwicke was mainly instrumental in the attainment of this. It must, moreover, be recollected that the reason stated for his not giving peerages to the

judges when due, for fear that through their influence his judgments might be overruled, is a most improbable one; as, on the one hand, by virtue of their office, and without having any titles conferred upon them, the judges are summoned to the House of Lords, and declare their opinions on matters of law; and, on the other hand, the fact of these high personages considering themselves the victims of Lord Hardwicke's jealousy and injustice, would be the least likely inducement to prevent them from strictly scrutinizing those judgments, which the unanimous opinion of all their successors has agreed with them in upholding. This charge is, I think, therefore, without difficulty disposed of. Were it not so, we might find abundant comfort and consolation in the reflection that Lord Hardwicke's successors have, notwithstanding the omissions I have pointed out, fully atoned for any possible deficiencies he may have been guilty of here, in the creation of law peers.

Be all this, however, as it may, there is little or no doubt that the repugnance of George the Second to make additions to the peerage, unless the strongest claims existed for this, was the real reason why more of the judges were not ennobled during his reign. Many other persons, who deemed themselves entitled to this distinction, were disappointed of their expectant honours, the refusal of which was the act of the King alone.

Complaints have also been made against Lord Hardwicke as to the mode in which he disposed of his Church patronage while Chancellor; and it has been said that he "managed this with a view rather to increase his own political influence than to forward obscure merit, or to further the interests of religion."* Some of the accusations of this kind are, however, utterly incon-

* Lord Campbell's *Lives of the Chancellors*; Cooksey's *Anecdotes*.

sistent one with another, and not a few of the charges are in direct contradiction of others. For instance, complaints are simultaneously made of his bestowing too much preferment on his own friends, and of his grossly neglecting them ; and one writer aims a sneer at him for laying down a very wholesome principle,—which he not only advocated, but which, in our day, has been sanctioned and enforced by the legislature,—not to give more than one living to one person. Although his assailants contend that he did not dispose of his patronage as he ought to have done, yet no instances whatever have been specified of neglected merit, or of patronage bestowed by him on the undeserving. It is said that the benefice in Oxfordshire, given by him to his brother-in-law Mr. Billingsley, was in emolument but little more than what he received from his dissenting congregation at Dover,—a rather indefinite statement as to its value, while no testimony as to this divine's deserts is afforded. But there is an account in the public journals, already quoted, of the early promotion of Mr. Billingsley to a stall at Bristol, in addition to the living which Lord Hardwicke gave him. And as the Chancellor aided his relatives who were in need, out of his own purse, we may suppose he would not wantonly neglect them when he could do so without any cost. The above authority referred to, accuses him of gross neglect of Dr. Birch, to whom, as I have already observed, he was the means of no less than nine livings being at different times presented.

Through Lord Hardwicke's instrumentality it was that Bishop Butler was translated to Durham, and Bishop Sherlock to London. Secker was made Archbishop of Canterbury by him, and Pearce promoted to the bench.

In ordinary cases, persons holding high office in the

state obtain credit by the advancement to more important stations of those meritorious persons who have already been promoted to inferior benefices, and thus marked out as deserving objects for more exalted duties. Lord Hardwicke not only effected this in the instances cited, but he was in several cases the earliest to discover worthy objects for his patronage who had hitherto been neglected, and he was the first to bestow preferment on Warburton, and Tucker, and Birch.

His scrupulous concern about promoting only fit objects in the Church, has already been evinced by his letters on this subject, and his refusal to bestow preferment on Lord Bolingbroke's solicitation, from a doubt as to fitness of the candidate. Bishop Sherlock also, in his letters, bears full testimony to Lord Hardwicke's merit here.

Nevertheless, at the period during which Lord Hardwicke filled the Chancellorship, it was necessary to bestow a great deal of Church patronage, not only to support the interest of the political party to which he belonged, but even to encourage adherents to the existing government, and to oppose that of the Pretender, to which several of the clergy were inclined.

It has also been stated that Lord Hardwicke dispensed his Church preferment for the purpose of ingratiating himself with members of noble families. Yet each of the instances quoted goes directly to rebut this charge, and not one single "scion" of a great house is specified among all those promoted by him. Some plausible tale or other must, however, of course, be invented to poison the malignant shaft.

It is observed, in the article in the "Annual Register" already quoted from, of the religious sentiments of Lord Hardwicke, that—

“Convinced of the great principles of religion, and steady in the practice of the duties of it, he maintained a reputation of virtue, which added dignity to the stations which he filled, and authority to the laws which he administered.

“His attachment to the National Church was accompanied with a full conviction that a tender regard to the rights of conscience, and a temper of lenity and moderation, are not only right in themselves, but most conducive in their consequence to the honour and interest of the Church. The strongest recommendation to him of the clergy to the ecclesiastical preferments in his disposal, was, their fitness for the discharge of the duties of their profession. And that respectable body owes a particular obligation to his lordship, and his predecessor, Lord Talbot, for the opposition which they gave in the House of Lords to the act for the more easy recovery of tythes, church-rates, and other ecclesiastical dues from the people called Quakers, which might have proved of dangerous consequence to the rights and property of the clergy, though it had passed the other house, and was known to be powerfully supported.”

Although his mother appears to have been a dissenter, and he was placed under the tuition of one of that persuasion, yet Lord Hardwicke himself was a constant member of the Church of England. That he was influenced by the intercourse of such men as Morland, and Clarke, and Warburton, is not to be wondered at; and he is said to have followed the principles of the latter divine, of whom he evinced his approval by his patronage of him. He was, however, a churchman from conviction, and a Christian in practice as well as profession. His parish Church he rebuilt at his own expense; and with the clergy he was ever a favourite throughout his career.

Complaints have been made against Lord Chancellor Hardwicke, that he did not exert himself as he ought to have done, to put an end to abuses and grievances which existed in the Court of Chancery. We are told that, as early as the year 1733, that is before Lord Hardwicke was appointed Chancellor,—

"A commission had been appointed for enquiring into certain abuses of the Court of Chancery. The result of their researches was not, however, made public till 1740, when he had presided for some years in that court. During this period, he had taken a part in the proceedings of the enquiry; and his signature is accordingly affixed to the report. As this production laid open to public view some of the numerous abuses of which the effects had long been the theme of general discussion and complaint, and which, indeed, had given rise to the publication of several works on the subject, it is impossible that Lord Hardwicke could have been ignorant of the evils occasioned by them; that he was eminently qualified to perform the ordinary duties of his station, is a sufficient proof that he had all the necessary information which might enable him to detect and to remedy the causes of those evils. That some effort of this kind was expected from him, he seems to have been fully aware; and three years after the publication of the report, he issued an order for the regulation of some trivial matters connected with the practice of the court, and particularly regarding the fees of solicitors. But, had this been put forward as an attempt at reform, it would have been looked upon as nothing short of an absolute mockery; and indeed, the Chancellor acknowledged at the time, that he merely issued the regulations as a temporary measure, until some more effectual provision could be sanctioned by the legislature. Now those provisions were never made, nor attempted to be made. For this the chief blame must rest with Lord Hardwicke, who, knowing and acknowledging the necessity of reform, having fully sufficient power and influence to effect it to any extent he might think fit, and having thus moreover pledged himself that it should be effected, presided for twenty-years in the court without using the slightest endeavour to fulfil his promise. It will not tend to lessen the odium deservedly attached to such a mode of conduct, that the only probable motive which can be assigned for it, is avarice; in other words that he abstained from suppressing abuses, because those abuses were profitable to him."*

The commission in question seems to have imbibed, during its progress through the Court of Chancery, something of the longevity for which the suits in that court are famous, and which it would appear that the atmosphere of that delectable spot, unwholesome and ill-ven-

* Law Magazine.

tilated as the newspapers represent it, tends highly to promote. This vivacious commission drew its first breath so early as the year 1729, was in full vigour during the whole of Lord Hardwicke's chancellorship, and though at the time of his delivering up the Great Seal it was in a fine green old age, yet it far outlived all its early friends; saw the end of the commission by which his chancellorship was succeeded, and only paid the debt of nature,—the sole debt which such long sojourners in that court have often the power to discharge,—at an advanced period of the same century.

It should, however, be borne in mind that the subject of this inquiry was, not the general state and prospects of the Court of Chancery, much less of the Chancellor's pecuniary remuneration, but merely of the minor officers attached to that court, and their mode of recompense, and the ascertaining which of them might be reduced, as being unnecessary. The title of this commission was not by any means of that dignified, high-sounding nature appended to many a modern commission, empowering its officers fully and peremptorily to inquire into all the duties of the Chancellor, to take an account of his emoluments, and unceremoniously investigate his whole financial condition, as well as judicial career and duties; but it bore the comparatively humble and unalarming appellation of a "commission for inquiring into the law-offices, and their fees." They were to examine, not into the conduct of the Lord High Chancellor, and the amount of his receipts and perquisites, but were restricted to the far less dignified and less interesting subject of the salaries of the different clerks of the various courts, and were to ascertain merely what fees, rewards, and wages those meek subordinates ought to have, and what extortions had been committed.

Moreover, had the Chancellor's salary or perquisites been diminished by the abduction of any of the fees in question, he would of course have had full compensation for the loss. Rather unjust is it to attribute avarice as a "probable motive," without some solid reason for suspecting this. But it has been Lord Hardwicke's fate to be first voted avaricious, and then to be accused successively of every single fault which this failing could engender; and this in the teeth of the noble conduct several times evinced by him, in his firm resistance to each overture where the gratification of this desire would be fraught with any injustice. A more natural and charitable cause for nothing more being done under this commission might surely be assigned in the innate repugnance to hasty changes, and experiments in an old-established system, which seems to attach to every great lawyer; and it should especially be borne in mind that, not only did not Lord Hardwicke effect the reforms proposed, but that under his successors, the commissioners of the Great Seal, who could have had no such motives as have been assigned to him for resisting these alterations, the same grievances were continued in all their pristine vigour; and that Lord Chancellor Camden, and Lord Chancellor Bathurst,—so distinguished for their patriotic spirit, and honesty of conduct,—still allowed matters to go on in their old course, and must therefore be equally censurable with Lord Hardwicke.

Lord Campbell piteously laments* that because Lord Chancellor Hardwicke neglected to reform the abuses here referred to, he cannot be compared with the great French Chancellor D'Agessseau, already mentioned in the previous pages. D'Agessseau, indeed, is reported to have for a time bethought himself of, and even in cool blood

* *Lives of the Chancellors.*

meditated on a project for abolishing litigation altogether. In his more humane moments, however, views more just and more reasonable were presented to his mind ; and as conscience resumed her sway, he adopted the following sensible and truly practical view of the whole subject :—

“ I had gone so far as to commit to writing a plan of such a regulation ; but, after I had made some progress, I reflected on the great number of advocates, attornies, and officers, whom it would ruin ; compassion for them made the pen drop from my hand. The length and number of law-suits confer on the gentlemen of the long robe their wealth and authority ; one must, therefore, permit their infant wealth and everlasting endurance.” *

Thus was the country of his birth rescued from the horrors of famine among one entire class, and the people in general were saved from the pain of seeing their fellow-creatures, (if they regarded the lawyers as such,) devouring each other in real earnest ; advocates breaking through all rules of punctilious etiquette, by turning cannibals as regarded their consumption of one another, and the land becoming bleached with attorneys' bones !

However cheering to the abominators of bloodshed, the establishment of a peace between warring nations has occasionally been, yet, to the mind of the practical lawyer, the bare possibility of the establishment of a general peace,—extending over the limits of the long vacation,—on the martial plains of Westminster Hall, is an idea fraught with the most dreadful apprehensions. Indeed, this is a subject too appalling for the legal mind any longer to contemplate ; and from which the soul of the advocate must at once recede with horror.

Lord Chancellor Hardwicke has been accused of general ingratitude towards Sir Robert Walpole, though no single instance of any conduct of this kind has been adduced.

* Butler's *Life of the Chancellor D'Agessau*.

On one occasion, indeed, he decided a suit in Chancery against the interests of Walpole's family, which is believed to have been the cause of Horace Walpole's enmity towards him ever afterwards. This, however, merely serves to show that his integrity in his office was not to be moved by any considerations of favour or gratitude towards his patron, yielding to which would have rendered him quite unworthy of the station he filled. The only public opportunities afforded for exhibiting the feeling of Lord Hardwicke towards Sir Robert Walpole, were the attacks made on the latter, on the attempt to carry an address to dismiss him from the Privy Council; and the introduction of a bill to indemnify witnesses who gave evidence against him. On both these occasions, when his cause was known to be not only on the decline but ruined,—a time so trying to the friendship of the most firm, and when the constancy of the most attached and most devoted is so often found to waver,—Lord Hardwicke not only came forward manfully to defend the falling minister, and fearlessly exposed himself to all the odium which such a course must bring upon him, but his speeches during these debates are among the most energetic, most powerful, and most effective delivered by him.

There appears, therefore, to be no real ground for accusing Lord Chancellor Hardwicke of any want of proper feeling or conduct as regards Sir Robert Walpole. On the other hand, however, considerable doubt might be entertained as to the actual existence of any deep debt of gratitude on the part of Lord Hardwicke, such as has been supposed. His fame, indeed, was so far established that, as I have already remarked, when he was promoted to be Chief Justice of England, he was under little or no obligations to Walpole for this; and the Chancellorship

was, quite against his own inclination, thrust upon him. Public opinion and his own merits were the real causes of his advancement. He had then attained that highest position to which a man of intellect can aspire, so as to be independent alike of the partiality of the minister, or the smiles of the Court ; who looked rather to him than he to them, for support and aid. The peerage too was given to him on his being raised to the Chief Justiceship, not as a favour from the minister, but as an additional inducement to forego his just claims to a higher office, and with the hope of securing his support of the ministry in the House of Lords.

With respect, however, to any supposed delinquency of Lord Chancellor Hardwicke, as regards Sir Robert Walpole, the editor of "The Correspondence of Horace Walpole" appears satisfactorily to set this point at rest. He states that,—

"The peculiar antipathy to Lord Hardwicke manifested by Horace Walpole, on all occasions, was founded, no doubt, upon the opinion which he had taken up, that the resignation of Sir Robert Walpole had been rendered necessary by the treachery and intrigues of that nobleman and the Duke of Newcastle. In his 'Memoirs,' he repeatedly charges him with such treachery ; and the Edinburgh reviewer of that work favours this view, observing, 'It appears that, unless there was a secret understanding of Newcastle and Hardwicke with Pulteney and Carteret, before Sir Robert's determination to resign, the coalition was effected between the 31st of January and 2nd February ; for, on the 2nd of Feb. it was already settled, that Lord Wilmington should be at the head of the Treasury in the new administration. So speedy an adjustment of a point of such consequence, looks somewhat like previous concert.' However much appearances might favour this opinion, another writer has shown, most satisfactorily, that no such previous concert existed. The reviewer of the 'Memoirs,' in the Quarterly Review, proves, in the first place, that it was Sir Robert himself who determined the course of events ; and, as he emphatically said, 'turned the key of the closet on Mr. Pulteney ; so that, if he was betrayed, it must have been by himself : and, secondly, that we have the evidence

of his family and friends that he was lost by his own inactivity and timidity ; in other words, the great minister was worn out with age and business.' And these views are confirmed by extracts from the 'Walponiana,' written, be it remembered, by Philip, second Earl of Hardwicke, son of the Chancellor, from the information of the Walpole family, and even of Sir Robert himself; who, after his retirement, admitted his young friend into his conversation and confidence,—a fact totally inconsistent with any belief in his father's treachery;—by Sir Robert's own authority, who, in a private and confidential letter to the Duke of Devonshire, dated 2nd February, 1742, giving an account of his resignation, and the efforts of his triumphant antagonists to form a new ministry, distinctly states, 'that he himself prevented the Duke of Newcastle's dismissal:' and, lastly, by Horace Walpole's own pamphlet, 'A Detection of a late Forgery,' &c., in which he speaks of 'the breach between the King and the Prince, as the *open, known, avowed* cause of the resignation, and which Sir Robert never disguised;'—and again, among the errors of the writer he notices, 'Sir Robert Walpole is made to complain of being abandoned by his friends. This is for once an undeserved satire on mankind—no fallen minister ever experienced such attachment from his friends as he did.' " *

There is one particular accusation against Lord Chancellor Hardwicke, which, if it does not amount to a moral charge, at least implies so large a degree of baseness and want of magnanimity, as to cast a serious slur upon his character. It is comprised in the assertion, which has been first, and indeed only, made by Lord Campbell, in his *Lives of the Chancellors*, that "amidst the aristocratic associations which he formed, he forgot the companions of his youth."

Singular it is, doubtless, that a grave imputation of this nature on the character of a great public man, should not be attempted until more than eighty years after his death; though, certain it is, that no credit would be given to it so long as any remembrance of the object of the calumny existed.

But, though the recipients of this great man's bounty

* Correspondence of Horace Walpole.

no longer live to proclaim the falsehood of the charge, yet, in the letters addressed by them to Lord Chancellor Hardwicke, full of gratitude and affection, which they left behind, they have afforded the strongest and most satisfactory refutation of the accusation in question.

With Mr. Philip Ward, who was Lord Hardwicke's early companion at the Temple, he maintained a strict friendship until death severed the bond; and both corresponded with and visited him long after his "aristocratic associations" had been formed. And each of his former colleagues at Mr. Salkeld's—Jocelyn, Parker, and Strange—he not only continued to their latest days to befriend, but afforded them the most substantial proofs of his regard for them by the promotion he bestowed upon them. Of Samuel Palmer, indeed, we have no account up to a late period. All we know is that, though the intimacy between him and Yorke lessened as they were separated from each other, yet it was, as Palmer acknowledges, through him, and not through his friend's neglect that this was the case; and that Yorke was the one to revive it when it appeared on the decline, though he was then rapidly rising into "aristocratic associations" and honours.

Early friendships are often casual, while later ones are formed from deliberate choice, and coincidence in mind and feeling. And a rising man has the largest selection of acquaintance, and the fairest opportunity of breaking off the intercourse from those with whom a difference in position, as well as pursuits and principles, may tend to sever the bond. Yet, with all this, Lord Hardwicke, in a peculiar manner, retained to the last the friends of his youth. Against the charge, therefore, of deserting them, which was as contrary to his custom as it was at variance with his nature, his whole uniform life and conduct pro-

test; against this every page of his history cries out; every letter from his friends bears concurrent testimony; every associate lifts his voice. Truth, friendship, affection, each here raise their most fervent exclamation against an accusation so unfounded in its origin, and in *its nature* so flagitious. Of avarice they might have suspected him, and he might have been charged with hauteur towards strangers,—but, of forgetting his early friends, he was not only entirely guiltless, but wholly incapable.

The anonymous correspondent of Mr. Cooksey, from whom a large portion of the foregoing attacks on Lord Hardwicke are collected, closes his long catalogue of vituperations and insinuations against the character of the Chancellor in a very characteristic and consistent style, expressing his conviction that Lord Hardwicke's days were cut short through the disappointment of his ambitious hopes;—he having lived to fill the two highest judicial offices in this country to which a lawyer can aspire, besides having had repeated offers from his sovereign of preferment to other posts, and the early age at which he was “cut off,” being that of 74!

Horace Walpole asserts of Lord Chancellor Hardwicke, that “in the House of Lords he was laughed at—in the cabinet despised.” Lord Holland, in one of his notes to Walpole's Memoirs, observes of the foregoing, “Yet, in the course of the work, the author laments Lord Hardwicke's influence in cabinets, where he would have us believe he was despised, and acknowledges that he exercised a dominion nearly absolute over that House of Parliament which he would persuade his readers laughed at him. The truth is, that wherever that great magistrate is mentioned, Lord Orford's resentments blind his judgment, and disfigure his narrative.” The former of these statements is, moreover, somewhat inconsistent with Walpole's

declaration, as to the opinion expressed of Lord Hardwicke as an orator, on the occasion of the proposed advancement of Mr. Murray (afterwards Lord Mansfield) to the House of Lords, who was eminently distinguished as a debater in the House of Commons, and which Horace Walpole states that Charles Townsend exclaimed, would at once ruin the reputation of Lord Hardwicke as an orator. If, however, his fame had been so moderate, as Walpole asserts, it was surely unnecessary to have recourse to one of the most eloquent men, either at the bar or in the House of Commons, to compete with him. Thus, Walpole first denies that Lord Hardwicke has any power at all, and then admits that only the strength of the most powerful can grapple with him. Lord Mansfield's own high opinion of the Chancellor, we have already seen, from his letter respecting him. The general notion entertained of Lord Hardwicke's talents as a debater is fully evinced, as I have before stated, by the care with which his speeches were replied to by the most able orators in either House, by the manner in which they were reported by impartial auditors, and by the description given by contemporaries, both colleagues and critics, of their effect.

That he was not "in the cabinet despised," is fully proved by his whole official correspondence, and by the opinion which was entertained of him as a minister, both by his sovereign and his all colleagues. The former expressly avowed that he regarded only the Duke of Newcastle and the Chancellor as the real cabinet. How great was the confidence which the Duke of Newcastle reposed in Lord Hardwicke's judgment, is shown by his consulting him on all the most momentous occasions, and several times in his letters directing matters of extraordinary importance to be confided entirely to him.

Lord Waldegrave says,* that "without affecting the name or parade of a minister, Lord Hardwicke had great weight and authority," and that he had been the chief support of the Duke of Newcastle's administration. His colleagues, and his sovereign too, were wont to refer to the Chancellor, and to ascertain his judgment upon matters which were quite out of his department, and altogether unconnected with legal or even constitutional topics, such as military affairs, foreign, and naval matters. The sovereign at least was raised above party feeling and prejudice, and though not personally strongly attached to Lord Hardwicke, yet the opinion which he had of his abilities and integrity compelled him to resort to him on every occasion of difficulty.

The character of Horace Walpole, as a thoroughly unscrupulous and unprincipled writer, is too notorious to need here to be dwelt upon ; and an assertion of his not only requires no contradiction to procure its discredit, but there are few who are acquainted with the reputation of this author who would not be most unwilling to rely on his authority alone for any matter of the smallest real importance.

The following is Professor Smythe's character of Horace Walpole, as an historian :—

"I must guard you against the historical publications of the celebrated Horace Walpole. Look for entertainment in them, and you will not be disappointed, but give him not your confidence ; indeed, you will soon see from his lively and epigrammatic style of narrative, that he cannot deserve it."

Mr. Hallam in his Constitutional History of England, expresses himself to the same effect.

In a very able article on "Walpole's Memoirs" contained in the "Quarterly Review," † the writer thus declares his

* Memoirs.

† No. 53.

opinion on the subject of Horace Walpole's defamation of Lord Chancellor Hardwicke. After alluding to Walpole's attacks on the Duke of Newcastle and Mr. Pelham, the reviewer proceeds :—

“The next most prominent object of his hatred was the Lord Chancellor Hardwicke, from whom Walpole, as we have seen, confesses that he had received trifling offence. He has not told us what this was, but Lord Hardwicke continued, to the very last, the intimate friend of *Old Horace*. And when we consider the bitterness of his hatred against his uncle, and his equal bitterness against the ministers, we may judge what the union of the two hatreds would be against the Chancellor who had survived his father's power, and who had adopted his uncle's cause ; accordingly, there is no limit to the malignity with which he pursues this great magistrate. He attempts by turns to ridicule and to stab him, and in the eagerness of his revenge, and the variety of his assaults, he is not ashamed of the most audacious contradictions, and blinds himself to the most gross inconsistencies.”

There is a moral as well as a physical inebriety ; and as in the latter some noxious drug is resorted to to destroy both health and sense in the person who indulges in it, and the wholesome refreshing draught becomes disliked and disregarded ; so in the former, the genial beverage of truth becomes distasteful and nauseous, and the foulest misrepresentation, and falsehoods the most virulent, are made use of, in which the delinquent at length revels, and delights the more intensely the longer he has recourse to them. Conscience becomes daily more accommodating, and in time ceases at all to interfere ; and the few remaining restraints of truth and fair-dealing become more and more irksome and insupportable. And as in physical drunkenness, entire prostration of sense and of the whole physical frame eventually arrives, so in moral delinquency of this extensive kind, the perception of right and wrong is at last wholly deadened, and the character of the individual who thus acts become altogether perverted and degraded.

The art of detraction is one peculiarly engaging to men of little minds, as it holds out to them the only hope of concealing their own defects, by debasing more to their own level those exalted characters they must in vain endeavour to imitate. Individuals of this degraded and abandoned nature to so large an extent, whose existence seems mainly intended as a moral warning to the rest of their species, have occasionally demonstrated that there is an attainable degree of meanness and perfidy even beyond that of lying, and that equivocations and misrepresentations may be invented which are more odious and malignant than this, as being far less manly and less ingenuous than the assertions of a bold and shameless liar, which are at least open to contradiction. And it is surely not too much to assert that persons who, like Horace Walpole, are so indifferent about their treatment of the characters of others, have seldom enough of their own to know the value of a character.

Some of the attacks on the character of Lord Chancellor Hardwicke it must be acknowledged are indeed most difficult to meet, not on account of their being well-founded, but from their utter incoherency and vagueness. Several of these appear to rest entirely on surmise and conjecture, and proceed much in the following strain:—It may be taken for granted that he did this—Of course he scrupled not to do that—No one would hesitate to say he would do the other.*

Not a few of the accusations against him are, moreover, so perfectly contradictory, that should they ever come into each other's company, they must at once proceed to annihilate one another. Thus the detractions of him, if so placed together, amount to the following inco-

* For illustrations of this, *vide ante*, vol. i., p. 97; vol. ii., p. 362; vol. iii., pp. 214, 525, 529.

herent statement.—He entirely abandoned his poor relations,—but overwhelmed them with patronage. His son, Charles, he cruelly refused to aid in his efforts in his profession,—but unfairly pushed him forward and heaped preferment upon him. Dr. Birch he altogether neglected—but bestowed livings upon him to a shameful extent. In the cabinet he had no influence,—but usurped all authority in it. In the senate he had no weight,—but by his great authority rendered it quite subservient to him. All his early friends he deserted and turned his back upon,—but filled the state offices with them as his creatures. He grasped all the power in the state,—but died broken-hearted because he failed in his ambitious hopes !

Having recapitulated as fully as I have been able to do, all the different charges of importance—inconsistent and contradictory as they are—which have been brought against the character of Lord Chancellor Hardwicke ; considering the industry and unscrupulousness of his maligners, and in how many points he has been assailed ; considering, moreover, the keenness with which he was watched, and the opportunities which they had for scrutinising every action of his life ;—we may at least fairly conclude that the worst that could be brought against him has here been alleged, and that if he was not attacked on other points it must have been solely because they were conscious he could not be successfully assailed here. So that we may be satisfied that his eminence as a lawyer, his integrity as a judge, and all the leading virtues which adorned him as a man, as they have not been even questioned, were undeniably and incontestably his.

As I have already remarked, the attempt to find a perfect character, or even a perfect lawyer, must ever be unavailing. Such a being is in fact purely chimerical. If, however, we compare any man with others by way of

apologizing for his faults, it will be urged, and very justly, that their delinquencies form no excuse for him. Considering, however, human nature as it is, and that the hope of discovering a perfect character is too remote ever to be practically calculated on, the only fair and reasonable mode of estimating the merits of any particular individual is to examine into his life and conduct, and test each action, not as to its own real virtue or demerit, but as regards those of others around him, especially those who have pursued the same career, and been similarly circumstanced with himself. In judging, therefore, the character of Lord Chancellor Hardwicke, it will be proper to institute a comparison between him and some of the other great personages who have filled the same office that he did, whose talents have been in the same degree taxed, whose virtues were equally tried, and whose celebrity has vied with his own.

I shall not be thought here to show any undue favour to the character of Lord Chancellor Hardwicke, but, on the other hand, to have submitted it the severest test, if I place him in juxtaposition with a man who was so eminent, so virtuous, and, above all, so universally applauded, as Lord Chancellor Somers.

If, therefore, we carry out this comparison strictly, we shall first consider the relative professional merits of these two great lawyers. Here, however, the superiority of Lord Hardwicke will hardly be disputed by any one conversant with legal judicature. True, indeed, Lord Hardwicke held the Great Seal for a much longer period than Lord Somers did, but the latter presided as Chancellor long enough to have established a reputation rivalling that of the former; for a greater length of time than Lord Talbot did; and for a space exceeding

that in which Lord Chancellor Hardwicke had established his own reputation both as an equity and a common-law judge.

But the times in which they lived differed much. As regards this, however, Lord Somers had certainly the advantage ; and far greater opportunities were opened to him, for the attainment of the highest renown, than ever fell to the lot of Lord Hardwicke. But then it must be borne in mind that what Lord Somers effected he did as the coadjutor of others. He was but a sharer, and acted a part only in the great work which was then achieved. All which Lord Hardwicke performed originated with him, was carried by his own efforts, and was the act not of his party but of himself.

As regards what has been asserted of Lord Hardwicke's avarice, and which many have considered the most serious blot on his fair fame,—supposing even much of that to be true which I have proved to be erroneous,—it must be recollected that Lord Hardwicke saved not for himself but for his large family ; and that after a laborious and distinguished service in the Chancellorship of nearly twenty years, though he still continued actively to assist the government, he refused to accept of either place or pension. Lord Somers, (who has never, however, been accused of avarice), though a bachelor, and his period of office was only about a third of Lord Hardwicke's, received a permanent grant of an estate from the Crown.

A contrast between Lord Hardwicke and Lord Somers, very unfavourable to the former, has been drawn, with respect to the men of merit they were called upon to aid. Surely, however, notwithstanding all that has been said of Lord Hardwicke's neglect and Lord Somers's patriotic conduct here, the former's patronage of W.

Jones, Bradley, Webb, Birch, Butler, Pearce, Tucker, Sherlock, Warburton, and many other persons of distinguished merit, may be advantageously contrasted with Lord Somers's very inadequate preferment of Locke, and the pension for political services conferred upon Addison.

There is certainly no blot upon Lord Hardwicke's fame so great as that which defaces Lord Somers's, in relation to his conduct respecting Sir John Fenwick's case. But it may be urged that the circumstances in which these two great Chancellors were placed render a comparison of their general conduct unsatisfactory. In one respect, however, they seem to have been both subjected to a trial of an exactly similar nature, as though it had been ordained that the virtue of the two should be subjected to the same identical test. For this, opportunities were afforded by the memorable instances of the Partition Treaty in Lord Somers's time, and those already described during Lord Hardwicke's Chancellorship. Both these great lawyers, while filling the Chancellorship, were called upon by their respective sovereigns to put the Great Seal to foreign treaties, under circumstances which rendered it unconstitutional for them to do so. But how different was the conduct of the two. Lord Somers, at the King's bidding, actually affixed the Great Seal to a blank treaty, which he forwarded to the King, who was abroad, to deal with as he thought proper. Lord Hardwicke on two occasions positively refused to put the Great Seal to conventions which had been concluded by the Sovereign himself, solely because Lord Hardwicke deemed the treaties in question to be injurious to the interests of this country.*

These circumstances I have here put forward, not in

* *Vide ante*, vol. ii., pp. 59, 363.

order to disparage wantonly the character of Lord Somers, —whom every sound lawyer, every true patriot, and every good man, must hold in perpetual veneration,—but by the comparison to show the unfairness of the censures on Lord Hardwicke. I desire not to do injustice to Lord Somers, but to do justice to Lord Hardwicke. If he had faults, I contend that the greatest resembled him here. If his character was not free from defects, these were shared by the most perfect of mankind. On the other hand, how many have failed to emulate him in his patriotism or his virtues ; how few have resisted the temptations which beset him, as he did. How completely did he overcome the trials by which some of the most renowned of his own profession and period were laid prostrate.

How many actions of a man, especially of one in a public station, are there that can never be perfectly judged of until his death, and the real motives, or it may be the necessity of which it is impossible at the time to discover. Yet by these is the reputation of several irrevocably determined. It must be admitted that we of this age have a great advantage over the various contemporaneous writers who have criticised the character of Lord Chancellor Hardwicke, in having before us all his confidential correspondence, which reveals so many facts and circumstances which must have been quite concealed from them. How many proceedings are now explained which then appeared wholly unaccountable. Our descendants of the next century may know more about us than we are ever likely to know about ourselves.

Having referred to each of the leading assailants and accusations against Lord Hardwicke, it now becomes my more pleasing duty to adduce the testimony of those in his favour, who had at least the fullest opportunities for becoming acquainted with his real character and course

of conduct, and some of whom would be but little likely to be unduly prejudiced in his behalf. The confidence placed in him by George the Second has been fully shown. George the Third, though of opposite politics and no way officially connected with him, exhibited in a very marked manner his esteem for Lord Hardwicke.

The Duke of Newcastle, who had the longest experience of him, and who was most closely connected with him, both officially and by the ties of private friendship, only became the more attached to him, and more entirely placed confidence in him, the more he became acquainted with him. Lord Bolingbroke, though warmly opposed to Lord Hardwicke's party in politics, addresses him in some of the letters before quoted as his "honoured lord," and speaks of him in terms of the greatest respect. The opinions expressed of him by Mr. Pitt, Lord Waldegrave, Lord Lyttelton, Daines Barrington, and many others, serve also to evince alike the trust they reposed in him, and the high esteem for his character with which they were impressed. Lord Chesterfield says of him, "Lord Hardwicke was perhaps the greatest magistrate this country ever had."

One writer, indeed, Mr. Daines Barrington, goes beyond the other eulogists of Lord Hardwicke, and considers him not only the greatest lawyer, but the greatest statesman who ever lived. In his "Observations on Statutes," he says, "It may be said that we owe the present beneficial and rational system of equity to the peculiar national felicity of the greatest lawyer and statesman of this, or, perhaps any other country, having presided in this court near twenty years without a single decree having been reversed, either in the whole or any part of it; an infallibility

which, in no other instance, was ever the lot of humanity."

Lastly, the feeling with which he was esteemed by the nation in general, however divided, supplied the only remaining testimony required in his behalf, in the opinion pronounced by the age which had witnessed his long career.

Popularity, indeed, may be said to be of two kinds, the one transient and effervescent, the other permanent and secure; the one fleeting and uncertain, the other durable and certain; the one being based on mere prejudice and passion, the other the result of free inquiry, and deliberate reason. In the one case we see it exhibited in the varying and uncertain ravings of a mob, who one day denounce as a demon the man whom they had before exalted to a despot; and to which they are urged by the most absurd and frivolous motives.

The other kind of popularity is that which is evinced in the real, heartfelt esteem, which a long life of virtue and honourable conduct is certain at last to procure, and which not the blind excitement of a day, but the close and dispassionate observation of a life, alone can produce. Such was the kind of popularity which Lord Chancellor Hardwicke enjoyed. It was the result not of the mere feelings, but of the judgment, and was as deliberately formed in its origin, as it was deserved in its object.

The fame of Lord Chancellor Hardwicke as an orator, must be decided by those efforts of his, of different kinds, already extracted. Here we have some of each description. His speeches, while at the bar, serve as examples of his success in forensic oratory. Those delivered in the two Houses of Parliament, as illustrations of his skill in senatorial rhetoric; and his ad-

dresses on the occasions on which he presided at the state trials, and his arguments on the bench, afford us notions of the style of his judicial eloquence. Of these three kinds of eloquence, the forensic is that which admits of most force, and where the most rests on the individual orator. In that of the senatorial kind, the subject is ordinarily more important and elevated than the former; but so many different persons being engaged in it, each particular speaker is almost lost sight of in the ranks of his party. Judicial oratory admits of the loftiest dignity of sentiment, and of a high degree of eloquence. In this branch it was that Lord Hardwicke appears most to have shone, and in which we have the most perfect report of the speeches he delivered. That on the trial and condemnation of Lord Lovat* is perhaps the noblest example of his power in this respect. His speeches in the House of Lords,—those, for example, respecting the dismissal of Walpole, and the bill to indemnify the witnesses against him,—are the best examples of his senatorial eloquence. His reply on the trial of Mr. Lyster, is a fair specimen of his skill in forensic oratory, in which—if we may judge from the reports of his speeches now extant—he certainly did not shine so much as in the other departments.

We must not, however, look in his speeches or addresses for any of those high efforts of eloquence, or exalted flights of the imagination, which in some orators have so astonished and delighted us. There is nothing here of the splendour of diction, or sublime metaphor, which characterizes the declamations of Burke, or of the high patriotic feeling and striking grandeur, which is so marked a feature in Lord Chatham's oratory. Nevertheless, the productions of Lord Hardwicke as a debater,

* *Vide ante*, vol. ii., p. 301.

especially in the House of Lords, are, as mere specimens of rhetoric, far above the common order ; and, considered with regard to their intrinsic merit as respects the subject on which they treat, are of very great value. Perhaps, indeed, they ought to be regarded rather as political disquisitions than party speeches, though not deficient in real eloquence, and that of a high rank, and adorned with lofty sentiment and noble thoughts, conveyed in the most chaste and elegant language, and glowing throughout with a high and fervent feeling of patriotism. In this respect, they might be compared to some of the finest orations of Cicero, and especially to certain of the choicest passages which characterize those orations, where far more is owing to the exquisite nobleness of the sentiment, and the lofty nature of the ideas conveyed, than to any skill in the verbal arrangement of the sentences, or to any extraneous matter which is introduced for giving effect or ornament to the description. The comprehensive manner in which Lord Hardwicke treated every subject, and the profound philosophical reflections with which he accompanied his argument ; the happy illustrations drawn from history, ancient and modern, and also from his great knowledge of human nature, gave at once a value and a charm to his eloquence. The mode, more especially, in which he expounded and illustrated the great leading constitutional principles applicable to the government of this country, was most admirable ; and his manner of dealing with first principles in his treatment of different topics, especially those of a constitutional and legal nature, was very fine. If he had not a philosophical, he possessed a deeply reflective mind. He was eminently a philosophical lawyer, if not a philosopher, and his reasoning was at all times adorned and rendered elegant by the exquisite taste in composition which he possessed, and

the beautiful and noble thoughts and idioms with which it abounded.

That Lord Hardwicke's speeches were not at the time, and never have been, generally popular as harangues, is at once unquestionable as a fact, and is of itself no matter of wonder. They contain no appeal to the passions or to the feelings of the audience, which above all other qualities is that which gives the most *éclat* and effect to an oration at the period of its delivery, as we see in the most celebrated efforts of Burke, Chatham, Bathurst, Argyle, and many others of the time ; and it is also observable that the most noted in this respect are those which commanded the most attention and admiration. Lord Hardwicke's addresses, on the other hand, were directed exclusively to the judgment of his audience, which accounts in a great measure for his inattention to the more showy qualities to which I have referred. But a mere appeal to reason, however skilful or striking, would make but little noise at the time. Besides this, comparatively few would be moved by it, while all, more or less, would be agitated by the former. Midst the rage of party excitement, and the howl of tempestuous passions, the voice of reason is drowned, and all efforts of mere argument, however powerful, entirely overwhelmed ; and the more profound and philosophical his speeches were, the more is this likely to be the case. Most especially so is it when a calm and comprehensive view of the subject,—which would neither gratify nor provoke the passions and prejudices of either party, and such as Lord Hardwicke ordinarily embraced,—is contained in them. This fact alone and amply accounts for the circumstance of Lord Chancellor Hardwicke's speeches not having been more extensively popular at the period of their delivery than they were ; and thus, because they were productive

of no actual excitement at the time, no fame of them, as derived from their temporary effect, has been transmitted to posterity. Nevertheless, as has been shown by certain of his auditors best enabled to judge of their real value, they obtained at the period of their being spoken, among these the warmest admiration. The important occasions on which he came forth, the mighty rivals with whom he contended, and the value which these orations even now possess, long after the passing events which occasioned them have been forgotten, may be again referred to as tests of their intrinsic merit.

The writer of the article in the "Annual Register" thus describes Lord Hardwicke as an orator :—

"His talents as a speaker in the senate, as well as on the bench, have left too strong an impression to need being dilated upon to those who have often heard him. To their memories it will be sufficient to recal, that whenever Lord Hardwicke delivered his sentiments in public, he spoke with a natural and manly eloquence, unsullied by false ornaments, declamatory flourishes, or personal invectives. He had a method and arrangement in his topics, which gradually interested, enlightened, and convinced the hearer. When he quoted precedents of any kind, either in law, history, or the forms of parliament, he applied them with the greatest skill, and at the same time with the greatest fairness. And whenever he argued, his reasons were supported and strengthened by the most apposite cases and examples which the subject would allow. In questions of state and policy, he drew his principles from the ablest authorities in legislation and the art of government ; and in questions of jurisprudence, from the purest sources of the laws and constitution of his own country, and, when the occasion called for it, of others. His manner was graceful and affecting ; modest yet commanding ; his voice peculiarly clear and harmonious, and even loud and strong for the greater part of his time. With these talents of public speaking, the integrity of his character gave a lustre to his eloquence, which those who opposed him felt in the debate, and which operated most powerfully on the minds of those who heard him with a view to information and conviction."

Lord Lyttelton says of Lord Hardwicke that, when

he rose in debate, it seemed like public Wisdom speaking.

The positions which he held at different times as a minister of the Crown, and high officer of the state, as Solicitor and Attorney-General, and Chief Justice of England and Lord High Chancellor,—which serve to confer a sort of *ex-officio* dignity and importance on the individual who fills them, independent of his own personal influence,—of course brought him prominently forward as a speaker on all great occasions, and commanded attention to the sentiments he propounded.

Doubts have existed among some, as to how far the English language is capacitated for efforts of high eloquence, owing to its inferiority in point of flexibility, and grace, and force, to the ancient dead languages, in which the most celebrated performances, which we justly regard as models of perfection for orators and writers of all ages, are handed down to us. Probably, one leading circumstance which has contributed to the supposition of the language of this country being unfitted for grand compositions of the same nature with the choicest productions of Greece and Rome, is the loss of spirit and beauty in the productions of the latter when rendered into our language; and the deficiency of such characteristics in the translation, has been very unfairly attributed to the inferiority of the new language to that of the original tongue, and not, as it ought to have been, to the necessary absence of these high qualities in a translation. Probably, indeed, Shakspeare or Milton would suffer as much from being rendered into Latin, as Demosthenes or Homer do from being translated into English. And the fact of the existence of poetical compositions of so high an order, and of so very varied a nature in the English language, as those of Shakspeare, Milton, Spencer, and Pope, as also of

some of the finest efforts in oratory to which I have been referring, seems at once to refute the calumny of its incapacity to convey the grandest and most beautiful ideas, and the noblest imagery. It has been condemned, therefore, not on account of any actual deficiency detected in it in any of the above respects, but simply because it has so entirely differed from other tongues which have been rendered famous by their adaptation for these noble purposes. The principal characteristic of it is its very mixed nature, which is doubtless peculiarly favourable to its force, as it has gathered from the several languages from which it has borrowed, just according as the various requisites of idea, or expression, or illustration, appeared to require. Like the commerce of this mighty empire, its language seems to have been contributed from every quarter of the globe, and every clime and shore and kindred appear to have added something to its riches. Many, indeed, are the nations which have aided in this vast work; some of them long ago exhausted by the accumulations of years through which they have passed: the barbarous, the enlightened, the superstitious, and the most highly civilized, each affording their share.

Some doubt might, perhaps, also be entertained,—which examples are not wanting to support,—as to how far the intense study of the ancient classics is favourable to the cultivation of eloquence in our language and in our day. It might be said to refine the mind too much, to elevate it too highly above the level of passing events, and the practical affairs of life, and to serve at once to assure us, and discourage us with the perception of the vast distinction both between the opportunities afforded for high efforts of this kind in days of old, and those of the present time; and also of the inferiority in harmony and flexibility, and variety of our

language to those of Greece and Rome. On the other hand, unless the mind is properly trained, and imbued with correct principles of taste, it cannot be expected to bring forth any great efforts of an extraordinary nature. It must first perceive and feel noble ideas and emotions, before it can attempt to excite them in others. The most eloquent have ever been thus cultivated and stored; and those productions of the highest order in our language, both in eloquence and poetry, serve abundantly to prove of how great things the English tongue is really capable. Indeed one great advantage attendant on classical study which ought never to be lost sight of, and which can hardly be prized too much, is that thereby a true and fair standard of taste is afforded, a reference to which may serve as an efficient protector against false tinsel and tawdry glitter; as, in the conduct of argument, a knowledge of logic, though it may not actually assist the reasoner in his own course, may enable him to detect the fallacy and error resorted to by his opponent. Whatever doubts we may therefore entertain of the direct value of these studies, their use here in an indirect manner is altogether undeniable.

Lord Chesterfield says of Lord Hardwicke that "he was more desirous of being thought a great state minister, which he certainly was not, than a great lawyer, which he certainly was." Here, however, it is most essential to bear in mind that in the former capacity he was Lord Chesterfield's opponent and rival, so that this highly gifted nobleman would be naturally less inclined to admit his merits and abilities there than in the latter quality. Lord Lyttelton, a more dispassionate and unprejudiced, and who was also a wiser and fairer, though less clever and witty man than Lord Chesterfield, declares his opinion of Lord Hardwicke, while speaking of him in

the House of Lords, that he was “not only the greatest lawyer, but one of the wisest statesmen who ever sat in that house.” Lord Waldegrave’s opinion of him in this respect has been already quoted, as also that of Mr. Daines Barrington, who hesitates not to place Lord Hardwicke in the highest rank as a statesman, as well as a lawyer. The real and true position, however, in which Lord Chancellor Hardwicke ought to be regarded is, not so much either as a mere statesman or a mere lawyer, but as a lawyer whose mind was imbued with the most enlarged principles of government and regulation of state affairs, derived from the highest authorities. He was perhaps rather a statesman-like lawyer than a statesman, and a philosophical lawyer than a philosopher. In this respect he was of immense value, both as a debater in the House of Lords, and to those among whom he lived, and with whom he acted. His character in this particular is best exhibited by his speeches, which are of singular excellence as containing the real constitutional or highest legal principles which ought ever to be kept in view on each great political subject while debating it.

Nevertheless, as a statesman, both in the Senate and in the Cabinet—and in the latter both in advising upon and in framing measures—he obtained high eminence in an age when there were giants in this department. He came forward on all the greatest political occasions, and he was ever listened to and consulted by those who had the best means of judging of his qualifications, who knew how much he was occupied with his professional duties, and who had the fullest choice of others to refer to for this purpose. Yet no leading project was ever undertaken or even moved in by them, without conferring with him; sometimes, he alone was consulted, and directed their

plans. And of some of the most important measures which were propounded during the long period of his tenure of office, we have seen that he was not merely the suggester and the advocate, but the actual framer.

He appears to have been to a very large extent, not only the legal adviser, but the real head-piece, the directing spirit of the ministry, and on every occasion his opinion was sought both by the Duke of Newcastle and the King. He was a councillor in the most difficult times, when so many were found wanting, and he had other duties of the most arduous nature to engage him. Nevertheless, he was eminently successful, and in many different departments too, some of them altogether beyond the ordinary province of his office.

When we bear in mind that only the leisure which was afforded him from the discharge of his very important and arduous judicial labours could be devoted to those which were not immediately within his sphere,—if we are just to his abilities, we ought to estimate them not merely by what he actually effected as a statesman, but by calculating on what he might have done had he had the same amount of time to devote to this portion of his duties with those great men whose rival here he was nevertheless enabled to be.

It is observed of Lord Hardwicke in the “Annual Register:”

“In the character of a statesman, his knowledge of mankind, his acquaintance with history and treaties, both ancient and modern, added to his long experience, penetration, and superior understanding, enabled him to decide with force and exactness upon all the questions on which he was consulted by his colleagues in other branches of the administration. And he had a particular talent of analysing such questions, by stating the arguments on both sides in a comprehensive and pointed view.”

His wide experience, both as a lawyer and a politician,

was highly favourable to the discharge as well of his judicial as of his senatorial duties. The several offices which he filled, and the various stations in which he was placed at particular periods of his career, when he was brought fully into contact with the world at large, and with every class of persons, was peculiarly advantageous to him in this respect. The knowledge, moreover, both of common law and of equity, and of both together, which he obtained from his different judicial and professional duties, was of immense use in enabling him to form a proper acquaintance with the principles and scope of each. Nor was the practical knowledge of the world which he must have obtained in the attorney's office at all lost upon him.

It is also said of him, in the article already quoted from: "His reverence for the laws and constitution of his country was equal to his extensive learning in them. This rendered him as tender of the just prerogatives invested in the Crown for the benefit of the whole, as watchful to prevent the least encroachment upon the liberty of the subject."

How zealous he was in this latter respect, the account given of the part which he took respecting the Smuggling Bill, in 1737, and the remarks of Mr. Hallam, respecting his conduct on that occasion, may suffice to show.

It is, however, unquestionable, after all, that it is as a lawyer that the character of Lord Chancellor Hardwicke is most perfect in all respects—most glorious to himself, and most advantageous to his country. Here he was aided alike by his education and his position. His knowledge of the world, acquired in so many different ways—in the attorney's office, at the bar, in the House of Commons, as Solicitor and Attorney-General, in the conduct of state prosecutions, as a common-law judge,—con-

tributed in an extraordinary degree to add to his skill and experience both as a jurist and a politician. His early studies and researches, and the natural bent of his mind, continued through life to influence him. His acquaintance with the civil law, and his attention to the pursuits inculcated by Locke, to which his love of abstruse reasoning probably directed him, in turn induced his mind to the investigation of the first principles of his subject. And in dealing with many legal topics, he was necessarily led by the want of authorities to enunciate new propositions here. Classical studies refined and elevated his mind and style, and politics, and the diversion of state affairs enlarged his legal notions, to which the state trials, in which he was engaged, also contributed ; and while occupied in these, whether as an advocate or a judge, he would be led to investigate the grand leading doctrines and principles bearing on the case. Thus, while his statesmanship enlarged and invigorated his law, his study of law contributed to render exact and acute his political theories, while the philosophical turn of his mind gave force and depth to both.

To many persons, law may seem, indeed, at first sight, dry and unprofitable as a study, beyond the pecuniary advantages that it yields to its professors, and it may appear almost beneath the dignity of a mind of first-rate power to devote itself to a subject so barren and so confined. But, though the matters which it is called upon to regulate may be often trivial, yet it is in the application to their direction of the highest principles of reason,—the reducing of the rules of this the noblest of God's gifts to the regulation of the common affairs of life,—that its value and essence, and real importance consists. Thus, in physical science, many of the most valuable

and powerful chemical compounds are made up of ingredients the most coarse and commonplace.

Law, as a science, may be defined to be a code or system of moral rule, which is reduced to philosophical certainty as to its principles, but controlled by sense and the usages of society as to its practical operation.

It sometimes appears difficult to define what the real and true rule is, as regards the exact nature of legal reasoning, and what is the degree of perfection required or attainable in the arguments and proofs here made use of.

Legal evidence is, in general, more sure and satisfactory than the common, ordinary proofs which in our everyday transactions we require; and yet it falls far short of absolute certainty and freedom from doubt. It aims at being more practically perfect than either of these, dispensing with what, in the usual course of proceeding, cannot be attained, and rejecting what is not sound if attained. The principle, therefore, on which it is founded, is to rest satisfied with the best reasonable, unobjectionable proof that can be afforded.

It however often happens, that things are legally proved which are found erroneous, and of which absolute proof could not be supplied. On the other hand, how much oftener is proof, apparently quite satisfactory, rejected, because it does not accord with the legal principle required in this case?

It is obviously most important that one general principle of legal reasoning, and proof, and evidence should be adopted, however in particular cases it may be found defective.

The best definition then, perhaps, of this principle of reasoning which the law adopts is, that it consists in the

absolute perfection of logical reasoning, extended and reduced to practical common use by the rules of sense and ordinary usage.

The strict mode of proceeding, in a case of this kind, appears to be, in the first place, when giving an opinion on a legal point, to determine the abstract, logical, metaphysical truth of the matter at issue; after which, we should modify our conclusion here by the practical rules of society, so that the determination may work as little evil or injustice as possible in this particular instance, or in similar cases to be deduced from it. And we should finally correct or revise the whole decision, so as to render it consistent, as far as attainable, with the two opposite principles which guide the determination.

Strict logical or metaphysical argument is, of itself, too refined for legal reasoning,—though it must be acknowledged that some of the judgments of Lord Chancellor Hardwicke, already quoted, approach near to this.* The same may be said of mathematical reasoning; and it would be vain to expect demonstration of this kind, either in legal proof, or the ordinary practice of life. The true line, therefore, to be followed is that before adverted to, which runs between the two extremes of strict logical accuracy and mathematical certainty, or metaphysical refinement, on the one hand, and the mere rude, loose, inconclusive evidence which, in common life, is sufficient to direct our actions, on the other. And this is what the mixed, qualified kind of reasoning or demonstration last alluded to, and which the law seems to adopt, amounts to.

Hence the most subtle reasoners, or men of the most philosophical minds, have not always made the best lawyers; nor have persons who have been the most

* *Vide* argument in *Chesterfield con. Janson*, *ante*, vol. ii., p. 425.

remarkable for what is ordinarily termed common sense. It is something between the two which is really requisite here. The man whose mind unites in any extensive degree the two opposite qualifications will be the most likely to succeed as a legal reasoner. And in this respect Lord Chancellor Hardwicke's mind appears to have attained the exact balance—if that expression may be used—which would best adapt him for effecting fully this end.

He was not a mere philosopher, nor was he a mere man of sense. But his mind was sufficiently philosophical to adapt him for the highest kind of reasoning, and it was sufficiently practical to qualify that reasoning, and prevent its being merely speculative or inapplicable to the rules of life.

That law is the highest effort of reason, and is entitled to be ranked among the first of sciences, has never been more completely illustrated than in the leading judgments pronounced by Lord Chancellor Hardwicke, which contain at once the finest reasoning in the principles there laid down and the deductions drawn ; and the practical application of which is in strict accordance with sense and justice, and the exigencies of each particular case.

These masterly performances are only approached, but never surpassed in their richest qualities, by the later judgments, in another department of the law, propounded by Lord Stowell. This renders an apology unnecessary, to the intelligent and general scientific reader, for the extent to which I have introduced these judgments of the Chancellor into the body of this work, as they are calculated to afford the best and most adequate notions, both of his own powers, and of the real nature of the pursuit to which those grand powers were so advantageously devoted.

The mode, too, in which sound reason, common sense, and correct law, are blended together in these decisions, renders them of great value. The principles which he lays down are logically true; the rules he propounds are fully practical, and in absolute accordance with common sense; and yet both are entirely consonant to the theory and spirit of law. His great and wide experience of different kinds, and in different departments, was essentially serviceable to him here. The knowledge which he gained, under the tuition of Mr. Salkeld, of the application of those laws, and of that vast legal system whose principles he eventually himself controlled, was of immense importance to him. He had seen the various wheels and springs of the machinery, and been permitted to inspect its inmost works, while others only witnessed it when in full operation.

The law of real property was a subject well fitted for the acute and comprehensive genius of Lord Hardwicke, and on which many of the most powerful minds have at different periods been employed. How vast, indeed, are the learning, and ingenuity, and reasoning, that have been bestowed on a topic, the importance of which has ever commanded the attention of the wisest and ablest. Its history is almost coeval with that of the world. The earliest records of society contain the account of its first formation, and develop the foundation of the original principles of the science. What deeds of romance, and superstition, and valour, are associated with its progress! Of how many venerable, mysterious, and now obsolete customs does it still retain the vestiges!

This system, which takes its rise, as regards many of its leading doctrines and rules, from an origin so obscure and so romantic, terminates in an application the most fully practical, and suited to the minutest

purposes of society: the rudest customs of antiquity are thus adapted to the necessities of the most advanced age; and the loftiest flights of speculation are successfully directed to the regulation of everyday life.

To this department, so vast and so important, did Lord Chancellor Hardwicke especially devote his great powers. Its highest principles he studied deeply and scientifically, on his entry on his career; and the profoundest disquisitions which he delivered from the bench, are those which he propounded on this grand topic of jurisprudential study.

Thus was Lord Hardwicke not only a great lawyer, a sound politician, and a man of well-cultivated mind, but these different acquirements aided and influenced one another. His knowledge enlarged his political notions. His connection with politics stimulated his knowledge; and his study of law systematized each. The contemporaneous adoption of these different pursuits was advantageous to them all.

In Mr. Butler's "Reminiscences" it is stated—

"At the period when the reminiscent engaged in the profession of the law, the talents displayed by Lord Hardwicke in the senate and on the bench were the universal theme of panegyric. Some—but faintly—blamed him for too frequently permitting principles of equity to control rules of law: this charge was occasionally insinuated by Lord Northington, his immediate successor. But the eminent merit of his lordship's general administration of justice in his court was admitted by all. As far as we can form an opinion of it by the reports of the cases determined in his time, by Mr. Atkyns and Mr. Vesey, his style of speaking was easy, copious, and dignified. He seems to have been anxious to bring every case decided by him within the application of some general principle, always taking care to express himself guardedly and perspicuously."

The same learned and able writer also, in his "Reminiscences," speaking of Lord Mansfield, says—

"In a conversation, which he permitted a student to have with him, he expressed himself in terms of great esteem for Littleton, but spoke of Lord Coke—particularly of 'his attempting to give reasons for everything' (this was his phrase)—with disrespect. He mentioned Lord Hardwicke in terms of admiration and of the warmest friendship. 'When his lordship pronounced his decrees, Wisdom herself,' he said, might be supposed to speak.' It is somewhat remarkable, that both Mr. Burke and Mr. Wilkes described Lord Hardwicke's oratory in these very words."

Another writer* states that Lord Mansfield declared of Lord Hardwicke that "Wisdom herself would have chosen to speak by his mouth."

"In a profession at once so arduous and so encouraging," says Mr. Thackeray,† "the rise of few men has been more entirely owing to their own abilities and exertions than that of the first Earl of Hardwicke."

"As an advocate for the Crown, none could accuse Sir Philip Yorke of unnecessary severity, or of being influenced by a courtier's motives. His conduct was marked by a love of truth, and a wish to be impartial. He departed not from the strict line of justice, or if ever in the least degree he did so, it was when leaning to the side of humanity.

* * * * *

"This exalted office (the Lord Chancellorship) requires in an eminent degree learning, penetration, judgment, a strong bodily constitution, a courteous and a patient disposition. Nor is it alone in his legal capacity that these qualifications are necessary. The Chancellor of England is a statesman as well as a lawyer. As one of the principal advisers of the Crown, and as Speaker of the House of Lords, he stands forth conspicuously as a politician; and ignorance upon any national question would expose him to public scorn. In no one of these points was the character of Lord Hardwicke deficient. As a politician, he wanted indeed the energy of Pitt; as a nobleman he wanted the mild dignity of Talbot, and the high breeding and eloquence of Murray; but, in the combination of qualities essential to his exalted station, he has perhaps never been surpassed. When Lord Hardwicke pronounced his decrees, said Lord Mansfield, 'Wisdom herself might be supposed to speak.'"

"The character of such a man, joined to his exalted station, must

* Nichol's Liter. Anec.

† Thackeray's Hist. of Lord Chatham.

have rendered his influence almost universal throughout the country. Mr. Pitt, although he does not appear to have entertained any particular veneration for the legal profession, thought highly of Lord Hardwicke's abilities."

The assertion that he pronounced but few decrees, and that consequently their nonreversal is the less to be wondered at, is so fully refuted by the reports of the cases decided by him, and so well known by every one at all acquainted with the subject to be utterly devoid of truth, that I principally refer to it here as another illustration of the extraordinary extent to which the attacks on his fame have been ventured on. The confirmation of each of his judgments is the more extraordinary, as being most of them based on principle alone, without the support of previous authority, less difficulty would have been experienced in overthrowing them had any error been detected, and less protection was afforded against the opinion of those who differed from him.

It might, however, be contended that the decisions of any judge, who, like Lord Chancellor Hardwicke, framed the principle on which they rested in his own mind, would be more difficult to set aside than those of an ordinary Chancellor, who determined by reference to fixed rules and prior cases. On the other hand, it must be borne in mind that in a case such as that of Lord Hardwicke, you have the opportunity of attacking and detecting error not only in the decision arrived at, but in the principle laid down as the foundation of the judgment, and also in the want of accordance of the latter with the former ; as it may often happen that a conclusion may be right, though the mode of arriving at it is incorrect. Or the manner of reasoning may be apparently right, but the result attained by it obviously wrong.

The difficulty of framing and laying down original principles in any great science cannot be denied, or that it requires for the due attainment of this a mind of a very superior kind. In cases of the nature referred to, the reasoning must be of the highest class if able to stand without the support of authority, and amidst all the attacks of contending interests which will of course be directed against it. And though it would be liable to be at any time overruled whenever any argument superior to this was adduced to show its incorrectness, yet the circumstance of this never having occurred, is the best proof of its soundness and conclusiveness.

But not only have all the decisions made by Lord Hardwicke on each particular case been upheld, but the principles themselves propounded in them have been adopted by all succeeding judges as their guide and landmark.

The grand and leading characteristic feature and result of Lord Chancellor Hardwicke's life and labours was the enunciation of correct and fundamental principles in those matters which relate to jurisprudence, both as regards constitutional and general law ;—a point at all times of great consequence, and especially so at the period during which he lived, when so many changes were in progress, and in course of arrangement. Under his direction, and guided by his acute mind, our present system of equity, and many of the rules that govern the practice of real-property law sprang up. Had Lord Hardwicke never lived, causes would no doubt have been as abundant, and decisions on different points as numerous and as explicit as they now are. The importance, however, to all succeeding practitioners and suitors, of having the great principles on which these ought to rest, surely fixed at an early period, was almost incalculable.

The essential services rendered by Lord Hardwicke, in a judicial way, in laying down the rules of law and equity, and tracing back to their first and leading principles the elements of jurisprudence, will be generally acknowledged. Perhaps, however, his character as a constitutional lawyer is not less important in this respect, as on each great occasion he propounded with perspicuity and fulness the main constitutional doctrines applicable to the case. His power here was probably as great, and his authority as commanding as they were in the courts of judicature. His constant attention to, and habit of reverting to first principles, led him on each occasion to consider the bearing of different measures on the constitution, and to oppose these wherever at variance with its spirit. The philosophical manner in which he treated these different topics gave both interest and value to them. Though his influence was less acknowledged, and less openly exercised in politics than in law, yet perhaps it was in reality not less extensive. It by no means necessarily follows that it was less felt here, because it was not on all occasions openly avowed. If the principles which he propounded as those of the constitution were at once adopted as such on his authority, and from the force of the reasoning with which he urged them, unquestioned as to their authenticity, shall we less attribute to him the origination of them? Thus, in his speeches,—embracing all those grand constitutional, fundamental topics, which have ever been regarded with the highest interest, such as the liberty of the press, the preservation of the balance of power among states, the maintenance of standing armies in time of peace, and many others of this kind,—these principles will be found to be fully illustrated.

By his judgments, however, which are the noblest,

most magnificent, and most perfect monuments of his genius, it is that his fame will be rendered most durable. The grand outline of his jurisprudential system is here fully portrayed,—the mighty shadow of that vast power is here exhibited in all its proportions. The finest examples are afforded by these, both of theory and practice in jurisprudential study ; and his decisions, though based on the fullest knowledge of life and experience of the world, yet rise up into the highest regions of abstruse reasoning, and contain deductions from the first principles of science.

In order, however, to judge fairly and amply of his character and genius, it is requisite that all these great emanations of his mind should be reviewed together. His arguments, his judgments, his speeches, and above all his private correspondence, should not only each be considered, but all taken at once. Thus, it is not only as a practical but as a constitutional lawyer that Lord Chancellor Hardwicke is entitled to consideration, and the grand leading constitutional doctrines which he propounded in the House of Lords are no less entitled to our attention in the estimation of his power and abilities, and have had in reality no less effect as authorities on those who have come after him, than the judicial decisions on particular points of law which were delivered by him from the seat of judgment. The fact that these mighty influences act in silence, is no proof of their not being as extensive and efficient as though exhibited in the most open manner,—as many of the most powerful workings of nature are unseen in their operation. Lord Chancellor Hardwicke successfully directed his mind to the investigation of that science, the complete mastery of which is one of the highest attainments to which reason aspires. He filled, with the utmost credit, the first judicial offices in

a country chiefly renowned for its system of jurisprudence. He fortunately flourished at a period when the amplest opportunities were afforded for the full development of his particular powers ;—an age just suited for such a lawyer,—a lawyer of incalculable value in such an age.

If I can be thought in any point to have flattered him, I fear that, on the whole, I have failed to do him justice. If we blame him for any particular faults attributed to him, we ought to consider the disadvantages under which he laboured, and how much greater the same defects would have been in most men similarly placed. His rise was, indeed, rapid ; and during his career he not only filled many very different offices, but these, moreover, varied much in their nature from each other. Yet, the multifarious and onerous duties of each of these he discharged, not only with satisfaction, but it was the successful performance of the requirements of one, which led to his promotion to another. It is not to be denied that in his first elevation he owed much to the patronage of those in authority ; but it has never been asserted that this patronage was ill bestowed : and the jealousy which it would excite would be certain to create the strictest scrutiny :—for what has so keen an eye as envy to detect whatever defects may exist ? And it was alone to his great talents that he owed this extension of favour to him. He started in life as unbefriended by and unknown to the great, as he was a stranger to the wealth he eventually acquired. His possession of these patrons, detracted nothing, therefore, from his own intrinsic merits. One of them, indeed, promoted him out of personal regard, which, however, he had secured by his signal abilities ; and the others were induced still further to advance him

solely to serve their own ends by so doing. Lord Macclesfield, Sir Robert Walpole, and the Duke of Newcastle, were men of very different character and cast of mind, though all men of eminence and ability. They each coincided in their opinion of Lord Hardwicke's powers, and each evinced their esteem for him in a marked manner. Lord Macclesfield adopted an extraordinary course in selecting so young a man as the Solicitor-General. Sir Robert Walpole resorted to extraordinary means, both to induce him to accept the Chief Justiceship of England, and also to persuade him to take the Great Seal. And the Duke of Newcastle on all occasions, when in the height of his power, exhibited the strongest regard for him, and used every effort to attach him to his interest.

To attain the highest point in any profession where so much competition exists as in the law, argues no inconsiderable amount of ability and learning. But to hold so eminent a position among those who have attained this grand distinction, proves a person to be gifted in a far higher degree. Lord Chancellor Hardwicke was not only a great lawyer and eminent judge, but to him mainly is the present system of English Equity Jurisprudence indebted as its framer and founder.

The rise, and honour, and reputation which were achieved by this great man, form one of the proudest and most gratifying spectacles which, in this free, and mighty, and highly civilized nation, it is permitted us to behold. The acquisition of wealth, we see open to the humblest, by industry and perseverance,—the most aristocratic honours become the due rewards of virtue and of talent,—a nation distinguished for its freedom, is shown to be the most liberal in the advantages afforded to its meritorious citizens ; possessing, moreover, a nobility the most

exalted, yet whose ranks are open to all who are worthy to enter them. And the successful pursuit of that noble science of jurisprudence,—for its perfection in which, both as regards its constitutional and practical system, this kingdom is so renowned,—forming one of the most dignified approaches to its illustrious honours.

Immediately on the death of Lord Chancellor Hardwicke, it was stated in the public journals,—which are the best indexes of the mind and feeling of the nation,—that a magnificent monument would at once be erected in the most renowned and venerable of British temples, which stands in the immediate vicinity of the scene of his varied labours and triumphs, to the memory of this greatest of British jurists. If these memorials were wont always to be raised with due regard to the merits and virtues of the individuals thus honoured, such a national tribute would no doubt have been long ago paid to the subject of this memoir. And indeed, if we regard with admiration and with wonder the genius of the architect by whose taste and skill any of our great national fabrics have been constructed, and are wont to contemplate these works, as was nobly done by the architect himself of another magnificent temple, the ornament of our metropolis, as the most sublime and suitable monument of his skill which could be erected;—how much more shall not we, who in this country are chiefly renowned for the excellence of our laws, and the glory and splendour of our constitutional structure, do honour to the memory and the genius of the man by whose commanding talents, and acute and comprehensive intellect, the vast and sublime and wondrous fabric of our jurisprudential code has been so far raised into a perfect system, its mighty foundations securely laid, and the grand outline and leading features of the whole framed and

ordered. How far indeed are the powers and the scope of the great legal architect beyond those of the designer of the material structure! While the one, adopting for his guides the venerable relics of a remote time, and out of implements seemingly rude and uncouth moulds the fair and beauteous pillars, and frames the imposing outlines and nobler proportions of a more advanced age; the other, commencing with the first simple doctrines of moral rule, and the barbarous though often not uningenious distinctions and subtilties of the earlier days in the history of society, frames principles of the most solid worth and wisdom, and which he renders applicable to all the requirements and emergencies of the most refined and civilized condition of the nation. While the one, in the deep recesses of the earth, discovers materials adapted for his end, which have been lying in misshapen masses since its first formation; the other resolves into set rule and order, and applies to the general use of mankind, those solid, immutable, and imperishable principles of truth and justice, which, since man was first made, have been ever alike existent, though sometimes lost or obscured, and from these frames a system by which the reason, and the feelings, and the passions of society are at last to be regulated, and the real bounds of truth and justice to be defined and secured. While the one, in a land of high civilization and refinement, and in the midst of the capital by which that country is adorned, rears the noblest temple in honour of the Creator, giving alike dignity to the character of the nation, and enriching and ennobling its chief city;—the other directs the energies of the most glorious product of that Creator—human reason—to its appointed end, in the true discernment of right and wrong; and in the nation most renowned throughout the world for the

greatness of its conquests and the extent of its dominions, upraises those stupendous monuments of jurisprudential wisdom, to which mainly and indisputably it owes alike the foundation of its power, and the permanence of its glory.

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ERRATA.

VOL. I.

Page 178, line 24, for "serving," read "saving."
 „ 233, „ 31, „ "sources," read "services."
 „ 318, „ 22, „ "who," read "the former of whom."
 „ 465, „ 32, „ *dele* "of doing."
 „ 467, „ 8, „ "those," read "that," and for "Richard," read "Rich."

VOL. II.

Page 143, line 3, *dele* "and."
 „ 164, „ 8, for "600," read "6000."
 „ 495, „ 6, „ "supplied," read "proposed to supply."

VOL. III.

Page 49, line 4, for "price," read "prince."
 „ 50, „ 30, *dele* "no."
 „ 51, „ 15, for "it is," read "is it."
 „ 95, „ 29, „ "reign," read "ministry."
 „ 215, „ 14, „ "new," read "old."
 „ 229, „ 13, after "his," read "reign, but."
 „ 233, „ 13, for "Colonel," read "General."
 „ 353, „ 10, „ "nita," read "trita."
 „ 358, last line, for "Lord P.'s," read "Mr. P.'s."
 „ 365, „ 15, before "probable," insert "no."
 „ 377, „ 8 and 15, *dele* "&."
 „ 380, „ 8, for "*plaudito*," read "*plaudite*."
 „ 391, „ 4, before "Charles Yorke," read "In Wilkes's case."
 „ 476, „ 15, for "existence of the fact," read "supposition of suicide."
 „ 480, „ 8, after "exalted," read "sentiment and."

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