To penetrate a certain country at the cost of 350,000 lives, 500,000 mutilated men, and many billions of money, for a certain object, and then to abandon that country without any guarantee that the object when reached is made secure, would be an absurdity. The United States therefore holds the former Southern States under central control. But once let them be re-admitted as States, and that central control instantly ceases, and can never again be revived unless any of such States shall commit a revolutionary act against the United States. If South Carolina were readmitted into the Union with the full powers of a State, the Federal Government would thereafter have no more power to assist any of the negroes of that State to gain the suffrage — however unanimously negro-suffrage were thought desirable—than to confer suffrage on the working-men of England. Therefore it is not the fact that in America the difference between moderate and extreme men "is as to the proper *time*" for enfranchising the negroes: all Americans know that there is but one time for it, and that is the time when it can be done. All Americans know that, so far from its being a question whether the whites can better *wait* for restoration of civil rights, or the negro for his vote, that restoration *for ever* excludes the negro from voting; and parties are divided as to whether he should or should not be so excluded, with the exception of a few who are weak or insincere enough to maintain that the ex-slavemasters will so far please the Northern Radicals as to confer suffrage upon the negroes. The Congress could, indeed, put forward to the States a proposition for amending the Constitution so as to prohibit any distinctions being made in a State on account of colour or race; but there is no probability that any negro now living would see it adopted, for there could be no Federal bayonets in Southern capitals a single day after restoration, to secure the adoption of measures dictated from Washington. The President knows this full well, and has taken good care to secure all the measures that *his* standard of reconstruction demands of the South,—as the repudiation of the rebel debt, and the repeal of Secession ordinances,—by enforcing them upon Southern conventions before the rehabilitation of any disloyal State should necessitate the withdrawal of United States troops. Whatever may be said of the Northern demand for the enfranchisement of the Southern negro, there can be no question that the demand is in order *now*, and that after reconstruction it becomes impossible.

3. "The negro is protected in *his* rights, as I can vouch from personal knowledge, by freedmen's bureaux, and a detachment of troops in every town and almost every village throughout the South." Setting aside the question of the possibility of guarding the interests o negroes in towns and villages, spread over nearly a million of squar miles, or of the wisdom and economy of doing so with agents an

troops were it possible, it must have already occurred to my reader that all of these Federal agents and troops must, on the instant of any State's rehabilitation, leave that State, or remain by its courtesy. The United States cannot occupy, or have a soldier upon, a single foot of the soil of any State, except by special concession of that State, or to suppress insurrection. The District of Columbia, and the various forts of the Union, were all obtained, by treaties or purchases, from the several States within whose limits they are. The rights of the United States in the separate States are limited to holding sessions of its courts in them, collecting its revenues, and of transit, with the making of post-roads, &c., necessary therefor. The present occupation of various parts of the South is therefore provisional, and incidental to the disorganised condition of the States of that section; and the protection offered by it to the negro can scarcely be adduced as an argument for a reconstruction which will immediately terminate it.

4. "If they (*i.e.* freedmen's bureaux and United States troops) were withdrawn, there would still be no reason to fear for his safety, since the planter cannot do without him, and must employ him on just terms, or he will go elsewhere, and leave the capitalist without labour." But this is not necessary; it is perfectly competent for the planter—if unchecked by the votes of negroes—to pass laws prohibiting the negro labourer from leaving the State or the plantation, without recourse to the uncongenial bonds of just wages or kind treatment. One cannot indeed say that planters are incapable of dealing justly by the negroes whom they just now owned; but it is a fact that the idea of giving them wages was never proposed among them until it was suggested by United States bayonets; and it is equally certain that among all the laws for the freedmen, passed by the bodies pretending to be the legislatures of the States lately in rebellion, not one has proposed to leave to the freedman, so called, the right to make or not make contracts for labour, or to come and go when and where he pleases, as the poorest white man may. Not one of what are known as the "Black Codes" of the old State organisations have been repealed or amended. These codes, with hardly an exception, made it a penal offence to teach a negro to read or write; they all withheld from the negro the usual legal protection of the marital and parental relations; they prevented a negro from suing a white person or testifying against him in a court of law, no matter what the injury he may have received; they restrained him from moving from place to place without a passport from his master; they prohibited his travelling in the usual conveyances. Thus far none of these claimants for a power equal to that of Massachusetts has proposed or promised a repeal of any of these despotic laws; though one or two of them are claiming great praise for enacting that negroes may testify in cases where those of their own colour are exclusively

interested! Now the abolition of chattel slavery will not necessarily disturb any one of the features of the "Black Codes" I have enumerated. These laws are not ancient or dead; on the contrary, the slave-laws have notoriously increased in severity of late years, and undoubtedly represent the deliberate opinion of the Southern whites as to the proper status of the African race.[1] Is it to be supposed that defeat, humiliation, and poverty have changed their hearts? Is it credible that subjugation by anti-slavery armies has inclined them to anti-slavery legislation? Has the assistance rendered by the negroes to their adversaries in crushing them, softened them toward the negro? If Jefferson Davis had subjugated the North, is it supposable that Garrison, Phillips, and Sumner would have been to-day willing and faithful adherents of the Government founded upon Slavery? He must know very little of the Southern people who does not know that they believed in Slavery as earnestly as those Northern men believed in Freedom; that every burden which force has not removed will remain on the negro so soon as they again occupy independent States; and that the universal Southern law making it a highly criminal offence to advocate emancipation publicly, will reappear to prevent the advocacy of negro equality in any Southern community.[2]

Along with the letter from which I have derived texts for the presentation of some of the considerations which are deciding the action of the majority in Congress, there is an editorial article in the *Times*, the key-note of which is, that the result of the policy of the Republican party is that the great object of the war is for the time as completely lost as if the Confederates had been victorious. At this moment the Union is shorn of eleven of its ancient States. Secession itself, if successful, could have produced no worse curtailment. And more in the same sense, making the whole matter very simple, and the "fanaticism" of the "Radicals" very astounding. The Radicals probably find it more astonishing that there should be a condition of public opinion in England rendering it possible for

(1) The following is clipped from a newspaper of North Carolina, December, 1865:—

"Two negro men, John Walker and Robert McKay, convicted of larceny by the new Hanover County Court, have been sentenced to be sold into servitude for a period not exceeding five years. The sentence is agreeable to the laws of the State in relation to freedmen before the war."

And here is an advertisement taken from a newspaper of Maryland, one of the first to ratify the Amendment:—

"Sale of a Convict.—Jacob Walker, negro, having been convicted of larceny in the Circuit Court for Kent County, and sentenced to be sold in the county for the term of two years, notice is hereby given, that on Saturday, the 9th day of December, 1865, at two o'clock p.m., at the Jail Park in Charleston, I will sell the said negro, for the term above specified, to the highest bidder for cash. "Samuel W. Caleb, Sheriff."

"Nov. 18, 1865."

(2) On Jan. 3rd, 1866, the Richmond *Times* urged that correspondents of the New York press in that city should be mobbed, and the *Examiner* of the same city demanded the suppression of all "Yankee literature."

its most powerful press to print such nonsense. The entire possession and holding of certain States by the Union, and the immersion of all their functions in the Federal Government, means that such States are disunited from and lost to it! Nevertheless, the logic of the *Times* is suggestive. Is it not singular that men who have fought a fearful and costly war to prevent the secession of certain States, should at the end of that war be obstinately resisting the return of those States into the Union; and still more, that those seceding States themselves, so far from being pleased with thus gaining their object, should be standing at the door of the Union clamorous to be taken in? Is it not notable that the men and journals—including the *Times*—throughout the world, who were the most ardent for the separation of the South from the Union, should now be furiously denouncing those who would prevent her re-incorporation with it, and should even be encouraging President Johnson to use his "patronage" (*i.e.* power of bribery) to undermine their opposition? Undoubtedly the instincts of the quondam Confederates and their sympathisers tell them truly that the restoration of the Southern States at present to their full powers in the Union would be substantially a transfer of the victory in the late war from the North to the South. The South having rashly thrown away, by appealing to arms, the sway which it formerly exercised in the Union, would, if restored now, be at once reinforced by its old allies in the Middle and some of the Northern States, the Democratic party, and thus enabled to resume that sway. All that it is possible to restore of slavery would inevitably be restored; and Serfdom, producing cotton and coining negro-blood into wealth, would corrupt the merchants of the North as Slavery once did. Northern men who should oppose all this would be mobbed as Abolitionists formerly were, and agitation denounced with even greater fierceness as an attempt to replunge the country into civil war.

To show that these apprehensions are well founded, it is necessary to refer to the peculiar advantages which the late slaveholders will enjoy in the matter of representation should the negroes not be enfranchised. The framers of the Constitution, in order to conciliate the slave-holding States, from which the chief opposition to its adoption was anticipated, ordained (Art. I.) that representation "shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a number of years, and excluding Indians not taxed, three-fifths of all other persons." These "other persons" were the slaves. If representation in the South were, as it is in the North, based upon the actual voting population, they would have about forty-five representatives; but the counting of all the free blacks of the South, and three-fifths of the slaves, none of whom vote,

has swelled the representation of the South to seventy, which included nineteen for slaves, and six for free negroes. But hereafter the technical freedom of the slaves, enabling the South to add in the apportionment those two-fifths, who, although they cannot vote, are no longer to be reckoned as "other persons," but as "free persons," must give the South thirteen additional representatives. Emancipation will have increased her representation to eighty-three. This increase of power in Congress, though derived entirely from the negro, is to be wielded entirely, if the negro remains disfranchised, by those who believe that the black man is naturally the white man's slave, and who have every reason to feel angry with the negroes for the part they bore in conquering their masters.

Now let us see how the presence of these eighty-three Southern representatives would be felt in Congress. The present Congress is certainly the most favourable one to the negro that has ever assembled, and it would be unreasonable to hope that from the fluctuating masses of America there would not come future Congresses with smaller majorities for his friends. But I take from some of the latest votes upon motions involving the negro question, and kindred ones, the numbers that may be regarded as representing the average relative strength of the parties now constituting the House of Representatives. December 13, Mr. Farnsworth introduced resolutions declaring that as the laws of Congress do not exempt persons from taxes and military duty on account of colour, and as the foreigner, ignorant of our language and institutions, is invested with the rights of citizenship for a brief service in the armies of the Union, good faith as well as impartial justice demand of this Government that it secure to the coloured soldiers of the Union their equal rights and privileges as citizens of the United States. After a bitter speech against these resolutions by Mr. Chanler of New York, a motion to table them was lost by 43 to 113, and they were referred to the Committee of Fifteen, which is considering the question of re-admission. December 14, a resolution declaring that all papers relating to the representation of the late Confederate States should be referred to the same Committee without debate, was, after a sharp debate, passed, under the operation of the previous question, by 107 to 56. December 18, Mr. Thornton, of Illinois, offered a resolution declaring that any extension of the franchise to persons in the States, either by the President or Congress, would be an unconstitutional assumption of power; it was laid on the table by 111 to 46. On the same day a resolution that the oath of loyalty prescribed by Congress in 1862 should be subscribed by all officers of the Government, was taken up: a motion to lay it on the table was lost by 126 to 32. In these cases, which I have not picked out, but taken consecutively from the Reports, Northern men [1] were

(1) The term "Northern" here includes all the non-seceding, and consequently several

alone voting. It will be seen that, if the eighty-three Southern members had been present, two of the votes would have gone in their interest; and the others—even the oath of loyalty—might have been imperilled, or, with the help of the Democratic "whips," even lost. There are altogether one hundred and eighty representatives at present in Congress; the presence of all of them would not materially alter the result of any division, inasmuch as in these times a member rarely leaves his seat without "pairing off" with one of the opposite party.

What the result of admitting the Southern representatives will be, it requires no great sagacity to foresee. The Democrats, whose ability to impede any legislation of the country which did not please them would be immediate, and their controlling power thereafter quite probable, have not left us in the dark as to their plans. They have denounced President Lincoln's proclamation of freedom as an usurpation, and as worthless in law; and they have claimed that the assent of Southern States to emancipation, and other measures extorted by force, will be and should be recalled when those States recover their power.[1] The restoration of chattel slavery would be a possibility; the establishment of a serfdom embodying the "Black Codes" and suppressing free speech in the South, would be certain, should slavery prove irrecoverable; and the repudiation of the war-debt of the United States would be inevitable.

I have said enough, I trust, to show that those who have been so freely denounced as fanatics are by no means urging unpractical or ill-timed reforms, or contending with theoretical wrongs. In America their antagonists do not laugh at their apprehensions, but boast that there is sufficient reason for them. The negro-suffrage question in America and the workingmen-suffrage question in England are, it will be seen, essentially different. Concerning the English franchise I do not pretend to give an opinion, but may remark that whereas in England the strongest argument against extension of the franchise is that one class may thereby be able to swamp the others, in America negro-

large slave-holding States, whose representatives are, for the most part, bitterly opposed to the North on all questions relating to the negro.

(1) In the Message to the Mississippi Legislature (Nov. 20), the Governor recently elected (Humphreys) speaks in the following fashion:—"Under the pressure of Federal bayonets, urged on by the misdirected sympathies of the world in behalf of the enslaved African, the people of Mississippi have abolished slavery." "We must now meet the question as it is, and not as we would like to have it." "To be free, however, does not make him a citizen, or entitle him to political or social equality with the white man." "How long this hideous curse (*i.e.* the Freedmen's Bureau), permitted of Heaven, is to be allowed to rule and ruin our unhappy people, I regret it is not in my power to give any assurance," &c. Many of the Southern officials are equally outspoken with this honest Governor. Others, of course, deal in sentiment; but the Southerner bungles when he is not frank, and under his protestations of Unionism there is sufficiently audible the sentiment of the Jacobin, "We will not harm your property; we expect to own it ourselves."

suffrage presents the only method by which one class may be prevented from swamping the rest, and that class the very one that has just come so near swamping the entire country. Feebly loyal, or plainly disloyal, as the Southern whites are, it is not proposed to disfranchise them, but simply to employ the large loyal vote of the blacks to check the hostile unanimity with which the whites oppose the negroes and the North, and to prevent the otherwise unavoidable collision of races which must follow upon an attempted restoration of the negroes to the sway of their former masters.

Some of the more thoughtful writers of the English press have recognised the necessity of the objects which the so-called radicals propose to secure by means of negro-suffrage. In an article on the subject in the *Pall Mall Gazette* (Jan. 5), the writer admits that "no one can blame them for insisting that the emancipated negro shall be really free, and that his freedom shall be efficiently secured to him. An object for which so much has been endured and encountered ought to be made sure and irrevocable;" but he thinks that whilst the President "is content with the solid fruits of victory, they (his opponents) insist upon its trophies and its luxuries as well." This writer evidently supposes that there is some way in which the solid fruits of victory—*i.e. real* emancipation, the object for which so much has been endured—may be made sure and irrevocable, different from that for which the men whose course he censures are contending. If he could have pointed out such a method he would have done what neither the President nor any of his friends has done. The utmost that the President could say in his Message was, "When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it *may* prove that they will receive the kindliest usage from *some* of those on whom they have heretofore most closely depended." To this mere *perhaps*, and that limited by a significant "some," the American nation, fresh from the terrible carnage to which these gentle Southerners dragged it, saved by the black man to whose wrongs it had been a guilty party, is solicited now to entrust the destiny of four millions of human beings, and with them also its own destiny! I submit that a "perhaps" will not answer in such an issue, even if there were before us no handwritings on the wall, like that of Jamaica, to illustrate the tenderness of ex-slavemasters toward the negroes of whom they regard themselves as having been robbed. These Southerners—whose many good qualities I do not undervalue—are of the same race with those who have controlled that island for the forty years since emancipation, the records of whose legislation, as Sir George Grey testified a few years ago, present a complete blank so far as any measures for the welfare or elevation of the negroes are concerned. If these are the "solid fruits" in a colony

where the interference of the English Crown is possible, what is to be the probable harvest in States with which, once restored to their equal position, no power on earth can interfere, unless a violent defiance—quite unnecessary to the oppression of the negroes—of United States law recurs? No method for securing justice to the negro has ever been proposed, except to give him a vote. It is not as if it were in a country where the franchise is limited: unfortunately in America the millions of Irish, whose only political principle is to hate the "bloody naygur," and the "mean whites" of the South, who are the negro's inferiors in all but the vote, are all enfranchised; and to deprive the negro of the one power which in America secures respect and protection is to render him utterly defenceless. No party in America will ever despise or maltreat a million votes; and the suffrage is, in America, the pledge not only of courtesy, but of an attempt to educate its possessors. It seems to be assumed by some English writers on the subject, that there is some way of securing pledges from the Southern States of a fair treatment of the negroes and a protection of their rights. But even if a State, seeking to regain its power, were to make any promises to the Central Government, it would regard them as no more binding in the future than a promise made by a man to a highwayman holding a pistol at his head. The Central Government, it must at every step be remembered, has no right whatever to interfere in the domestic affairs of actual States; and any State which had been forced to adopt an internal policy which it did not like would at once use its independence to reconsider and repeal such a policy, and would be sustained by the Supreme Court of the United States in so doing. I say this to correct cisatlantic errors: in point of fact, no Southern community has proposed to make such pledges, and there is no Northern party so weak as to demand that any State shall impawn its future. It is impossible there to disguise what every one knows. The Democratic party, led it is feared by the President, stands for an absolute submission of the negroes to the control of their late masters, limited by the single law that they shall not be bought and sold except for crime (unless indeed their eleven States can gain sixteen others and repeal the Constitutional Amendment); and the true Republicans stand for the creation, by negro enfranchisement, of a power in the South which, though it cannot equal that of the whites, will always be able to find a small minority of white loyalists by whose aid they may restrain their superior numbers from enacting any flagrant injustice.

A few words with reference to the constitutional right of the Federal Government to adjust the franchise in the South. I have already shown that the Southern States by becoming belligerents unsealed the War-power, which is unconfined to the formulas of peace, and that—as indeed all authorities consent—this unusual

power remains in force until not only armed resistance has ceased, but, to recall the words of Vattel, "future safety is provided for." Since the capitulation of the Confederate forces, the President of the United States has appointed governors to the Southern States, has convoked assemblies, has discriminated among former electors, has dictated to their Legislatures Acts to be passed concerning the Rebel debt and the ordinances of Secession, and has kept troops on guard within them. When, therefore, he says in his Message that "a concession of the elective franchise to the freedmen, by Act of the President of the United States, must have extended to all coloured men, wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, no less than in the Southern and South-western," the fallacy at once appears if one asks why the interferences just enumerated with the eleven (late) Confederate States do not equally authorise the President to appoint governors for the States of New England, or to order the Legislatures of the North-west by telegraph to pass the measures he desires? For the rest, however, it is quite in harmony with the public sentiment of the country that the grave questions attendant on Reconstruction should not be decided by any one branch of the Government, but by its concerted action. The United States has not only the abnormal power to settle this question of franchise, and with it the agitation which is sure to menace the country until it is settled, but its exercise would in this case be in exact conformity with its constitutional duty. The Constitution (Art. IV., § 4) says "the United States shall guarantee to every State in the Union a republican form of government," and it is left to the Congress to say what is a republican form of government, and to pass the laws necessary to carry out the provision.

"If," to cite the words of an able American writer, "a State of the Union were to proclaim a monarchy, Congress would have the right to reject her representatives. But a Republican form of government may be subverted by indirection as effectually as by proclamation of a monarchy. A State has a right, within certain limits, to decree the qualifications of her voters. But any qualification may be pushed beyond the point of republicanism. And when this happens it devolves upon the national government to enforce the national guaranty. A State, if it see fit, may require a property qualification, as that a voter shall be a taxpayer or a householder; but if it push the principle so far as to require that he shall possess a hundred thousand dollars, then large masses are disfranchised, and the republican form of government is violated thereby. A State, if it see fit, may require a literary qualification, as that a voter shall be able to read the Constitution of his country; but if it push the principle so far as to require that he shall understand Sanskrit or read Homer in the original Greek, then large masses are disfranchised, and the republican form of government is violated thereby. . . . . So, also, if a State disfranchise because of race the fiftieth part of her population, her action may violate justice, yet fall short of working a substantial change in her form of government. (*De minimis non curat lex.*) But if the number excluded by this qualification of race from participation in self-government amount to one-third, or

one half, or two-thirds of her entire population, then large masses are disfranchised, and the republican form of government is essentially violated thereby."[1]

If the applicability of the clause in the Constitution referred to was questionable so long as four millions of the Southern blacks were slaves, it certainly is not questionable now that they are replaced by the same number of free coloured men. The right of from five to six millions to disfranchise four millions on account of their colour or race is a manifest subversion of republican government. In all the Southern States it would be to disfranchise over 40 per cent. of their population, in several over 60 per cent., and in some of them a majority.

I have not, in this discussion, adverted to the loud deprecations of the propositions made by certain *real* Radicals in Congress, looking toward the confiscation of a portion of the lands of the South for the benefit of the negroes. It is sentimental, perhaps, to harbour the thought of allotting any portion of the 738,000 square miles of that region to those whose long and unrequited toil has alone recovered a little of it from wildness. It is, possibly, to be needlessly harsh to white proprietorship to consider whether there be any lawful wage for the century of blood and sweat which have been wrung from the heart of the African, who has purchased every Southern estate, and yielded soul and body to enrich it. We must not indulge such a luxury of conquest as to hint that the 500,000 square miles of untilled and waste lands in the South might well be allotted, at least some small portion of them, to the penniless negroes. It may be just possible that before the tribunal of God the twenty millions voted by England to compensate West Indian negro-owners would have been remitted to the negro's true owner—the negro himself; it is not quite certain that, before the same tribunal, the enormous estates of the 250,000 ex-slavemasters would not be held to be heavily mortgaged by the human hearts and brains which they have transmuted to cotton and sugar. But let it be agreed that Thaddeus Stevens, the representative of some Pennsylvanian Quakers, who are liable to these fanaticisms, goes too far in this: he took care in his speech to exonerate his party from any particular sympathy with his views on these points. Or, if his party goes with him to a certain extent, it may turn out that it is employing the old artifice of asking more than it means to take; it knows that it will have to compromise somewhere, and, if it puts forward demands beyond negro-suffrage, it is possible that it may have something to concede other than that which cannot be conceded without ruin to the country and wrong to mankind. For I do not care to defend these men altogether from mingling with their patriotism some

(1) Letter to President Johnson, by R. D. Owen.

sympathy with the negro. There is, indeed, no comeliness about Sambo that we should desire him; yet, as Hafiz sings—

"In the last day men shall wear
On their heads the dust,
As ensign and as ornament
Of their lowly trust."

To the ungenerous attacks which have been made on the Republican leaders of Congress by English writers time will give the best reply, as it already has to similar attacks in their own country. The Republicans are charged with striving for the ascendency of their party, but the right or wrong of that depends upon the justice and importance of the principles represented by their party. The men who are fighting this after-battle in Congress—the real battle between Slavery and Freedom in America for which the four years' war was but a preparation—are men who have grown grey in serving the cause of justice with minorities. What would not Slavery, at any time in the long generation just closed in which it ruled the land, have awarded such men as Sumner and Stevens had they bowed to it! In the honours heaped on Pierce and Buchanan, Slavery showed what it could and would do for even the weaklings of the North who bowed at its altar. Blows and insults were awarded to these who said, "Get thee behind me;" they saw sycophants in the offices they might have adorned. They gave the flower of their lives to the unpopular side; they declined to ascend that justice might ascend. The *Saturday Review*, if it did not wish to be just, might at least be more graphic than to describe such men as "factious," "revengeful," or as "demagogues."

It is always easy to say fine things about conciliation: there were doubtless, in old times, those who were touched with admiration when Herod and Pilate made up their quarrel and joined hands to crucify Christ. There have been enough compromises in America on the Slavery question to teach her people the full cruelty and selfishness of Sentiment. Nevertheless there is ever the danger of reaction before a great work is consummated, and there is a fearful possibility that in the weakness of weariness that nation may again bow its head into the soft lap to be again shorn of its strength. Perhaps none but an American, who, having come through dreary years of agitation, stands at a crisis which is to end his country's grief, or return it to the old bitter dissensions, can feel the gratitude that is due to those who hold up to that nation the degraded negro as the symbol of the justice it has violated; who sternly demand that this stone on which, because the builders rejected it, the Union has fallen, shall be made the corner-stone of its reconstruction; and who warn the people that if, having fallen upon it, they are not now broken to its measure, that stone will surely fall upon them and grind them to powder.

MONCURE D. CONWAY.

SPIRIT RAPPING A HUNDRED AND FIFTY YEARS AGO

I WISH in what follows to submit to some examination a tolerably well known, and certainly very remarkable story—the history of the spiritual manifestations which disturbed the Wesley family in the year 1716. Dr. Priestley has said with truth that no story of the kind is better authenticated than this, or has been better told. A very careful investigation of the facts was made by the two brothers Samuel and John Wesley, and the result has been to preserve for us the account of the matter, given at the time by almost every one who could speak of what had occurred from personal knowledge. The elder brother Samuel was at the time an usher in Westminster School. When he heard of the alarm of his family at the mysterious visitant, who went in the household by the name of Jeffery, he put to his mother some very sensible questions as to the possibility of imposture; and he desired that she and his father and each of his sisters should separately write to him a particular account of all that had taken place. We have still the letters written in compliance with his request. We have also notes, in the form of a diary, kept by Wesley the father; we have memoranda of the results of John Wesley's inquiries from the servants, and other members of the family; and, finally, a narrative founded on these documents, drawn up by John Wesley, and published by him in the *Arminian Magazine*. All these documents seem to be written with the most perfect good faith; and none of the writers exhibit the smallest doubt as to the supernatural origin of the disturbances which troubled them.

The story acquires a historical interest from the mere fact that this belief in its miraculous character was firmly entertained by one who had such an influence as John Wesley on the course of religious thought in England. It cannot be doubted that his mode of thinking on such matters must have been permanently affected by the fact that at an early part of his life occurrences took place under his own father's roof of which it seemed impossible to give any explanation by natural causes. Thenceforward he felt that to deny the possibility of miracle was to contradict his own experience. As Isaac Taylor has it, a "right of way" for the supernatural was made through his mind, so that no tale of the marvellous could be refused leave to pass where Jeffery had passed before.

As might be expected, Wesley's Methodist biographers agree with him in referring the disturbances at Epworth Parsonage to a supernatural origin. Dr. Priestley, though unable to offer any satisfactory explanation of the facts, had argued that the supposition of miracle

was excluded by the childish and purposeless character of the pranks which had disquieted the Wesley family; these being of such a nature that it seemed absurd to imagine a Divine interference to produce them. He gave it as the most plausible conjecture that the servants, assisted by some of the neighbours, had amused themselves with these tricks from mere love of mischief. But to this it was replied that the notion that the servants were in fault had been suggested to Mrs. Wesley by her son Samuel; that she had in reply given good and satisfactory reasons for acquitting them of any attempt at imposture; that no object could be assigned to be gained by any one in terrifying the family; and, on the other hand, that it is hard to explain why these tricks, if begun in sport, should have been suddenly discontinued when at the height of their success, or why the secret should never have leaked out from any of the parties concerned in them. Finally, it was said that Priestley's hypothesis was one which could commend itself to no one, who was not forced on it, as he was, by his materialism, it being necessary for him to devise some means to save his theory from the absolute confutation it received by a demonstrated interference from the spirit world.

Southey, in his life of Wesley, declares that it may be safely asserted that many of the circumstances cannot be explained by the supposition of imposture, neither by any legerdemain, nor by ventriloquism, nor by any secret of acoustics; and in answer to Priestley's demand, what purpose can be imagined to have been served by such a miracle, contents himself with replying that perhaps it was purpose enough if thereby some sceptics are forced to admit that there are more things "in heaven and earth than are dreamt of in their philosophy."

Isaac Taylor also is disposed to believe in a supernatural, though not in a miraculous origin of the spiritual manifestations in question. He reminds us that we must distinguish between what is merely extraordinary and what is miraculous. It is said to have happened (or conceivably may have happened) that a real Arabian locust has alighted in Hyde Park. And, however wonderful it might be that the winds should have borne the creature so far out of its ordinary track, we should never dream of calling the circumstance miraculous. Why, then, should it be thought miraculous if some spiritual being, in the ordinary course of things, outside our sphere of being, were by some fortuitous conjuncture of circumstances brought into such a position as to be capable of exerting influence on our material world? And in such a case there is not the least reason to suppose that of necessity this influence would be exerted wisely or intelligently. We know not how many orders of beings there may be in the spiritual world. There may perhaps be some more intelligent than man; but there may be others with no more intellect than

apes or pigs. What forbids us, then, to think of Jeffery as a semi-idiotic spirit, brought by some chance into a position in which he became capable of acting on our world, but in whose acts we need no more look for design or purpose than in the pranks of a monkey?

The experience of recent times has made us acquainted with many facts which confirm the low estimate formed by Taylor of the intellectual capacities of certain spiritual beings. But in the case of these modern spirits, among the conditions which must be satisfied before they can gain power to operate on our material world, the presence of a *medium* has been observed to be essential. I believe that "Jeffery" was not exempt from the same law, and that there is no difficulty in naming the medium of whose instrumentality he availed himself. I am, however, a little at a loss how to bring the conviction which I feel home to the mind of my reader. What I should like would be simply to ask him to read over the original documents. For the true solution of the mystery appears to me to lie so plainly on the face of them, that I am surprised that it should have escaped, as far as I know, all who have printed any remarks on the story. I know, however, that it must be expected that very few indeed of my readers will take the trouble to refer to any documents which I do not here lay before them; and yet it seems unreasonable to print what is to be found in so popular a book as Southey's Life of Wesley. I must endeavour, therefore, to state the main facts of the story, compressing it as much as I can, and yet retaining all the words in the original letters which seem to throw any light upon the mystery. The extracts with which I commence are from John Wesley's narrative, above referred to. This narrative, however, having been drawn up some years after the event, appears, on comparison with the letters written at the time, not to relate the facts in strict chronological order.

"On December 2, 1716, while Robert Brown, my father's servant, was sitting with one of the maids, a little before ten at night, in the dining-room which opened into the garden, they both heard one knocking at the door. Robert rose and opened it, but could see nobody. Quickly it knocked again and groaned. 'It is Mr. Turpin,' said Robert; 'he has the stone, and uses to groan so.' He opened the door again twice or thrice, the knocking being twice or thrice repeated; but still seeing nothing, and being a little startled, they rose and went up to bed. When Robert came to the top of the garret stairs he saw a hand-mill, which lay at a little distance, whirled about very swiftly. When he related this he said, 'Nought vexed me but that it was empty. I thought, if it had been but full of malt, he might have ground his heart out for me.' When he was in bed he heard, as it were, the gobbling of a turkeycock close to the bed-side; and soon after, the sound of one stambling over his shoes and boots; but there were none there: he had left them below. The next day he and the maid related these things to the other maid, who laughed heartily, and said, 'What a couple of fools are you! I defy anything to fright me.' After churning in the evening, she put the butter in the tray; and had no sooner carried it into the dairy than she heard a knocking on the shelf where several

puncheons of milk stood, first above the shelf, then below. She took the candle, and searched both above and below; but being able to find nothing, threw down butter, tray, and all, and ran away for her life. The next evening, between five and six o'clock, my sister Molly, being then about twenty years of age, sitting in the dining-room reading, heard as if it were the door that led into the hall open, and a person walking in that seemed to have a silk night-gown rustling and trailing along. It seemed to walk round her, then to the door, then round again, but she could see nothing. She thought, 'It signifies nothing to run away, for whatever it is, it can run faster than me.' So she rose, put her book under her arm, and walked slowly away. After supper she was sitting with my sister Suky (about a year older than her) in one of the chambers, and telling her what had happened; she made quite light of it, telling her, 'I wonder you are so easily frightened; I would fain see what would frighten me.' Presently a knocking began under the table. She took the candle and looked, but could find nothing. Then the iron casement began to clatter, and the lid of a warming-pan. Next the latch of the door moved up and down without ceasing. She started up, leaped into the bed without undressing, pulled the bed-clothes over her head, and never ventured to look up till next morning. A night or two after, my sister Hetty, a year younger than my sister Molly, was waiting, as usual, between nine and ten, to take away my father's candle, when she heard one coming down the garret stairs, walking slowly by her, then going down the best stairs, then up the back stairs, and up the garret stairs; and at every step it seemed the house shook from top to bottom. Just then my father knocked. She went in, took his candle, and got to bed as fast as possible. In the morning she told this to my eldest sister, who told her, 'You know I believe none of these things. Pray let me take away the candle to-night, and I will find out the trick.' She accordingly took my sister Hetty's place, and had no sooner taken away the candle than she heard a noise below. She hastened downstairs to the hall, where the noise was, but it was then in the kitchen. She ran into the kitchen, where it was drumming on the inside of the screen. When she went round, it was drumming on the outside; and so always on the side opposite to her. Then she heard a knocking at the back kitchen door. She ran to it, unlocked it softly, and, when the knocking was repeated, suddenly opened it; but nothing was to be seen. As soon as she had shut it the knocking began again; she opened it again, but could see nothing. When she went to shut the door, it was violently thrust against her; she let it fly open, but nothing appeared. She went again to shut it, and it was again thrust against her; but she set her knee and her shoulder to the door, forced it to, and turned the key. Then the knocking began again; but she let it go on, and went up to bed. However, from that time she was thoroughly convinced that there was no imposture in the affair. The next morning, my sister telling my mother what had happened, she said, 'If I hear anything myself, I shall know how to judge.' Soon after she begged her to come into the nursery. She did, and heard in the corner of the room, as it were, the violent rocking of a cradle; but no cradle had been there for some years. She was convinced it was preternatural, and earnestly prayed it might not disturb her in her own chamber at the hours of retirement; and it never did. She now thought it proper to tell my father, but he was extremely angry, and said, 'Suky, I am ashamed of you. These boys and girls fright one another, but you are a woman of sense, and should know better. Let me hear of it no more.' At six in the evening he had family prayer as usual. When he began the prayer for the king, a knocking began all round the room, and a thundering knock attended the Amen. The same was heard from this time every morning and evening while the prayer for the king was repeated. As both my father and mother are now at rest, and incapable of being pained thereby, I think it my duty to furnish the serious reader with a key to the circumstance. The year before King William died, my father observed my mother did not say Amen to the prayer for the king. He vowed

he never would cohabit with her till she did. He then took his horse and rode away, nor did she hear anything of him for a twelvemonth. He then came back, and lived with her as before. But I fear his vow was not forgotten before God."

It appears from the letters that Mr. Wesley was not told of the noises until the 21st December, that is to say, about three weeks after the first disturbance. It appears also that the family had been in considerable alarm because he had been so long without hearing the noises, it being the common opinion that such sounds are not audible to the individual to whom they forbode evil. Mrs. Wesley's account of the first appearance to Mr. Wesley is as follows :—

"We all heard it but your father, and I was not willing he should be informed of it, lest he should fancy it was against his own death, which, indeed, we all apprehended. But when it began to be so troublesome, both day and night, that few or none of the family durst be alone, I resolved to tell him of it, being minded he should speak to it. At first he would not believe but somebody did it to alarm us; but the night after, as soon as he was in bed, it knocked loudly nine times, just by his bedside. He rose and went to see if he could find out what it was, but could see nothing. Afterwards he heard it as the rest. One night it made such a noise in the room over our heads, as if several people were walking, then ran up and down stairs, and was so outrageous, that we thought the children would be frightened: so your father and I rose, and went down in the dark to light a candle. Just as we came to the bottom of the broad stairs, having hold of each other, on my side there seemed as if somebody had emptied a bag of money at my feet; and on his, as if all the bottles under the stairs (which were many) had been dashed in a thousand pieces. We passed through the hall into the kitchen, and got a candle, and went to see the children, whom we found asleep."

In answer to the question whether the servants could have wrought the disturbance, Mrs. Wesley writes—

"We had both man and maid new last Martinmas, yet I do not believe either of them occasioned the disturbance, both for the reason above mentioned, and because they were more affrighted than anybody else. Besides, we have often heard the noises when they were in the room by us; and the maid particularly was in such a panic, that she was almost incapable of all business, nor durst even go from one room to another, or stay by herself a minute after it began to be dark.

"The man Robert Brown, whom you well know, was most visited by it lying in the garret, and has often been frightened down barefoot, and almost naked, not daring to stay alone to put on his clothes; nor do I think, if he had power, he would be guilty of such villainy. When the walking was heard in the garret, Robert was in bed in the next room, in a sleep so sound that he never heard your father and me walk up and down, though we walked not softly I am sure. All the family has heard it together, in the same room, at the same time, particularly at family prayers. It always seemed to all present in the same place at the same time, though often before any could say, 'It is here,' it would remove to another place.

"All the family as well as Robin were asleep when your father and I went down stairs, nor did they wake in the nursery when we held the candle close by them, only we observed that Hetty trembled exceedingly in her sleep, as she always did before the noise awaked her. It commonly was nearer her than the rest, which she took notice of, and was much frightened, because she thought it had a particular spite at her. I could multiply particular instances, but I forbear."

I give the following extract of a letter from Emilia Wesley to her brother as a specimen of his sisters' account of the matter :—

"My sisters in the painted chamber had heard noises, and told me of them, but I did not much believe, till one night, about a week after the first groans were heard, which was the beginning, just after the clock had struck ten, I went down stairs to lock the door, which I always do. Scarcely had I got up the best stairs, when I heard a noise like a person throwing down a vast coal in the middle of the fore kitchen, and all the splinters seemed to fly about from it. I was not much frightened, but went to my sister Suky, and we together went all over the low rooms, but there was nothing out of order.

"Our dog was fast asleep, and our only cat in the other end of the house. No sooner was I got up stairs, and undressing for bed, but I heard a noise among many bottles that stand under the best stairs, just like the throwing of a great stone among them, which had broken them all to pieces. This made me hasten to bed; but my sister Hetty, who sits always to wait on my father going to bed, was still sitting on the lowest step on the garret stairs, the door being shut at her back, when soon after there came down the stairs behind her something like a man in a loose night-gown trailing after him, which made her fly rather than run to me in the nursery.

"All this time we never told our father of it, but soon after we did. He smiled, and gave no answer, but was more careful than usual from that time to see us to bed, imagining it to be some of us young women that sat up late and made a noise. His incredulity, and especially his imputing it to us, or our lovers, made me, I own, desirous of its continuance till he was convinced. As for my mother, she firmly believed it to be rats, and sent for a horn to blow them away. I laughed to think how wisely they were employed, who were striving half a day to fright away Jeffery, for that name I gave it, with a horn.

"But whatever it was, I perceived it could be made angry. For from that time it was so outrageous, there was no quiet for us after ten at night. I heard frequently between ten and eleven, something like the quick winding up of a jack, at the corner of the room by my bed's head, just like the running of the wheels and the creaking of the ironwork, This was the common signal of its coming. Then it would knock on the floor three times, then at my sister's bed's head in the same room, almost always three together, and then stay. The sound was hollow and loud, so as none of us could ever imitate.

"It would answer to my mother if she stamped on the floor, and bid it. It would knock when I was putting the children to bed, just under me where I sat. One time little Kesy, pretending to scare Patty, as I was undressing them, stamped with her foot on the floor, and immediately it answered with three knocks just in the same place. It was more loud and fierce if any one said it was rats or anything natural.

"I could tell you abundance more of it, but the rest will write, and therefore it would be needless. I was not much frightened at first, and very little at last, but it was never near me except two or three times, and never followed me, as it did my sister Hetty. I have been with her when it has knocked under her, and when she has removed has followed, and still kept just under her feet, which was enough to terrify a stouter person."

I give one or two more quotations. Mrs. Wesley writes to her son Samuel :—

"We persuaded your father to speak and try if any voice could be heard. One night, about six o'clock, we went into the nursery in the dark, and at first heard several deep groans, then knocking. He adjured it to speak, if it had power, and tell him why it troubled his house, but no voice was heard, but it knocked

thrice aloud. Then he questioned it, if it were Sammy, and bid it if it were, and could not speak, to knock again; but it knocked no more that night, which made us hope it was not against your death."

John Wesley writes:—

"It never came into my father's study till he talked to it sharply, called it deaf and dumb devil, and bid it cease to disturb the innocent children, and come to him in his study if it had anything to say to him. From the time of my mother's desiring it not to disturb her from five to six it was never heard in her chamber from five till she came down stairs, nor at any other time when she was employed in devotion." "Several gentlemen and clergymen earnestly advised my father to quit the house. But he constantly answered, 'No, let the devil flee from me, I will never flee from the devil.' But he wrote to my eldest brother at London to come down. He was preparing to do so, when another letter came informing him the disturbances were over, after things had continued (the latter part of the time day and night) from the 2nd of December to the end of January."

I do not think it worth while to discuss Coleridge's notion that the whole thing was nothing but a contagious fancy, and that there was no objective reality in these noises, though they were heard simultaneously by a number of people, loud enough to wake them from sleep, and described by some as enough to break the house down, and referred by all who heard them to the same place. His observations, however, as to the order in which the manifestations took place, deserve to be attended to.

"First the *new* maid servant hears it, then the *new* man. They tell it to the children, who now hear it; the children tell the mother, who now begins to hear it; she tells the father, and, the night after, he awakes, and then first hears it. Strong presumptions, first, that it was not objective, *i.e.* a trick; secondly, that it was a contagious disease; to the auditual nerves, what vapours or blue devils are to the eye."

I acquit the servants of having played a trick on the family, less for the reasons assigned by Mrs. Wesley, than on the following grounds:—First, the spirit, however troublesome, showed itself to be under certain restraints of right feeling. It scrupulously complied with Mrs. Wesley's request that it would not disturb her during the time she had set apart for devotion. It was evidently unwilling to enter into communication with Mr. Wesley the father, having manifested itself to the rest of the household some three weeks before it ventured to trouble him. When, however, Mrs. Wesley fell into serious distress of mind lest her husband's death should be portended by his inability to hear, Jeffery overcame his reluctance, and knocked Mr. Wesley up the very next night. And, again, when the parents were uneasy lest it should be the spirit of their son Samuel which visited them, and asked the ghost to knock if that were so, Jeffery went away and knocked no more that night. And here I must remark, in passing, how near the world then was to a great discovery for which it had afterwards to wait for more than a century. It had been the vulgar opinion that spirits could talk if they would, a belief

evidently shared by Mr. Wesley, who sharply rebuked Jeffery as a deaf and dumb spirit, an incivility of which he would not have been guilty had he supposed the spirit's silence to proceed from natural infirmity, and not from obstinate sullenness. But it has been proved by modern experiments that the powers of spirits had been much overrated, and that many who will freely hold intercourse by knocking are incapable of vocal communication. Jeffery showed on this occasion every willingness to answer questions as far as knocks could enable him to do so, and if only the idea of using the alphabet had suggested itself to Mr. Wesley, the discoveries of this century might have been anticipated.

But to return, my second reason for thinking that the servants were not in any trick is, that Jeffery, whose chief haunt is stated to have been the nursery, appears to have had the power of hearing the conversation of the girls (as he testified by appropriate knocks) to a greater degree than the servants were at all likely to have had. Thus, the youngest little girl stamps while being undressed, and is instantly answered by Jeffery. Emilia says that Jeffery was always more loud and fierce if any one said it was rats or anything natural. Other instances of the same kind will be found in the documents.

Thirdly. The spirit was a Jacobite, as he showed by constantly interrupting the prayer for the king and royal family. It will be remembered that, in respect of politics, the Wesleys were a divided household: the father being a loyal subject of King George, the mother being a staunch adherent of the exiled family. We have reason to think that it was the mother's opinion which prevailed in the family. No doubt the temper of the ladies must have been severely tried by the prayers for King George, daily offered by Mr. Wesley, and in which they were supposed to join, and to which they were expected to say Amen. But I see no reason for supposing that the servants were likely to have held strong Jacobite opinions, and to have felt the prayers for the king to be offensive. On the whole, then, these reasons inclined me to acquit the servants of any share in the trick, if trick there were, and rather to consider whether there could be any truth in Mr. Wesley's own first supposition, that his daughters or their lovers must have been the contrivers of the disturbances. When, however, I read the letters written by the young ladies to their brother, I felt myself constrained to acquit the sisters one after another. As I read each letter I was forced to say, "This is written with the artlessness of truth. The writer of this is honestly telling of what she firmly believes to be supernatural, and is a party to no imposture."

But there is a remarkable omission in this collection of letters. There is no letter from the sister, whom we otherwise know to be the cleverest, and the most ready at her pen. Susannah, indeed, says

that it is needless for her to write at length, "because Emilia and Hetty write so particularly about it." It seems hard to imagine that Samuel, who so carefully preserved the letters of his other sisters, would not have taken equal care of Hetty's letter had he received one from her. But whether it be that Hetty never wrote, although she had declared to her sisters her intention of writing, or that her letter was not preserved, no letter of hers on this subject is now to be found. It is the more to be regretted that we have not the same means of freeing her from suspicion which we had in the case of her sisters, because the story itself would lead us to conclude that if Jeffery used any of the sisters as his "medium," it must have been Hetty. We are told that Jeffery seemed to have a particular spite against her, that he followed her about, rapped under her feet, and when she moved to another place, followed, and still kept under her feet. We are told that the principal scene of the disturbances was the nursery, where Hetty slept, and that when her parents came into the room to hear the noises they found her not yet waked by Jeffery, but sweating and trembling violently in her sleep. On another occasion, when her father was waked by the spirit, he obtained the assistance of Hetty in examining the chambers, because she was the only person up in the house. And it would seem that Hetty was usually one of the last persons up, it being her office to take away her father's candle after he had gone to bed. Against the supposition, however, that Hetty was the contriver of the tricks which so completely puzzled her family, two things may be said: first, that it is incredible that she *could* have produced, without assistance, all the varied noises and other phenomena which were ascribed to Jeffery. Secondly, that even if she *could*, it is incredible that she *would* have done so. I take the moral difficulty first, as far more formidable than the physical one. Is it conceivable that an amiable young girl, well and piously brought up, should have been guilty of what her mother fairly calls "such villainy," as to terrify her whole family for a couple of months; that she should have succeeded in keeping her secret from father, mother, sisters, and servants, and carried that secret to her grave? And can the smallest motive be assigned for such a series of pranks? Before attempting to answer these questions, I thought it well to ascertain if there were any information what kind of person Hetty at this time was. I find from Dr. Adam Clarke's history of the Wesley family, that she was at this time a lively, handsome, and unusually clever girl of nineteen. Her great talents had been taken notice of by her parents, and had been cultivated accordingly. She is said to have been able to read the Greek Testament at eight years of age, and she showed much taste for poetical composition, which she continued to practise for many years after the events now under consideration. Dr. A. Clarke gives the following character of her:—

"From her childhood she was gay and sprightly, full of mirth, good-humour, and keen wit. She indulged this disposition so much, that it was said to have given great uneasiness to her parents, because she was in consequence of it betrayed into little inadvertencies which, though of small moment in themselves, showed that her mind was not under proper discipline, and that fancy, not reason, directed that line of conduct which she thought proper to pursue. A spirit of this kind is a dangerous disposition, and is rarely connected with a sufficiency of prudence and discretion to prevent it from injuring itself, and offending others. She appears to have had many suitors, but they were generally of the airy and thoughtless class, and ill suited to make her either happy or useful in a matrimonial life."

Now if we bear in mind the order in which Jeffery's successive manifestations occurred, I think it is not impossible to give a probable account of them which shall not impute to the contriver of these tricks any peculiar depravity, but merely a character such as has been just described, thoughtlessness and high spirits. It is to be remembered that certainly the first, and probably the first two or three disturbances were heard in the dining-room, out of which a door opened into the garden. My explanation of these first noises is as follows:—A little before ten one night, and probably after her parents had retired to rest, Hetty is out in the garden, either, as her father conjectured, to meet a lover, or, as I rather believe, for another and more common-place reason. On her return she finds the man-servant and the maid sitting in the dining-room, through which she had intended to enter. Not choosing to be seen by them coming in, she groans and knocks, gives them a thorough frightening, sends them off to bed, and then re-enters at her leisure. Something of the same kind may have occurred on another occasion, when her sister Molly was in the same room. I imagine these first tricks to have been played on the spur of the moment, and without the least intention of continuing them. I come now to the second stage of the disturbances, that in which the noises were heard up stairs, and heard by the Wesley girls, and I have still to inquire, assuming that Hetty *could* cause these sounds, whether there was any conceivable motive which could account for her doing so. The first disturbance causes a much greater sensation in the household than its author had calculated on. The frightened servants tell their story, probably with some exaggeration, to their fellow-servants and to the young ladies, and are received with some incredulity, and many valorous speeches. "What a couple of fools are you," cries the other maid. "I defy anything to fright me." "I wonder," says Miss Susannah Wesley, "you are so easily frighted; I would fain see what could fright me." And the story proceeds, "Presently a knocking began under the table." Assuming, as I say, that Hetty had the power to produce this sound, I cannot see that there is anything astonishing in her exercise of the power. Nay, rather, when a girl full of fun and high spirits heard these very courageous speeches, the difficulty would be

moment of sympathy for a noble people and a noble cause. It may never be forgotten that but for Hungary the Horsetails would have danced in triumph from the Arno to the Seine—that but for Hungary some eunuch of the Golden Horn might at this very hour be giving the law to Europe from the Pitti or the Louvre. Neither may it be forgotten how, when the terror of the Scarlet Gowns had passed away, Hungary again deserved our thanks; how she set us an example of long-suffering, of courage, and at last of triumph, which adds another to the imperishable trophies of freedom and mankind, whose memory in a future season of trial may yet swell the patriotic bosom and nerve the hero's arm. Perhaps the hour is near at hand when Hungary's liberty shall again be Europe's pride, when the exile shall again behold his own, when the Magyar's homestead shall again be gladdened with the laugh of merry youth, while the long-horned buffaloes stagger across the fields beneath their loads of grapes and corn, and the wine-press trickles over with the amber liquor of Tokay. In such an hour it will be a glorious destiny for Franz Déak if he who has been his country's Rienzi should be called her Pericles or her Peel!

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CONSANGUINITY IN MARRIAGE.

Part II.

Hitherto the question of consanguineous marriages has been considered on strictly physiological grounds, but we have now to weigh the allegations of another class of reasoners, viz., jurists who have pronounced on the general principles of law that should regulate such connections and the judgments we form respecting them. For the sake of brevity the opinions of four such authorities only will be here cited, two English and two American, and all four eminent by character and attainment.

The first of these authorities is Dr. Taylor, the author of Elements of the Civil Law, who, in his chapter on marriage, has written more fully and comprehensively than any of the three others on the subject of consanguineous marriages. With respect to marriages in the direct line, that is, in the line of ascendants and descendants, he says that though some limit the prohibition to the

(1) Reasons of a diplomatic nature render it desirable, in this instance, to withhold the writer's name. The Editor, therefore, departs from his rule, and assumes the responsibility which would otherwise have fallen on the contributor.

first degree, others to the third, the canon law to the fourth, and others again to the twentieth, yet in his judgment the voice of nature interposes absolutely and indeterminately, and such marriages are prohibited *in infinitum*. The principle of this rule he holds to be, that in such cases an exclusion is laid against those who are *parentum in numero*. Nature has set a perpetual bar to every such conjunction as shall damage or confound the consideration of parentage.

With respect to marriages in the collateral line, Dr. Taylor states that by the old canon law and the early decretals, marriages were prohibited down as far as the seventh degree, that is, persons who might be by the civil law computation in the twelfth degree to one another, were prohibited marriage by reason of too great proximity of blood. This prohibition was reduced to the fourth degree by the fourth Council of Lateran, which was held A.D. 1215; and it now stands at that degree in countries where the canon law prevails. The civil law and the canon law both extend the prohibition to the fourth degree, but each follows its own special mode of computation. In this case the canon law acts inclusively, the civil law exclusively, *i.e.* the canon law *prohibits* in the fourth degree, which is that of second cousins, and the civil law *allows* in the same degree, which, according to the civil law reckoning, is that of first cousins. Dr. Taylor lays down that natural law is necessarily concerned about the line of ascendants and descendants only, and that it is left to positive law to determine in the collateral line what nature has not determined, the rule in the latter case being drawn from the principle of the former. As in the direct line intermarriage is prohibited to those who stand, however remotely, *parentum in numero*, that is, among the number of actual progenitors, so in the collateral line intermarriage should be prohibited to those who stand *parentum in loco*, that is, in the social or constructive position of progenitors. He thus arrives at the following conclusions: first, that most or all the forbidden degrees out of the right line, that is, in the collateral line, depend in great measure upon the parental representation above supposed; second, that an union between the nearest relations out of the same line, that is, in the collateral line, as that of brother and sister, though justly now condemned by the wisest and most civilised nations, is yet not in its own nature and *per se* abominable; and third, that the fourth degree of consanguinity is the proper point to stop at, or in other words that the marriage of first cousins is lawful. Such marriages, he holds, are neither contrary to the law of nature, the Levitical constitutions, the civil laws of many wise legislatures, nor the practice of most ages and countries.[1]

On this it is to be remarked, First, that the alleged natural law

(1) Elements of the Civil Law. Third Edition. London, 1755. 4to. sec. iii. pp. 314—338.

prohibiting marriage in the direct line between ascendants and descendants *ad infinitum* is purely imaginary. There is not a particle of evidence adduced or adducible in its support. It is an established notion, but, as far as I can perceive or judge, a baseless figment. Second, the assumption of such a law in the direct line, and the negation of all natural law in the collateral line, amount to a *reductio ad absurdum;* for nature is thus made expressly to prohibit what is impossible of accomplishment, and to permit what is admitted to be justly condemned by the wisest and most civilised nations. The impossibility is the marriage of a man with his grandmother, his great-grandmother, his great-great-grandmother, and so on without limit or exception to his earliest female progenitor, which in each case is assumed to be expressly prohibited by natural law. What it permits, and leaves to the enactments of positive, municipal, human law to prohibit, is the marriage of brother and sister, as not being in its own nature and *per se* abominable. It cannot be the function of a natural law in morals expressly to prohibit what is impossible to be done, and what requires, therefore, neither natural nor positive law for its prohibition, and by the absence of prohibition to permit what is justly condemnable as a source of domestic and social depravation. Third, Dr. Taylor assigns no reason for stopping in the collateral line at the fourth degree, that is, for permitting the marriage of first cousins. The parental relation, actual or constructive, is his sole ground of prohibition; and that relation, by the extinction of all other natural ties, might constructively subsist between first cousins. In that case his own principle would condemn what he permits. This is not said to show that first cousins should not marry, but that the doctrine of parental representation is inadequate.

Mr. Burge, the author of Commentaries on Foreign and Colonial Laws, is the next authority to be cited, and he has touched the question with extreme brevity. Referring to the prohibition by the civil and canon law of marriages between parties related by blood in the direct ascending or descending line *in infinitum*, he says, "This prohibition prevents that confusion of civil duties which would be the necessary result of such marriages."[1] Mr. Burge, with Dr. Taylor, and the Justinian and other codes, adopts the unlimited prohibition in the direct line of ascent and descent, but he does not, with Dr. Taylor, place the prohibition on the ground of natural law, but on the confusion of civil duties which would result from its absence. This moral conception, as the ground of the prohibition, is of great value, and applies with great and just force against the alleged Persian practice. But Mr. Burge does not attempt to show how any confusion of civil duties could arise from the unprohibited and impossible marriage of a man with his fifth or fiftieth

(1) Commentaries, as cited Part I., FORTNIGHTLY REVIEW, vol. ii., p. 722.

female progenitor. It is also to be noted that Mr. Burge assigns this reason only against marriages in the direct line, although it is obviously equally valid against marriages in the proximate degrees of the collateral line.

Chancellor Kent, of New York, our next authority, both in his Commentaries on American Law and in his judgment on the case of Wightman *v.* Wightman, treats the subject at greater length. In the Commentaries, referring to the Greek, Roman, Jewish, and English laws prohibiting marriages between near relations, he says that "these regulations, as far at least as they prohibit marriages among near relations by blood or marriage (for the canon and common law made no distinction on this point between connections by consanguinity and affinity), are evidently founded in the law of nature." Here the law of nature is recognised as the sole ground of prohibition; but where its record, how it is proved, what are its limitations, of all this we are told nothing. Further, the prohibitions founded on this alleged law are made to include all those connections either by blood or marriage, by consanguinity and affinity, which both the canon and common law forbid, a singularly broad and unqualified statement. The Chancellor, however, not resting on this statement, goes on to say that "it is very difficult to ascertain exactly the point at which the laws of nature have ceased to discountenance the union. It is very clearly established that marriages between relations by blood or affinity in the lineal or ascending and descending lines, are unnatural and unlawful, and they lead to a confusion of rights and duties. On this point the civil, the canon, and the common law are in perfect harmony. . . . But when we go to collaterals it is not easy to fix the forbidden degrees by clear and established principles." In this passage the unlawfulness of marriages in the direct line is grounded, first, on their unnaturalness, that is, their opposition to the alleged law or laws of nature; and, second, on the confusion of rights and duties to which they lead, thus combining Dr. Taylor's reason for prohibition, natural law, with Mr. Burge's, the social inconvenience arising from the confusion of civil rights and duties. Chancellor Kent, however, goes further than Mr. Burge, by applying the latter principle to the prohibition in the collateral line of marriages between brothers and sisters. "It was considered," he says, "in the case of Wightman *v.* Wightman that marriages between brothers and sisters in the collateral line were, equally with those between persons in the lineal line of consanguinity, unlawful and void, as being plainly repugnant to the first principles of society and the moral sense of the civilised world. It would be difficult to carry the prohibition further without legislative sanction." In other words, according to the Chancellor, the first principles of society and the moral sense of the civilised world

prohibit the marriages of brothers and sisters without any special enactments against such unions; but to carry the prohibition further, legislative sanction, express human law, is necessary.[1]

In the case of Wightman *v.* Wightman, referred to in the last extract, Chancellor Kent's views on this subject are expressed with greater fulness than in the Commentaries, and his remarks are here given without much abridgement except by omitting the citations of authorities :—

"Besides the case of lunacy now before me," he says, "I have hypothetically mentioned the case of a marriage between persons in the direct lineal line of consanguinity as clearly unlawful by the law of the land, independent of any Church canon or of any statute prohibition. That such a marriage is criminal and void by a law of nature is a point universally conceded. And by the law of nature I understand those fit and just rules of conduct which the Creator has prescribed to man as a dependent and social being, and which are to be ascertained from the deductions of right reason, though they may be more precisely known and more explicitly declared by Divine Revelation. There is one other case in which the marriage would be equally void *causâ consanguinitatis*, and that is the case of brother and sister. . . . . I am aware that when we leave the lineal line and come to the relation by blood or affinity in the collateral line, it is not so easy to ascertain the exact point at which the natural law has ceased to discountenance the union. Though there may be some difference in the theories of different writers on the law of nature in regard to this subject, yet the general current of authority and the practice of civilised nations, and certainly of the whole Christian world, have condemned the connection in the second case which has been supposed, as grossly indecent, immoral, and incestuous, and inimical to the purity and happiness of families, and as forbidden by the law of nature. We accordingly find such connections expressly prohibited in different codes. And whatever may have been the practice of some ancient nations, originating, as Montesquieu observes, in the madness of superstition, the objection to such marriages is undoubtedly founded in reason and nature. It grows out of the institution of families, and the rights and duties, habits and affections, flowing from that relation, and which may justly be considered as part of the law of our nature as rational and social beings. Marriages among such near relations would not only lead to domestic licentiousness, but by blending in one object duties and feelings incompatible with each other, would perplex and confound the duties, habits, and affections proceeding from the family state, impair the perception and corrupt the purity of moral taste, and do

(1) Commentaries on American Law, vol. ii. part iv. § xxvi. pp. 47 — 49. Boston, 1858.

violence to the moral sentiments of mankind. Indeed, we might infer the sense of mankind and the dictates of reason and nature from the language of horror and detestation in which such incestuous connections have been reprobated and condemned in all ages. The general usage of mankind is sufficient to settle the question, if it were possible to have any doubt on the subject, and it must have proceeded from some strong, uniform, and natural principle. Prohibitions of the Natural Law are of absolute, uniform, and universal obligation. They become rules of common law, which is founded in the common reason and acknowledged duty of mankind, sanctioned by immemorial usage, and as such are clearly binding. To this extent, then, I apprehend it to be within the power and within the duty of this Court to enforce the prohibition. Such marriages should be declared void as *contra bonos mores*. But as to the other collateral degrees beyond brother and sister, I should incline to the intimation of the judges in Harrison *v.* Burwell, that as we have no statute on the subject and no train of common law decisions independent of any statute authority, the Levitical degrees are not binding as a rule of municipal obedience. Marriages out of the lineal line and in the collateral line beyond the degree of brothers and sisters could not well be declared void as against the first principles of society. The laws or usages of all the nations to whom I have referred do, indeed, extend the prohibition to remoter degrees; but this is stepping out of the family circle, and I cannot put the prohibition on any other ground than positive institution. There is a great diversity of usage on this subject. *Neque teneo, neque dicta refello.* The limitation must be left, until the legislature thinks proper to make some provision in the case, to the injunctions of religion, and to the control of manners and opinions."[1]

On this judicial opinion let it be briefly remarked, First, that the moral aspects of the question are here presented with beauty, force, and truth. Chancellor Kent coincides with Mr. Burge in his adoption of the moral ground of prohibition in the direct line, extends it to the first degree of the collateral line, and enforces it with just and appropriate illustration. On this point he leaves nothing to be desired. Second, in the Commentaries the Chancellor, apparently at least, places the prohibition of the marriages of brothers and sisters exclusively on this moral ground, "as being plainly repugnant to the first principles of society and the moral sense of the civilised world;" but in the judgment he adds that they are also "forbidden by the law of nature," and intimates that this prohibition is one of "the prohibitions of the natural law," and that as such it is "of absolute, uniform, and universal obligation," still carefully and

(1) Cited by Story in Conflict of Laws, chap. v., § 114, note 1, p. 208. Boston, 1857.

expressly limiting the prohibition to the first degree of the collateral line. It would seem that it behoved the Chancellor to explain the grounds on which it is held that this alleged law of nature prohibits impossible marriages in the direct line indefinitely, and prohibits marriages in the collateral line in the first degree only, leaving unprohibited marriages which are considered by many to be "repugnant to the first principles of society and the moral sense of the civilised world." We have here, indeed, a limitation of the alleged law, but it is a limitation, like the law itself, without proof or the allegation of proof, permitting the inquirer to conclude that the law and its limitation are alike visionary. Third, in this judgment there is embodied an attempt at a definition of the law of nature. "By the law of nature," says Chancellor Kent, "I understand those fit and just rules of conduct which the Creator has prescribed to man as a dependent and social being, and which are to be ascertained from the deductions of right reason, though they may be more precisely known and more explicitly declared by Divine revelation." What is needed is some proof of the existence of *a* law of nature prohibiting marriages in the direct line without exception, and *not* prohibiting marriages in the collateral line except in the first degree. What is given is not even a definition of *the* law of nature as distinguished from the deductions of right reason and from Divine revelation, for the definition by its terms confounds all three, while, on the contrary, they have each a separate province, a special evidence, and an independent authority.

Judge Story, a former judge of the Supreme Court of the United States, and the author, among other works, of a treatise on the Conflict of Laws, is the only other writer on this subject whose opinion will be quoted here. In that treatise he quotes the authority of Chancellor Kent, reiterates his doctrine, and expresses assent to his conclusions. "When we speak of incestuous marriages," he says, "care must be taken to confine the doctrine to such cases as by the general consent of all Christendom are deemed incestuous. It is difficult to ascertain exactly the point at which the law of nature or the authority of Christianity ceases to prohibit marriages between kindred, and Christian nations are by no means generally agreed on this subject. . . . Marriages between relations by blood in the lineal ascending or descending line are universally held by the common law, the canon law, and the civil law, to be unnatural and unlawful. So are marriages between brother and sister in the collateral line, whether of the whole blood or of the half blood; and, indeed, such marriages seem repugnant to the first principles of social order and morality. It has been well remarked by Chancellor Kent that it will be difficult to carry the prohibition further in the collateral line than the first degree (that is, beyond brother and

sister), unless where the legislature have expressly provided such a prohibition."[1]

From the preceding facts and opinions the following conclusions are drawn.

The first conclusion is, that there is no physiological law against consanguineous unions; by which it is meant to be affirmed that there are no injurious physical consequences which necessarily and universally follow them. In the vegetable kingdom self-fertilisation is common and salutary. In the animal kingdom close-breeding does not deteriorate, and often improves, the breed. In the human race the alleged bad effects are not proved, and they are disproved by the occurrence of the alleged cause without those bad effects, and of the bad effects independent of the alleged cause. Further, there is no proof of the physical deterioration of those divisions of mankind amongst whom consanguineous unions are known more or less to have prevailed. Ancient history furnishes no ground for supposing that the Persian and Egyptian nations suffered any physical degeneracy from that cause.

The second conclusion is, that there is no natural law against consanguineous marriages, such as that of which Dr. Taylor affirms the existence. He says that the voice of nature interposes absolutely and indeterminately, forbidding the most distant, as well as the nearest, connection in the direct line. The allegation of such a law is an unsupported assumption. Where, when, how, to whom has nature thus spoken? In what language has nature declared that a man may not marry his grandmother, but has left him at liberty to marry his grandmother's sister? When nature speaks, she directs her authority against possible evils. But who ever thought of marrying his grandmother, his great-grandmother, his great-great-grandmother, and so on, without limit? The thing is impossible; and the impossibility constitutes the all-sufficient reason for its not being done, without any added prohibition or penalty. Human laws often express human folly, but nature does not issue frivolous edicts against imaginary evils.

The third conclusion is, that there is no law of nature against consanguineous marriages such as that of which Chancellor Kent affirms the existence. He makes this law operate against marriage in the direct line indefinitely, and in the collateral line in the first degree; and he finds a proof of its validity in its universal recognition. That such a marriage in the direct line is criminal and void by a law of nature, he claims, "is a point universally conceded;" and he equally maintains that such incestuous connections in the collateral line "have been reprobated and condemned in all ages." We know, however, that the voice and practice of antiquity, in large nations and

(1) Conflict of Laws, chap. v., § 114, pp. 206—208. Boston, 1857.

during long ages, were not in favour of the law he assumes; and even in modern times, and among Christian jurists, the utterances of this alleged law are not accordant. Dr. Taylor, it has been shown, argues for the existence of a natural law in this matter, founded on the principle of parental relation or representation; but he adds that this natural law "is necessarily concerned about the line of ascendants and descendants *only*," and that the marriage of brother and sister, though justly condemned, "is yet not in its own nature and *per se* abominable;" whereas Chancellor Kent expressly pronounces that the marriage of brother and sister is "forbidden by the law of nature." Natural law, then, according to one expositor permits, according to another forbids, such a marriage, a diversity of judgment which goes far to shake belief in the reality of such a law. Chancellor Kent, on this very subject, has himself said that "prohibitions of the natural law are of absolute, uniform, and universal obligation;" and the converse is equally true, that prohibitions that are *not* of absolute, uniform, and universal obligation, are *not* prohibitions of the natural law.

The fourth conclusion respects the doctrine of Revelation on the subject of consanguineous marriages. Chancellor Kent says that the fit and just rules of conduct, which he identifies with the law of nature, and with the deductions of right reason, "may be more precisely known and more explicitly declared by Divine Revelation." It is assumed that the Divine Revelation here referred to must mean either the Revelation of the Divine Will in the Jewish religion, or in the Christian religion, or in both, embodied respectively in the Scriptures of the Old and New Testaments. For those who revere the authority of the Scriptures, it thus becomes a question, what do they teach, what light do they supply, what examples do they exhibit in connection with this subject? When we examine these records, we find three distinct aspects of it presented.

The first aspect is that of the primitive and patriarchal age. The only case in the direct line is that of Lot and his daughters, which is evidently mentioned by the historian as a matter of opprobrium to the Moabites and Ammonites, who are stated to have sprung from this connection. It is not probable that these tribes would have given such an account of their own origin, and it is possible that it may have been a calumny of the Jews against those whom they subdued and dispossessed. On the other hand it is to be borne in mind that, according to Old Testament genealogy, it was from this source, through Ruth the Moabitess, that David arose, the man after God's own heart, the anointed of the God of Jacob, the sweet psalmist of Israel, the founder of a great dynasty, and the pride of the Jewish people. If national hatred would have dictated, national vanity would have suppressed, the imputation, and we

must therefore be contented to take the statement as we find it. Still further, according to New Testament genealogy, it was from this same source, through David, that the Author and Finisher of the Christian faith is claimed to have derived His human origin. In the collateral line, it has been shown that there are marriages recorded of brother with sister, of whole or of half blood, of uncle with niece, and of nephew with aunt. Abraham, the father of the faithful, avowed that he had married his half-sister, and the fruit of this union was declared to be that in which all the families of the earth should be blessed. Moses and Aaron, the special agents of God to deliver the Jews from Egyptian bondage, and the authors of their civil and ecclesiastical polity, were the children of a marriage between nephew and aunt. The patriarchal age certainly supplies no confirmation of the law of nature propounded by Chancellor Kent.[1]

The second aspect of this subject presented in the Scriptures is that contained in the Levitical law, which undoubtedly prohibits, in the direct line, the marriage of a son with his father's wife, that is, his father's widow, and in the collateral line, that of a brother with his sister, that of a nephew with his aunt, and by implication, that of an uncle with his niece. In our own day, indeed, M. Isidore states that the Jewish law in force in France permits the marriage both of niece and uncle, aunt and nephew, but it is not easy to comprehend by what refinement of interpretation this last-mentioned connection is deemed compatible with respect for the prohibitions of the Levitical law. It is also certain that the marriage of first cousins is not within the prohibited degrees, and that such marriages were contracted with repute. But to whatever extent the prohibitions of the Levitical law may be carried, and however high their authority may be, or may be deemed, they are provisions of the municipal Jewish law, peculiar to the Jewish nation, state, or people, and are no more binding on other nations, states, or peoples, than the Jewish sacrifices, sabbaths, and ceremonies, or any other portion of the entire body of Jewish law.

The third aspect of this subject in the Scriptures is that which is derived from the teaching of Christ and His Apostles. Jesus nowhere promulgates any law or pronounces any judgment on consanguineous unions, but with a prescient wisdom, and a calm and lofty dependence upon the growth of spiritual life and the ascendency of moral principles and motives among his true followers, He leaves all such questions undetermined. Paul is the only writer in the New Testament who condemns a marriage, and that not of consanguinity, but of affinity. As in the patriarchal age, Reuben's crime was punished as an act of domestic treachery and unfilial dishonour to a father; and under the Levitical institutions Absalom's

(1) Ruth iv. 18—22. Matt. i. 1—17. Luke i. 27, 32. Gen. xxii. 18.

was an act of outrageous domestic and political profligacy, so Paul, with just indignation, protests against the Corinthians acknowledging as a brother one who had married his father's wife; but he appeals to no real or supposed natural or revealed law on the subject, and grounds his censure and reproof on the general principles of morality, which had freed even the Gentile world known to him from such an enormity.[1] Christian states and churches, wiser, in their own esteem, than their Master and his apostles, have made laws on this subject, which they have sought to invest with divine authority, teaching for doctrines the commandments of men; but even their own laws they do not keep, since they retain and exercise the power of dispensing with one or other of their prohibitions. Of this the proposed and sanctioned marriage of Donna Maria da Gloria, of Portugal, with her uncle, Dom. Miguel, is a proof in recent history (Part I., vol. ii. p. 722). If the authority of the prohibitory law is Divine, how dare any one assume the power of dispensing from its observance? If the authority of the law is not Divine, how dare any one seek to impose on mankind as of Divine, what is of human and fallible, origin?

The question recurs, What are the positive reasons which have led mankind in the progress of civilisation to discourage the formation of consanguineous unions? If neither the analogy of the vegetable nor that of the animal kingdom pronounces against them; if neither history nor science supplies any ground for their prohibition; if neither natural religion nor the Christian revelation prescribes a law well-defined and universally obligatory respecting them, we are left to those "deductions of right reason" to which Chancellor Kent appeals, and which, although they cannot be justly deemed to constitute a law of nature, may yet be sufficient for guidance on this subject in the relations of domestic and social life.

The first conclusion which reason appears to suggest and enforce is derived from the institution of property. The whole structure of modern civilisation depends upon this institution, without which the industries of the hand, the thoughts of the mind, and the affections of the heart, would all stagnate for want of motives, objects, and ends. Hence the descent of property, first in the direct line from parents to children, and second, in the absence of direct lineage, from children of the same parents to each other in the collateral line, becomes an important matter of custom, of regulation, and of law. It is evident that if in a social state, where the institution of property has been called into existence, the marriage-unions of fathers with daughters, and of sons with mothers, on the one hand, and of brothers with sisters on the other, were permitted, elements of irretrievable confusion would be introduced into the

(1) Gen. xxxv. 22; xlix. 4. 1 Chron. v. 1. 2 Sam. xvi. 22; xx. 3. 1 Cor. v. 1.

laws enacting the descent of property. The same persons, whether the parties to such unions or the fruits of them, would have titles and claims utterly impossible to be defined, regulated, or reconciled with those of others, thus not only making the institution of property a cause of interminable dissension, in a degree incomparably greater than it now is, but nullifying its existence, and thereby contributing to the dissolution of the very framework of society. We have thus a measure of the civilisation which permitted or permits such unions: to the extent to which they prevailed or prevail, they were and are inconsistent with the regular and legal descent of property, and, by consequence, even with its existence. Thus also, conversely, where property is recognised as a social institution, and its descent is regulated by law, such unions must and will be forbidden. To give the prohibition efficacy it may be made to rest on other grounds. It may be pronounced a law of nature or a law of God; but this is an appeal to ignorance or to superstition. It is in fact a law of society, as necessary to its progress as are the legal institution and the lineal descent of property.

The existence and descent of property primarily influence the material condition of society; and if we ascend from this view of consanguineous unions to their effect upon the mind, we find a second ground of prohibition in the special constitution of the human intellect, which naturally demands clearness and directness in its conceptions, and is dissatisfied with complicated involutions of thought and relation. The real progress of the mind does not consist so much in learning as in unlearning; not so much in adding thought to thought, as in stripping true thought of its false adjuncts, which deface its form and obscure its beauty; not in multiplying and confounding the relations of life, but in divesting them of unnecessary entanglements, and reducing them to an appropriate and graceful simplicity. Hence the just sentiment, equally poetic and popular, of woman being "when unadorned adorned the most." Hence man is never more manly than when he rests his dignity upon his personal attributes, whether physical strength, intellectual power, or moral goodness, not upon his factitious and fictitious distinctions as a courtier or an aristocrat, a man of place or of pelf. Hence also the odium, in part at least, which pluralists, both civil and ecclesiastical, excite, for they not only exclusively appropriate what should be shared with others, but they at one and the same time exhibit themselves in two or more incompatible characters, offending not only the sense of justice but the love of congruity. The most exaggerated form of this offensive incongruity appears in the relations constituted by the consanguineous marriages under consideration, those of a father with his own daughter, of a son with his own mother, and of a brother with his own sister. Philo, the

Alexandrian Jew, appears to have been particularly struck with this view of the marriage of a son with his own mother, and he has described its revolting inconsistencies with great point and force. "What," he asks, "can be a more flagitious act of impiety than to defile the bed of one's father after he is dead, which it would be right rather to preserve untouched, as sacred; and to feel no respect either for old age or for one's mother; and for the same man to be both the son and the husband of the same woman; and again for the same woman to be both the mother and wife of the same man; and for the children of the two to be the brothers of their father, and the grandsons of their mother; and for that same woman to be both the mother and grandmother of those children whom she has brought forth; and for the man to be at the same time the father and the uterine brother of those whom he has begotten?" Were it necessary or desirable to dwell at greater length on this view of such connections, similar inconsistencies might be established against the marriage of a father with his daughter, and of a brother with his sister; but it is more to the present purpose to note that Philo, while he felt strongly and justly on this subject, appears scarcely to have analysed with accuracy the nature of the sentiment he entertained. The practice which he properly and indignantly reprobates, he calls a flagitious act of impiety; and to him it must have appeared an act of impiety, because it was forbidden by a law which he accepted as of Divine authority. But the Persians and Egyptians, the Athenians and Lacedemonians, to all of whom he specially refers in the context of the passage quoted, acknowledged no such law; and it is not only conceivable, but even probable, that the impugned practices of these respective nations were in their own estimation not impious, and were justified by religious as well as social considerations. In the case of the Persians, indeed, it has been already shown (Part I., vol. ii. p. 716) that Agathias ascribes the national practice which he condemns to the authority of Zoroaster. Philo's language is not a description of an irreligious act committed in opposition to a recognised Divine law, but of contradictions that shocked his mind springing out of the false relations created by the alleged practice, and educated Persians were as capable as Jews of perceiving such contradictions. That in certain stages of their history, and in certain stations of life, they did not perceive them, arose either from defective culture in this direction, or from express religious authority and instruction in the opposite direction, not from impiety or conscious disobedience to a known Divine law. Whether on the plains of Syria or on the banks of the Nile, in Assyria or in Persia, at Athens or at Lacedemon, that must have been a low condition of mental discipline and of social civilisation which was not offended by such incongruities as Philo describes, but which in different forms and in different degrees practised, tolerated, legalised, and consecrated them.

We are thus conducted to a third and conclusive ground on which to rest the prohibition of consanguineous marriages, viz., that they confuse not merely the intellectual conceptions, but the reciprocal duties of domestic life, and thereby retard the formation of moral character and prevent real moral progress. This is that "confusion of civil duties" to which Mr. Burge briefly but forcibly refers; that "confusion of rights and duties" on which Chancellor Kent eloquently enlarges. History and experience prove that the family by the virtues which it evokes is the germ of individual excellence, the source of social progress, the bone and sinew of political prosperity. To confound the relations of the family is to confound its duties, to weaken and ultimately annihilate its virtues, and thus to deprive society of all the benefits which it is fitted to confer. These are the consequences which consanguineous unions inevitably entail. To recur to Philo's illustration of the evils of marriage between a son and his mother, the anticipation and the actual formation of such a union are utterly incompatible with pure filial reverence on the one part, and on the other with pure maternal affection, two of the tenderest, the noblest, and the most humanising sentiments that can possess and influence the mind. Again, the offspring of such a marriage are, as respects the father, his children, the fruit of his own body, and yet also his own brothers and sisters, the progeny of the same mother with himself, thus confounding the direct and the collateral lines, the paternal and fraternal duties. The authority of the father and the equality of the brother are lost and annulled. How can such children reverence such a father? How can such a brother treat such brothers and sisters as his equals? Still further, as respects the mother, the fruits of such a marriage are both her children and her grandchildren, and she at once their mother and their grandmother, thus confounding the duties of two successive generations in the direct line. Finally, as respects the children who proceed from such a union, they are not only the brothers and sisters of their own father, the grandchildren as well as children of their own mother, but they must also sustain the most anomalous and inexplicable relations and obligations to the collaterals of father and mother respectively. If to the practice of intermarriage between son and mother we superadd that between father and daughter, and that also between brother and sister—concurrent practices, as we have seen, not unknown to antiquity—we have sources of "confusion worse confounded," destructive of all intelligible obligation and of all domestic and social morality. It may be safely affirmed that scarcely a step can be taken in the conception of moral ideas, relations, and duties where such unions are formed; and if such ideas, relations, and duties are necessary to the family, and the family is necessary to the state, it follows that neither can domestic nor political life flourish, neither the holy affections of the one nor the

healthy vigour of the other, except where such unions have been abolished.

On these three grounds, appealing at once to the material interests, the intellectual judgments, and the moral perceptions, consanguineous marriages must be unequivocally condemned. It is, however, to be borne in mind that the question of such marriages as it existed in ancient times is essentially different from that which under the same name is presented to us in modern society. Formerly the question was whether a father might marry his daughter, a son his mother, a brother his sister. These were the connections that prevailed more or less, without disrepute, among certain ancient nations and tribes, and that were justly stigmatised by more civilised peoples and polities. Now no such question is discussed, no such connections are defended. The whole history of civilisation proves the tendency to regard them with disapproval; to raise barriers in custom, in opinion, and in law, against their formation; and to brand and abolish them. It is only in dark ages, among barbarous tribes, in rude and corrupt conditions of life, that they are now exceptionally found. As civilisation advances such connections become vices and crimes, disgraceful to the individual, degrading to society, and forbidden by formal enactment. The modern question is, whether, as in certain countries and communions, an uncle may marry his niece, or a nephew his aunt, and whether the permission by the civil law of the intermarriage of first cousins, or the prohibition by the canon law of the intermarriage of second cousins, shall be maintained. Whether such marriages shall be permitted or forbidden can be reasonably made to depend only upon the three considerations already adduced. In the absence of any natural or revealed law against them, the legitimate inquiries will be—Do they embarrass the descent of property? Do they confuse our judgments of the relations of life? Do they vitiate our perceptions of domestic and social obligations? In reply to the first and second of these inquiries, the answer, as far as I am able to judge, must be that they do not embarrass the descent of property, and that they do not confuse our judgments of the relations of life. In reply to the third, the answer must be more doubtful. The marriage union between uncle and niece, between nephew and aunt, and between cousins, would seem to tend to lessen the purity and mutual confidence which for the happiness of families and the benefit of society should subsist between those near relations. There is, however, the utmost danger of pressing this consideration with too great rigour, for at every successive remove from the first degree in the direct and collateral lines, the confusion of relation and duty becomes less, until at last it entirely disappears, and exists only in a morbid imagination.

WILLIAM ADAM.