

AUTOBIOGRAPHY

OF

THE DUKE OF ARGYLL

CHAPTER XXVII

1855-56

VISIT TO HAWARDEN—WORK AT THE POST OFFICE—
QUESTION OF LIFE PEEBAGES—LORD LYNDBURST'S
SPEECH—TREATY OF PARIS

It was in the midst of this acute crisis in the Eastern Question that we were cordially invited by the Gladstones to visit them at Hawarden. We were very glad to do so, as the most accentuated political differences had never interfered with our constant social intercourse, or with the immense pleasure we had in Gladstone's varied and abounding conversation. We were delighted with Hawarden and the fine old castle on a steep elevation, overlooking an extensive and well-timbered park. The modern house is not beautiful, but comfortable and commodious, commanding an extensive view over a well-wooded landscape. Gladstone began immediately to talk to me on the question of the moment, and assured me that he had not at all changed his opinion on the need of curtailing the predominance of Russia in Europe; but he continued to deny that the stipulation about the Euxine was a right way of trying to attain this end. I told him I saw no other. His mind was fixed on a mere negative, and in

his usual eagerness he was carried away to making violent speeches against the policy of his own country—greatly, no doubt, to the encouragement of our enemy. General declarations of a desire to keep to our old ‘Third Point,’ and to diminish the overbearing preponderance of Russia in the East of Europe, were useful and guiding declarations when he and I had been colleagues together in urging the Crimean expedition. But they were utterly useless now, when we were compelled to specify what we meant.

Not even some large cession of territory would have been any equivalent for the abolition of the fleets, and no one knew better than Gladstone that any cession of territory of the least value for our purpose would have renewed and prolonged the war to an indefinite extent. But it was useless to argue with him on that subject. It was in his nature when once he had taken up a side to see no other, and this was the second great occasion on which, with all my admiration of his powers and all my affection for him as a man, I saw how unsafe was his judgment, and how passionate were his convictions. But I never had any difficulty in the freest conversation with Gladstone. Almost equally eager on every subject under the sun—except, indeed, the natural sciences, for which he never seemed to care—through all the wide ranges of history, literature, and art, he was always as full of animation as of knowledge. In the management of the woods of Hawarden I thought him too destructive, but this was partly due to his eagerness in a personal handling of the axe. I enjoyed, as I always do, the fine timbering of an old English park, and regretted to see the fall of even stag-headed monarchs of the forest.

During this visit to Hawarden I had long and very interesting talks with Gladstone on the condition of the English Church. This may seem strange, considering our different standpoints, but neither of us was wedded to any provincial or personal theology. I could see from his manner and his silence

that he disliked the Established Church of Scotland—I believe because its position had been one of the great stumbling-blocks in the way of his argument in his famous book on Church Principle. He never seemed to me to get over that early association of ideas. As his life went on, his character and position as a politician and a statesman predominated over his earlier character as a Churchman and a theologian, and his alliance with the Dissenting element on both sides of the Tweed made him feel a warm sympathy with the Free Church Presbyterians in Scotland. But he never got over his distaste for the Establishment, and I was amused in later years by the involuntary coolness and restraint of his manner in speaking to, or of, any of its ministers. Beyond this little weakness, arising from some of the most indelible associations of his early years, I think his mind was singularly open and free from prejudice in the discussion of religion. I knew well the tender places with him, and they were too few and too far removed from any question of the time to interfere with the freedom of our intercourse. I had an intense interest in the discussion of such subjects with him, and was always able, if not largely to agree with him, yet at least to understand his points of view and to harvest some thoughts of interest and of value.

On our return to London, I found myself fairly in the saddle of a great administrative department. It is usual in such offices that the incoming Minister should meet his predecessor, and learn from him in personal conversation as much as possible of the work in hand, and especially of the character and qualifications of the various members of the official staff. I had accordingly called on Canning, with whom I was on terms of cordial friendship, and we had a long conversation, some incidents of which afforded me considerable amusement. First, as regards the office generally, he asked me with a kindly smile whether I thought that I could easily restrain myself from controversial arguments, since in that office they would often be inconvenient. This

amused me much, as it was the first intimation I had had that, among friends, I had the reputation of being much disposed to controversy. Perhaps this was not wonderful, considering that I was first publicly known as the writer of a strongly controversial pamphlet, and later as an eager debater in the House of Lords. Canning was not in the Cabinet, although he was a member of the Administration, so that he had not seen me in the capacity of a Minister ; but perhaps he may have been told by others that I was not an ' assentator ' there, and it was true that where great questions were at stake, and where I had reached decided opinions, often after much doubt, and always after much consideration, I did urge them with the eagerness of a strong conviction. But this is nothing more than the duty of every member of a Cabinet. On the other hand, if Canning thought I would naturally be contentious, either inside the Office with my permanent advisers there, or outside the Office, in its correspondence with the public, he was very much mistaken.

Strange as it may sound, considering the many public controversies in which I have been engaged, I have always disliked extremely, and avoided, controversy in conversation among official colleagues or friends and intimates. When Canning, therefore, seemed to fear that I should soon be in some wrangle with my staff or with complainants outside, I laughed a good deal, and assured him that on that point I felt no apprehensions whatever. Canning then gave me a rapid and characteristic account of all the leading officers on whose reports and judgments I should have greatly to rely. Coming to the name of one of these, he hesitated for a moment, and said : ' Do you know what a clever ass means ? Well, that is what A.B. is.' I afterwards found all his personal sketches to be very accurate and of much use to me.

Nothing could be more friendly and harmonious than all my relations with the staff of the Post Office, and especially with the Permanent Secretary

—an office then filled by that very eminent man, Sir Rowland Hill, to whom, more than to anyone else, the country owed the idea and the adoption of the penny post. I gave to any advice from him that weight to which it was so eminently entitled. He was of short stature, with a very round head, then nearly bald, rather small eyes, but with an expression of great quickness, a manner very grave and deliberate, with speech and voice well suited to the utterance of opinions never arrived at hastily, but always after the most careful and prolonged examination. It was an immense comfort to have to deal with such a man, more especially as, in the arithmetical element in all our dealings with railway and steamboat companies, I could only stare and wonder at Rowland Hill's extraordinary powers of statistical analysis and of arithmetical calculations. It was by these powers that he had arrived at his great proposal, as one resting on a sound financial basis. The central idea was one not easily grasped—namely, this: that the cost of carrying a letter from London to Birmingham is not appreciably less than the cost of carrying it to Thurso. But it required great faculties of calculation to prove that one and the same charge would pay for the transit of letters to all parts of the United Kingdom, however near or however distant. It used to turn my head giddy sometimes when Rowland Hill brought to me his calculations of the cost of railway carriage for the mails, involving fractions of a farthing per mile. But I felt absolutely safe in his hands on every question of this kind. I need not say that I treated him with the utmost distinction and personal regard. I thought him a singularly straightforward and honourable man, besides being most able and ingenious. There was only one solitary occasion during my tenure of the Post Office on which I was compelled to differ decidedly from Sir Rowland Hill—one which well illustrates the ineradicable distinction which exists between the purely departmental mind, however able, and the mind

of the political officials who are generally the responsible heads.

Rowland Hill came to me one day, and advised me very strongly to abolish the system of surcharging unpaid letters and the system of allowing unpaid letters to be forwarded at all. He laid before me excellent departmental reasons. The number of clerks required and the time spent in watching for these letters cost a great deal more than the surcharges recovered for them, and besides the cost, there was the nuisance and the trouble. There had now ceased to be any excuse for posting an unpaid letter. Everyone could have a few stamps in his pocket, and if anyone was so careless in giving trouble and expense to a public department as to omit to affix one, he ought to suffer the punishment of not having his letter forwarded at all. Fortunately for me, it so happened that I had never been in the habit of stamping my letters myself, nor of carrying stamps in my pocket. I felt in a moment that Rowland Hill's proposal might be a serious inconvenience to many, and might stop letters of immense consequence to the sender — might involve perhaps even issues of life and death. I set all this before Rowland Hill as best I could, but he was not convinced. He insisted on his proposal as one of great relief to the Office and of no serious injury to the public. I was so accustomed to defer to him that I determined to think over it for a week, and to make some private inquiries as to the impressions of outsiders. I found, as I had expected, that most people disliked extremely the idea of compulsory prepayment under the penalty of the letter being lost. Accordingly, next week I told Sir Rowland that I could not admit his proposal, as I felt I could not defend it in Parliament, where I was sure it would be angrily opposed. Sir Rowland submitted with a good grace, although without any change of his own opinion. But my triumph soon came. My successor in office was Lord Colchester, not a very strong man. Sir Rowland approached him with the same

proposal, and Lord Colchester agreed. The moment it was heard of by the public there was an outcry, and, before a threatened motion in the House of Commons, the Government had to give way, and the obnoxious measure was withdrawn. But although Rowland Hill failed on this occasion to understand the public, as compared with the departmental, point of view, he was generally wise and sagacious in his dealings with men.

An amusing instance of this came before me in one important case. We had been taking great pains at the Office to organize an improved postal system between England and Ireland. There were many difficulties to be overcome, connected with the speed of trains to Holyhead and of steamers across the Channel. Rowland Hill had a fine field of action for his special gifts, and at last we had formed a scheme which seemed to us to present the best attainable results. But as soon as it became known in Ireland, there were a number of discontented parties connected with districts having different interests, who got up an agitation in the press and in Parliament, and at last clubbed together to come to me with an imposing deputation. It looked like a very difficult subject for me to deal with adequately in a mere personal conversation. Of course, I had to receive the deputation, and applied to Rowland Hill for a brief. He advised me to say very little, telling me that he knew the wide divergence of interests between the different parties, who were combined only in opposition to our plan, and would be still more divided by any substitute. He advised me, therefore, to listen to all they said, without entering on objections or reply, and then just to put one or two questions, asking them what they would themselves propose. Accordingly I received the deputation, containing Irish members from both Houses of Parliament, to all appearance a most united and formidable body. They backed each other up in all the objections. When they had concluded, I said a few civil words of

thanks for their assistance, and then asked for their own plan and proposals. In a moment there was a tremendous hubbub. No two of them seemed to be agreed, and in a few minutes there was a regular Irish row round my peaceful long table of green baize. Nothing could have been more successful than the tactics of Rowland Hill; his scheme was carried into effect, and the splendid boats that now carry the mails to Ireland from Holyhead were organized and stationed while I was at the Post Office.

When I returned to London from the country, I found my colleagues in anxious speculation about the probable reply of Russia to the Austrian ultimatum. I was more sanguine than I usually am, because of the strong impression I had that Austria would not commit herself to any terms which she had not good reason to know would be accepted. Therefore, although it was no surprise, it was an immense pleasure to me to hear on the 16th January, 1856, that Russia accepted the ultimatum, with the neutralization of the Black Sea. We had a Cabinet, at which Nesselrode's despatch was read, which we thought an able and very moderate document; and we had also a letter from the French Emperor, saying that he did not think he could or ought to continue the war upon further detailed demands, such as the Austrian demand for a slice of Bessarabia. But the important impression made upon the Cabinet was this: that Russia had now for the first time made such large advances that it would not be possible or right to require further negotiations directly with herself. This was an immense step towards peace, and from this date we were fairly launched on the stream of those transactions which ended in the Peace of Paris. Yet during those transactions, and especially at this early time, contingencies came into view which impressed upon me more and more the great danger of any prolongation of the war. The French were determined to have a separate command, and of course a larger command than ours,

and to assign to their own General and troops all the work in which any glory could be won. Of course, we should have resisted this, but their numerical superiority made any resistance on our part difficult and precarious, and endangered the continuance of the alliance. Every day, therefore, and every discussion about details, increased my anxious desire to see the whole affair of the Crimean War wound up for ever. The burden of it, financially, was very heavy, but our resources in money were greater than our resources in men. In the Cabinet at this time it was agreed that, in order to hold our own with the French in the conduct of the war, our Generals must be placed in command of not less than 40,000 English troops; and very recent experience told us of the extreme difficulty we had in keeping up in the Crimea a very much smaller force. In every discussion, therefore, at this time, in the Cabinet, I was in favour always of the alternative which looked best for the attainment of a reasonable peace, and I regarded the neutralization of the Black Sea as in itself including very much of all that we had aimed at in the war. I was glad to see that these considerations were forcing themselves even on Palmerston himself, and still more on his colleagues generally, whilst the determination shown by the French Emperor to make peace if possible, made me feel comparatively safe, through all the complicated details of the negotiations now renewed.

On hearing of the Russian acceptance of the ultimatum, I had called at once on Aberdeen to tell him the great news. He said he was not surprised, declaring that in his opinion we had always set too small a value on the aid of Austria. But he asked if the restoration of Kars to Turkey could be included in the acceptance. I told him this was impossible in a literal sense, because Kars had not fallen to the Russian arms when the ultimatum was drawn up, so that the restoration of it could not be included in that document.

On the 31st January, 1856, Parliament was opened,

and the speeches of my colleagues were so rational and so peaceful in tone that they satisfied even my old friends Aberdeen and Grey. No severer test could have been applied to them.

Within a few weeks of the opening of the session we found ourselves suddenly plunged into a question of the greatest interest and of the greatest difficulty, with which we were very imperfectly prepared to deal by any adequate previous inquiry or consideration. If there is any value in biographies, it is that in them we can narrate facts of public interest from, as it were, an inside point of view, whereas an outside view is generally all that can be got from history. I will here tell the story of our controversy on the subject of life peerages as it appeared to me at the time, with all the personal influences which I saw in operation.

It had been thought desirable, for some little time, to add to the judicial strength of the House of Lords by the creation of one or two new Law Lords. But, as ordinary hereditary peerages created for this temporary purpose would continue after that purpose had ceased to be served, and a useless addition was thus often made to the number of the House, Palmerston took it into his head that it would be convenient to give peerages for life to such Law Lords as might be needed for judicial purposes alone. He of course consulted his own Lord Chancellor, but, so far as I can recollect, or can find in contemporary notes, he did not consult the Cabinet. Our Chancellor, Cranworth, was personally a most excellent and honest man. He had been a successful lawyer and an efficient judge. His charge to the jury in the case of the famous Norfolk murder by Rush was the admiration of all England at the time, for the clearness and firmness with which he unravelled a very tangled skein of evidence, and braced the jury to do their duty. Nevertheless, Cranworth as Chancellor was not a very strong man. He was a great friend of mine, and on one occasion I ventured to advise him to show his teeth a little more to the aggressive lawyers

round him in the House, who treated him sometimes with but scant respect. But his gentle nature was not up to that sort of work, and once, when he did show his teeth, he did it so ill that he rather lost ground than gained it. Cranworth was not the man to grasp the very large questions which would be involved by the practically new expedient of introducing life peerages into the House of Lords. He found in all authoritative text-books, and in the written words of his contemporaries, the full admission that the Crown's right to create peers was not limited to peerages with some remainder. He therefore told Palmerston that his proposal was perfectly legal, and without more ado or consultation with anybody, Palmerston advised the Queen to confer a life peerage on Baron Parke, under the title of Lord Wensleydale. By an unfortunate, or, as some will think, a fortunate, accident, Baron Parke was laid up with an attack of gout, and was unable to take his seat on the first day of the session, which otherwise he certainly would have done. If he had so taken his seat, there is the highest probability—in my mind a certainty—that nothing more would have been heard of the matter than a few speeches of protest from some of the Law Lords. It was one thing to keep out a new peer by preventing him from taking his seat on some plea of illegality, but it would have been a very different thing to vote for his expulsion after his seat had been taken, with all the usual formalities of Parliamentary usage, at a sitting of the House. The accident, therefore, of Baron Parke's fit of gout at an awkward moment was the determining cause of one of the most serious and important decisions on its own constitution ever come to by the House of Lords—a decision full of the most curious historical interest, and, not less, of the most important political consequences. The issue by the Queen of a Patent of Nobility without any remainder in it was a transaction which was hardly at all noticed by the public, and created not the smallest excitement among politicians. Nobody disputed for

a moment the eminent fitness of the man for the functions involved in a judicial peerage. Baron Parke, by universal consent, was esteemed one of the very ablest and soundest lawyers on the Bench. And then there was another circumstance which might well distract attention from the novelty of Palmerston's proceeding—namely, the circumstance that Baron Parke was old and had no son.

But this was the very fact which arrested the attention of the legal profession, and especially of the Law Lords. Why did Palmerston go out of his way, and out of the usual routine, to bestow a new form of peerage on a man on whom a nominally hereditary peerage could be conferred without any inconvenience?

But if the accident of one old man's illness was a determining factor in raising this question, it is curious that another old man's almost preternatural activity and strength were still more decisive elements in the result. Among the Law Lords there was one—now a good deal retired from public life, and almost half forgotten—who had been the greatest of them all. Coming to this country from America some time between 1774 and 1776, a poor and unknown boy, he had studied for the English Bar, and by sheer force of intellect had pushed his way upwards to the seat on which the Lord Chancellor of England sits and presides over the House of Peers. Nor was his precedence there a precedence of official rank alone. In political debate he wielded an overwhelming power. During the declining Ministries of the Whig party his scathing annual reviews of their helplessness and inefficiency were among the feats of oratory which men crowded to hear, and telling sentences from which were repeated all over the kingdom.

The fall of Lord Melbourne's Government in 1841 had sated old Lyndhurst's rooted antipathy to the Whigs, whilst the fall of Lord Derby's Government in 1852 had convinced him that some new combination of

parties had become a necessity. During Lord Aberdeen's Government, therefore, he was one of the majority in the House of Lords which steadily supported us. But I have no recollection that he ever spoke. He was now, in 1856, between eighty and ninety years of age, very blind and very infirm, and nobody thought of him as any longer a living force in politics. Those who did know him personally, however, were quite aware that, in mind, he was as acute and as strong as ever. I had been by accident thrown into personal relations with him on the Ryland case, and in my interview with him I had seen and felt the march of a powerful spirit. No compliment ever paid to me had gratified me more than Lyndhurst's recommendation that a case of personal grievance which had been placed in his hands should be transferred to mine. There was much about his personal appearance which was very peculiar. He wore a snuff-brown frock-coat buttoned up to the chest. A yellow-brown wig fitted close to his head, not concealing a very square and massive brow. His eyebrows were straight and bushy, and from behind them glanced and glittered cold but merry grey eyes which seemed to have been couched for cataract, and could only show their fire through the appropriate glasses. His cheeks were wonderfully smooth, with a complexion of that dry red with some tinges of yellow which is not an uncommon colouring in healthy men of a great age. It was in perfect harmony with the brown wig and the brown coat. The jaws were powerful and the mouth firm. Altogether it was an impressive countenance, and it would have been handsome too, had it not been for an unfortunate approximation to the conventional type of Mephistopheles. He rose with great difficulty from any seat, and leaned heavily on a stick when standing.

Such was the glorious old weapon, now hung on the walls of Parliament, and bearing the dints of many fights, which the Law Peers wished to take down from its place of rest, that it might be wielded once more in

battle for themselves ; for this was avowedly their feeling on the nature of the issue that was at stake. They regarded Lord Wensleydale's life peerage as a personal and a professional affront. They believed that no lawyer would ever again receive an hereditary peerage. But, seeing that this view alone would not secure any large support, they fell back on the danger involved to the independence of the House of Lords, and there was not a man among them who could present this high argument as Lyndhurst could present it. They therefore crowded to his house, and with one consent implored him to undertake the cause. With wonderful pluck, he buckled on his armour, although he himself, as a childless man, could have no personal feeling in the matter. Professional feeling, indeed, he did possess, and he did not hesitate to give it strong expression. But the constitutional argument which he scented in the air was one most attractive to that sweep of intellect and to that breadth of mind which made Lyndhurst much more a statesman than a lawyer. The distinction between an act which may be legal, and an act which is also constitutional, was a distinction familiar to my own mind, because I had had occasion to dwell upon it in my first published argument on the Church question in Scotland. But it is a distinction unfamiliar to English lawyers generally, and, indeed, they are often indignant with any pretension to condemn a legal act on grounds unknown to the authorities of formal jurisprudence.

It was in this spirit that our Lord Chancellor (Cranworth), when Palmerston's proposal about life peerages was first mentioned in the Cabinet, and when someone said that its legality was questioned, replied : ' I don't think it will be questioned by any lawyer.' And this was true—that, in so far as the question had ever been raised, the authorities had recognised the power of the Crown to create peerages without any remainder. The Lord Chief Justice, Campbell, had so expressed himself in one of his books. But he was now among the keenest

of our opponents. There was in truth a catena of authorities to the same effect, from the time of Lord Coke. It was easy work to quote them, and to be satisfied with dicta so uncontradicted and so continuous. The result was that neither our worthy Chancellor nor any other of my colleagues had the least conception of the powerful fire of arguments which would be brought to bear on the question when Lyndhurst opened his batteries upon us.

Lyndhurst's plan of campaign was ingenious and effective. He could not bring the House of Lords in its ordinary legislative capacity to bear upon the question, because no vote by resolution or address would stop the action of the Crown. Neither could he enlist the House in its judicial capacity, because no strictly legal question was raised at all. He resorted to the plea of privilege—a body of doctrine of wide range, necessarily vague, and always rich in possible appeals to the fears and the prejudices of each House of Parliament. He gave notice that he would move that the House should resolve itself into a Committee of Privileges, to consider the patent issued to Baron Parke, and then in that Committee he would have a second opportunity of piling up arguments of assault, in moving that the patent was unconstitutional. This plan he carried into effect with astonishing ability and power. In his first speech, demanding that the question should be dealt with, not in any ordinary sitting of the House, but in a Committee of Privileges, he did not waste any time in arguing as to mere legality. He reminded us that it would be perfectly legal for the Crown to give patents of nobility to every man in a company of soldiers, and to send them to the House of Peers. But nobody would contend that such an exercise of the prerogative would be constitutional. He warned us that our independence was at stake; for if an unscrupulous Minister could make as many peers for life as he chose, the manœuvre would be resorted to whenever it was convenient. He insisted that our

unwritten Constitution was one of usage, and that no act or exercise of prerogative which had fallen into complete desuetude for centuries could be revived without the sanction of Parliament. He then showed that in every alleged case of a life peerage there were some one or more broadly discriminating facts which separated it entirely from the case of Baron Parke. Most of these alleged cases went back to the reign of Henry II., 400 years ago.

This part of Lyndhurst's speech was very powerful. He did not deny the right of the Crown to confer titles ; but titles for life only, and yet carrying a seat in the House of Peers, had never been given since our Constitution had been settled. It was a splendid and, indeed, a memorable speech—lucid in its arrangement, in its historical narrative, and in the inferences drawn. It was delivered with striking dignity of manner and of tone, and, though expressing severe censure on the Government for unconstitutional conduct, it never descended into declamatory violence. There was but one exception, as it seemed to me, to its skill and force of statement, and that was a passage which revealed the strong professional animus of the legal members of the House. I should not truly represent my own impressions of that time if I did not confess that this animus was very strongly impressed upon me by many circumstances of the moment. One day I had heard Lord Campbell say, when I was seated close beside him at the table : ' My Lords, what has the law done that it should be subjected to this indignity ? ' There are no feelings in the world so strong as a professional susceptibility, and when it affects, almost unanimously, such a compact and powerful brotherhood as the law members of the House of Lords, it has a very good chance of governing their opinions and their votes. Now, although Lyndhurst's great speech turned mainly on the danger to our House as a whole and in its legislative capacity, he yet was unable to conceal the purely professional element of jealousy, lest law peerages should be rele-

gated to a lower or secondary class of honour, shown by the lack of privileges usually attached to the dignity of a peer. In the latter part of his speech this feeling found expression in a repetition of the very exclamation which I had heard from Lord Campbell: 'What, I would ask your lordships, has the profession of the law done to merit this indignity?' Strongly impressed as I was at the time, and convinced as I still am, that this susceptibility was the inciting cause which led to the insurrection of the Law Lords against life peerages, I do not wish it to be supposed that I regard this element of motive as a condemnation of the result. It is rather the rule than the exception in politics that a mixture of inferior motives is among the impelling forces which vindicate valuable and important principles in the government of men. We must judge, therefore, of Lyndhurst's great argument by its strongest, and not by its weakest, part; and from this point of view I felt even then, and I feel still more strongly now, the great weight to be attached to his contention that long-abandoned and obsolete powers, in a Constitution such as ours, ought not to be called out from the sleep of centuries into active life and play without great deliberation and, in general, Parliamentary assent.

On referring the question to a Committee of Privileges, Lyndhurst beat us by a majority of thirty-four in the first division (February 7th, 1856). On February 22nd, in the second division on his condemnatory resolution, he beat us again by thirty-five. It was in this second debate that Lyndhurst delivered another speech, more wonderful than the first. It is impossible to exaggerate the impression produced by a man in his eighty-sixth year pouring out for two hours a vigorous, consecutive argument, full of history and of constitutional reasoning, in language of extraordinary dignity and power. Campbell, in his 'Lives of the Chancellors,' says that this was the finest speech ever delivered in the House of Lords. Such comparative

superlatives depend a good deal on the predispositions of those who use them. In the condition of mind in which Lord Campbell then was, as regards a threatened dishonour to his profession, it is easy to understand his estimate of a speech which must have seemed to him a great deliverance. But after discounting all that may justly be allowed for this feeling, it remains true that Lyndhurst's speech on this occasion was indeed a splendid oratorical effort—all the more as the subject did not admit of any play of imagination or of fancy. He did, indeed, introduce a quotation of ten fine lines from Dryden, describing the character of Shaftesbury, but, with this exception, the character of the speech was that of immense solidity and weight—the judicial summing up of a great case by a great judge. In this capacity it is undoubtedly the greatest speech I ever heard in either House of Parliament. It is one of the very few which has imprinted indelibly on my memory all the circumstances of the scene, the venerable figure of the veteran, and not a few of the pregnant sentences of his stately argument.

There was one in particular which struck me much. He alluded to the charge that his objections were founded on mere jealousy. Full as my mind was of the idea that professional jealousy was at the bottom of his opposition, I listened eagerly to what he would say on this subject. But with a real genius for debate, he turned it to a splendid use in support of his own argument. Instead of repudiating jealousy, he boasted of it, and claimed it as his own. He claimed it, not, indeed, in that lower sense in which the word is often used as synonymous with envy—the meanest of human passions—but in that highest sense in which jealousy is ascribed in the Old Testament even to the Divine Being, as one of the highest attributes of His nature. Jealousy of the insidious approach of any dangers to the citadels of freedom and of the Constitution was a temper which he avowed. 'Jealousy, my Lords,' said the old orator slowly, solemnly, and with just a slight

elevation of voice to make the emphasis—‘jealousy, my Lords, is the spirit of our Constitution.’ From the moment these words were uttered a new current was set up in the thoughts of all of us. They were turned from the idea of any mere pride or pique in one profession, to the idea of men, standing as watchmen on the towers of a Constitution, depending for its virtue and stability on the balance of nicely-adjusted powers. This identification of the wounded pride of a dominant profession with the highest duty of a citizen in a constitutional Government was a skilful and most effective expedient of debate. It shook some, it confirmed others. The result when we divided was a foregone conclusion.

I should have been glad to escape speaking, but the Government forces were too few to admit of any of us declining battle, and I spoke third after Lyndhurst. I took the safe line of explaining the action of the Government by asserting what I knew to be true, and by denying what I knew to be mistaken. What we did know to be true was, that the appellate jurisdiction of the House had fallen into an unsatisfactory condition, and we were of opinion that it ought to be strengthened by the revival of an ancient precedent, which would enable future Governments, from time to time, to keep it more easily in a state of efficiency. I denied emphatically that we had any idea of raising a question of constitutional law. Lyndhurst had declined to allow the House to consult the judges. We found that every juridical writer since the time of Lord Coke concurred in the doctrine that it was competent for the Crown to create life peerages. I denied that, in future, hereditary peerages would never be conferred on great lawyers. I dwelt on the strong professional feeling that had developed on this point, and warned the House against it. I denied that Lyndhurst was right in assuming that any date, such as the Revolution, could be fixed as one beyond which ancient precedents were useless in our Constitution, without

fresh legislative authority. I contended that anything not expressly condemned at the Revolution was presumably alive, and I declared my belief that in the most ancient precedents of our history might be found, from time to time, materials for renovation.

The debate, on the whole, was a good one, several peers speaking well. But there was a general feeling, even amongst ourselves, that Palmerston's action had been hasty and ill-considered, that its probable consequences—not on the judicial, but on the political strength and independence of the House—had not been duly weighed, and, above all, that no provision had been made against abuses. The contest ended in a compromise. The judicial strength of the House was increased by a limited and definite number of judicial peerages—a plan which has worked well ever since.

It must not be supposed that the place occupied in this memoir by the struggle on the subject of life peerages was the place it occupied at the time in the public mind or in the minds of public men. It was a battle entirely fought within the quiet precincts of the House of Lords, and excited very little attention outside of it. We who had been engaged in it, and had been defeated, were glad to return from discussions which turned on events in the reign of Henry II. to the living questions of our own day, first and foremost among which were the terms of our contemplated peace with Russia. The Conference was sitting in Paris from day to day, and a good many of the circumstances attending it were only too like the older Conference at Vienna, which had been so embarrassing in its course and so abortive in its result. There were, however, some all-important differences. We were represented by Clarendon, instead of by Lord John Russell, and Clarendon knew the feelings both of the Cabinet and of the country, besides being in immediate communication with Palmerston from hour to hour. In the second place, the allies had at last conquered the position at

Sebastopol, and Russia was suffering severely from the exhaustion of a contest which had been most gallantly fought, but only with an immense exertion, which could not longer be maintained. In the third place, we had entered into the Congress only after Russia had accepted an ultimatum, which fully embodied our long-established 'Four Points.' In the fourth place, our French ally was tolerably satisfied with those military successes of his army without which his Generals had warned him it would not be safe to consent to peace, and he was now bent on terminating the war. These were conditions which I was glad to think were almost securities for peace; and so they proved to be, but, strange to say, not without some moments of embarrassment.

There were several adjuncts to our main demands, on some of which all of us set considerable store, while, regarding others, Palmerston was disposed to be obstinate. On the other hand, Russia had some points in reserve which might easily have been made serious. One of these arose out of the fact that she claimed her right to keep the fort of Kars, or to deal with it as a subject of exchange against other concessions demanded of her. In particular, Russia indicated that her concession of territory on the Bessarabian frontier ought to be abandoned on the part of the allies, if Russia were to be called upon to give back Kars. We, on the contrary, intimated that, as the integrity of Turkey was a declared object of the war, we could not admit the right of Russia to consider as her own a fortress so important to the eastern provinces of Turkey. On our side, again, we insisted that the fortress of Bomarsund, on the Aland Islands, which we had captured, should never be reoccupied by Russia. France was very stiff about this, and disposed to insist that the preliminaries of peace should be signed strictly on the ultimatum and on nothing else, but she promised to support us in the negotiation of details. To this we were obliged to agree.

Clarendon left for Paris on the 16th February, 1856. He soon reported very satisfactory interviews with both the Emperor and with Orloff, the Russian Envoy. But at the first meeting of the Conference, Russia held out stiffly on the subject of Kars, and insisted on her right to count it as her own. When this was refused, Orloff declared that his instructions were exhausted, and that the Conference, so far as he was concerned, was at an end. Clarendon telegraphed to ask whether he might demand on our behalf the independence of Circassia, to which Palmerston replied in the affirmative. I thought this absurd, but I did not much care what was asked, provided it were not made a *sine quâ non*. In this state of matters there was a Cabinet dinner at Labouchere's, which I could not attend because I was dining at the Palace. Her Majesty graciously allowed me to join my colleagues when dinner was over. I came, however, too late for the discussion, which I heard had been a warm one; the general feeling, however, had been in favour of standing out about Kars to the last, and some were in favour of going beyond 'the last'—even to renewing the war. Palmerston at this time had the telegraph to Clarendon in his own hands, and could do very much what he liked—so far, at least, as first intentions were concerned. To all suggestions from Clarendon of small miscellaneous concessions, Palmerston's answers always were to keep strictly to the ultimatum which Russia had accepted, and not to allow it to be infringed in the least. Clarendon had secret information that the Russian Government had disapproved of Orloff's unyielding attitude. On the Circassian question, Clarendon found that no one of the other Plenipotentiaries supported him at all, the truth being that any suggestions of ours in respect to the countries eastward of the Black Sea were always considered by the other Powers as made in the interests, direct or indirect, of our Indian Empire; and not one of them was in the least disposed to help us there. At the meeting of the

Conference on the 1st March it seemed settled that Russia would accept the whole ultimatum, including the Bessarabian cession, and Palmerston felt that the time had come for giving to Clarendon some greater freedom in making small concessions for the sake of peace. It was quite time, because Louis Napoleon had become somewhat irritated with the rigidity of the attitude which Clarendon had been instructed to maintain. On hearing this, Palmerston wrote an excellent despatch to Clarendon, giving him greater liberty about details, where greater advantages could be obtained. Clarendon's account, however, of the Emperor's tone made him suspicious that he had some secret understanding with Orloff and Buol. This induced Palmerston to instruct Clarendon to seek an interview with the Emperor, and to explain to him very seriously what our views were.

We must press for a peace not less good than that which would result from a *bonâ-fide* carrying into effect of the conditions agreed on in Vienna. The Emperor might be able to force us into a peace on terms even less good; but if he did, we could only defend it on the ground that France had forced us to accept it, or we might possibly be compelled to go on with the war alone. This language had no doubt its effect upon our ally. On the other hand, there were several items in our demand on which we submitted to the Emperor's evident desire to give way before the resistance of Russia. These were the independence of Circassia, the non-erection of forts on that coast, and the exclusion of Nikolaief from the naval arsenals to be destroyed. We never had expected to get these concessions, and it was unwise to let the Emperor suppose that we would insist on them at the risk of war. But what did alarm us were some indications of hesitation about the neutralization of the Black Sea, in the form of a disposition to allow the few vessels retained to be larger and heavier than was safe. On this Palmerston was rightly quite determined to allow no room for

dangerous evasions, and we all supported him. He therefore sent word to the Emperor that we had followed his advice on the frontier question, but that on the naval question we could admit of no compromise, and that we should keep possession of the Euxine till we were fully satisfied. We consulted Lyons on the class and number of vessels to be allowed. These terms were offered to Russia, and formally accepted.

At last—at last—after how long and how painful a time! on the 29th of March, 1856, Palmerston met us in Cabinet with his pleasantest smile, and with the words: 'Well, we are to have peace to-morrow.' I thought the smile was rather one of good-humoured resignation to an inevitable fate.

Clarendon reported that in his various conversations with Louis Napoleon at this time he found the Emperor thinking of nothing but how soon he could get peace signed, and how agreeable he could make the wording of the treaty to the Emperor of Russia. Louis Napoleon said that he had promised to do this when Russia accepted the ultimatum, and when her Government appealed to him to make the forms as little offensive to the dignity of Russia as possible. Clarendon added that even the desire to please Austria had long before given way to his new Russian love.

Palmerston's jovial 'to-morrow' was the 30th March, 1856. On that day the Treaty of Paris was signed by all the Plenipotentiaries, and the Crimean War was ended.

It is needless to say that I look back on this event as an epoch in my life. It was an epoch no less in the life of the nation—the ending of a time full of anxiety, of the continual sense of a terrible responsibility. But before I enter upon the new horizons which now opened out before us, I must dwell for a time upon some problems which the Crimean War left unsolved, which have returned upon us all in later years, and which are only too sure to return again, under con-

tingencies full of difficulty and of danger to the peace of Europe. As in the physical sciences the most interesting problems lie behind the mere facts of Nature, so in history and in politics the most pregnant questions lie behind the triumphs of the soldier or the treaties of the diplomatist.