tion given at schools for the people at large it was necessary to establish proper seminaries for training teachers. The resolutions of lord Brougham were favourably received by the Prime Minister. The bishop of Gloucester and the archbishop of Canterbury expressed their general concurrence in the eloquent and instructive speech of the noble and learned lord, but they contended that in order to make education real and useful it must be founded on the basis of religion. Lord Brougham said that he was not unaware of the difficulties which surrounded this question on the subject of religion; but that he thought he should, at a future time, be enabled to lay before them a plan by which the objections which had been urged would be obviated. We have reason to believe that, at this time, an office analogous to that of Minister of Public Instruction might have been within the reach of lord Brougham. It may be doubted whether even his energy could have surmounted the difficulties presented in the religious aspect of the question.

On the 5th of June the great measure of the session was proposed by lord John Russell. He asked on behalf of his Majesty's government leave to bring in a bill to provide for the regulation of Municipal Corporations in England and Wales. The measure proposed by the government was founded upon the Report of a Commission appointed by the Crown, which, during a year and a half of laborious and minute investigation, had inquired into the condition of more than two hundred corporations. Lord John Russell quoted the conclusion of this Report, as calling for a safe, efficient, and wholesome measure of Corporation Reform:—"We feel it to be our duty to represent to your Majesty that the existing Municipal Corporation of England and Wales neither possess nor deserve the confidence or respect of your Majesty's subjects, and that a thorough reform must be effected before they can become, what we humbly submit to your Majesty they ought to be, useful and efficient instruments of local government."

The Report of the Commissioners on Municipal Corporations presents some interesting views of the early constitution of these bodies. The difficulty of accurately describing such early constitution is adverted to. Many of their institutions were established in practice long before they were settled by law. The examination of the charters by which a corporation is constituted was one of the duties prescribed to the Commissioners. In some cases their Report is confined to an enumeration of the early charters; in other cases a summary of their contents is given. The forms of the municipal government were defined by an express composition between the magistracy and the people in some towns.

It is deemed probable that the powers of the local government, in all ordinary cases, were exercised by the superior magistracy, but that in extraordinary emergencies the whole body of burgesses was called upon to sanction the measures which interested the community. The difficulty of conducting business in such an assembly seems to have suggested the expedient of appointing a species of committee out of the larger body, which acted in conjunction with the burgesses, and which was dissolved when the business was concluded. These committees afterwards becoming permanent, a governing body was created which in process of time became more and more independent of the general community. The greater number of the governing charters of corporations was granted between the reign of Henry VIII. and the Revolution. The general characteristic of these documents is to effect directly what the lapse of several centuries had been gradually accomplishing,—the removal of any control upon the governing body by the majority of their townsmen. Almost all the councils named in these charters were established on the principle of self-election. During the reigns of Charles II. and James II. many corporate towns were induced to surrender their charters, and to accept new ones which contained clauses giving power to the Crown to remove or nominate their principal officers. In his apprehension of the speedy arrival of the Prince of Orange, in October, 1688, James II. issued a proclamation restoring all the municipal corporations to their ancient franchises, as contained in their earlier charters. Since the Revolution the charters granted, including those of the reign of George III., exhibit a total disregard of any consistent plan for the improvement of municipal policy corresponding with the progress of society. In the greater number of cases the corporations had gradually parted with the duty and the responsibility belonging to good municipal government. By local Acts of Parliament the powers of lighting, watching, paving, and cleansing, supplying with water, and other useful purposes, had been conferred not upon the municipal officers, but upon Trustees or Commissioners, who were empowered to levy the necessary rates. A very small portion of the funds of the corporation was applied to any public purpose; large revenues were devoted to the support of what was called the dignity of the corporate body, the due sustenance of which dignity was amply provided for by periodical banquets. In some cases the corporation divided the surplus funds amongst themselves. Leases of corporate estates were also granted at low rents to the favoured few in those boroughs where it was believed that public and personal property were identical. It is more painful to reflect that

sometimes charity bequests of which the corporations were trustees were dealt with in the same corrupt manner. The Mayor of the borough, annually elected out of the close body, was the chief magistrate; and in nearly all the corporations criminal jurisdiction was exercised within the limits of the borough, and quarter sessions were held for the trial of prisoners. The Recorder was appointed by the corporation, generally upon some principle of local favouritism, which excluded barristers of any general reputation in their profession. A High Steward was the grand functionary who was the medium of the lofty patronage of some noble house, which, by the present of a buck for the Mayor's dinner, secured the willing servility of successive magisterial grocers and drapers. The maintenance and regulation of the borough prisons were, of course, confided to the municipal officers. But previous to the establishment of a system of government inspection by a statute of 1835, it was impossible to imagine any more horrible dens of filth—any places of confinement more repugnant to our notions of the discipline that might lead to the reformation of the offender,—than these city or borough prisons.

The Commissioners of Inquiry found that there were two hundred and forty-six municipal corporations in England and Wales. Of these, two hundred and thirty-seven formed the subject of investigation. In one hundred and eighty-six boroughs the governing body was found to be self-elected. The ancient corporations were elected by a constituency known as freemen. Birth, marriage with the daughter or widow of a freeman, servitude or apprenticeship, being a member of a guild or trading company, gave a claim to the rights of freedom or burgess-ship. In the greater number of cities and boroughs the freemen had ceased to exist as connected with the municipal body. There were some places, indeed, where the freedom, confined to a few persons, secured to them valuable privileges, such as exemption from tolls. But in nearly all cities and boroughs where freemen were recognized they possessed the pernicious right of exclusive trading within the limits of the municipality. The Commissioners often found that the freemen had long ceased to consider themselves as forming any part of the corporation, which term in popular language was exclusively applied to the ruling body. One of the greatest struggles during the passage of the Reform Bill was to preserve what were called the rights of the freemen. It was a contest for the maintenance of those exclusive privileges injurious to the excluded many, corrupting to the privileged few, which it was the object of Municipal Reform to abolish. In many cases the freemen were non-resident,

but were persons unconnected with the town who were appointed to maintain the interests of particular families. Where the freemen were resident and had exclusive privileges, the dues from non-freemen, as at Liverpool, were so onerous, that they had little chance of competition with their enfranchised townsmen. Where the freemen generally had a voice in the election of municipal officers, the corruption at the annual elections, whether by liquor or by money, was so great, that the lower class of freemen became systematically demoralized.

Looking then at the inquiry into Municipal Corporations as bringing to light in the greatest number of cases a system which, to say the least, was a gross imposture, we can scarcely be surprised that the Commissioners, in winding up their Report, should have used some very expressive words: "We report to your Majesty that there prevails amongst the inhabitants of a great majority of the incorporated towns, a general and in our opinion a just dissatisfaction with their Municipal Institutions; a distrust of the self-elected Municipal Councils, whose powers are subject to no popular control, and whose acts and proceedings, being secret, are unchecked by the influence of public opinion; a distrust of the Municipal Magistracy, tainting with suspicion the local administration of justice, and often accompanied with contempt of the persons by whom the law is administered; a discontent under the burdens of local taxation, while revenues that ought to be applied for the public advantage are diverted from their legitimate use, and are sometimes wastefully bestowed for the benefit of individuals, sometimes squandered for purposes injurious to the character and morals of the people."

The great object of the bill proposed by lord John Russell was to open a free course to the beneficial operation of those subordinate bodies in the government of the country which were provided in our ancient institutions as an essential counterpoise to the central authority. It has been truly said that the diffusion of political duties and political powers over every part of the body politic is like the circulation of the blood throughout the natural body. In the case of municipal corporations that healthful circulation was essentially impeded by chronic diseases which required no timid practice effectually to subdue. The object of the Municipal Reform Bill was to place the government of the towns really in the hands of the citizens themselves; to make them the guardians of their own property and pecuniary interests; to give to them the right of making a selection of qualified persons from whom the magistrates were to be chosen; in a word, to put an end to power without responsibility.

We may judge of the opposition which the Bill of Corporation Reform was likely to encounter from the mode in which it was regarded by lord Eldon: "Its interference with vested rights shocked his sense of equity even more than the sweeping clauses of the Reform Act." To regard, he said, ancient charters as so many bits of decayed parchment was, in his eyes, "a crowning iniquity."* At this distance of time it is scarcely necessary to trace the course of the Municipal Reform Bill through both Houses of Parliament. The measure was in the House of Commons from the 5th of June to the 20th of July; the great battles were fought in Committee after the bill had been read a second time on the 15th of June. The chief struggle was for the preservation of the existing rights, privileges, and property of freemen. Upon the third reading there was an instructive exposition by sir Richard Vyvyan, the Member for Bristol, of the great principle upon which the Bill was to be shown by the strictest of all logical proof to be utterly subversive of the Constitution: "It was the vice of the present Bill that at the expense of one principle it went to set up another. It was an attempt to set up generally the republican principle of representation upon the ruin of the principle of vested right. It was against that principle of the Bill that he mainly protested, although he considered it vicious and dangerous in many other respects. And, let him ask, would the hereditary aristocracy support the principle of a Bill which was against all hereditary right? Would the Peers now declare that an old charter of incorporation was worth less than a patent of nobility on which the ink is scarcely dry? The Peers had now to fight their own battle. The first step that they took in this instance would be irrevocable. They would have to decide, when this Bill was sent up to them, whether their Lordships were to be maintained on the doctrine of temporary expediency, or to preserve their privileges upon the principle of vested right." † The third reading of the Bill was passed without a division.

The endeavour in the House of Lords to impair the efficiency of the measure for Municipal Reform was sufficiently prosperous to produce the danger of such a conflict between the Upper and the Lower Houses as had scarcely before occurred since the time of the Long Parliament. The opposition to the Bill in the House of Lords was headed by lord Lyndhurst. It is unnecessary to say that the pre-eminent abilities of this great advocate were called forth in the most striking manner. His subtlety was far more dangerous, not only to this measure but to the government which had adopted it, than all the impassioned violence of certain

* See Twiss, vol. iii. p. 246.

† Hansard, vol. xxix. col. 740.

Peers, who seemed to have come to the conclusion that this was a fit season for bringing to an issue the contest, as they deemed it, between aristocratic and democratic government. Their plan of campaign appeared to be carefully considered. It might have been more successful if, like a famous charge in modern warfare, the strength of the enemy had not been too much left out of consideration. They called to their aid an irregular leader, who, taking the sword and mace of an old captain of condottieri, laid about him with relentless fury, careless whether he damaged his own cause or that of his enemy. On the 30th of July, when the House of Lords determined to call in counsel to be heard on behalf of certain corporations, sir Charles Wetherell addressed the House, which address was concluded on the following day. His violent invectives were no doubt contributory to the adoption of certain damaging amendments. But they had a more permanent effect. They produced through the country an irritation against the obstructive powers of the House of Lords. The people felt that the permission of that august body for the use by an advocate of the most insulting expressions toward the House of Commons was a proof that the House of Lords was out of harmony with the spirit of the age. When the amendments of the Peers were sent back to the House of Commons—in a debate in which lord John Russell expressed a sober indignation at the license which had permitted counsel at the bar of the Peers to insult the other branch of the Legislature, and sir Robert Peel did not defend the language of the rash advocate, but maintained that it was extremely difficult to place any restriction on what counsel might please to express—Mr. Roebuck maintained that every act of the Lords proved that they contemned and hated the people, and that they were determined to show this contempt and hatred by insulting the people's representatives. The quarrel between the two Houses was growing very serious. Lord John Russell and sir Robert Peel, much to their honour, took the part of moderators in this great dispute. Sir Robert Peel, especially, whilst he contended that they should uphold the perfect independence of the House of Lords, expressed his willingness to make some concessions which would have the effect of reconciling the differences between the two Houses. There were free conferences between a Committee of the House of Commons and Managers on the part of the House of Lords. After the last conference on the 7th of September, three days before the prorogation of Parliament, lord John Russell recommended that for the sake of peace, and as the Bill, though deprived of much of its original excellence,

was still an effective Reform of Municipal Institutions, the House should agree to it as it then stood, reserving the right of introducing whatever improvements the working of it might hereafter show to be necessary. The Bill for Municipal Reform received the royal assent on the 9th of September.

Lord Eldon, in this perilous crisis of a contest between the Peers and the Commons, lamented that his infirmities prevented him from going down to the House of Lords—not to conciliate, not to reconcile the differences between the two Houses,—but to grapple with the proceedings altogether, and persuade the Lords utterly to reject the Bill. Sitting "pale as a marble statue," and seeing terrible changes gradually darkening over all he had loved and venerated in corporate institutions,* we may venture to inquire if the outward glories of municipal power thus departing were as dear to his troubled soul as their ancient charters? What wonderful manifestations of grandeur were presented to the admiring eyes of the people by the majority of corporations as they existed in 1835! What processions were there on every possible occasion, of red gowns and blue, with mace-bearer and beadle! To walk in toged state to church, or to proclaim an election writ, or to open a ginger-bread fair;—to be adorned with golden chains as mayor and aldermen sitting on high in their tribunals at quarter sessions; to look venerable, clothed in scarlet and fur, at solemn supper in open hall like the Tudor and Stuart kings, on Fair-nights, holding the Pie-powder Court, where the "dustifoot" might go for justice,—these were indeed gorgeous displays. Magnificent pageants on the Mayor's day existed in a few provincial cities and boroughs: Norwich had its "Whifflers" and its "Dragon." All the ancient and modern glories were to depart; even the Mayor's feast was to be an inexpensive banquet, not defrayed out of the corporate funds. The Mansion Houses were to be let for warehouses. Well might the good ex-Chancellor weep, having only one poor consolation, that the City of London was to be spared; that its Lord Mayor would still have the glorious privilege of interrupting for one day in the year the real business of three millions of people, to assert by his men-in-armour, and his pasteboard Gog and Magog, his pretended rule over a community of which only one-thirtieth would be subject to his jurisdiction.

* See Twiss, vol. iii. p. 247.

CHAPTER IX.

Parliament.—Session of 1836.—Opposition of the Lords to the Irish Corporations' Bill.—Lord Lyndhurst.—Alleged Lichfield House Compact.—Tithe-Commutation Act.—Act for allowing Counsel to Prisoners.—Act for Regulation of Prisons and for appointing Inspectors.—General Registration Act.—Reduction of Stamp on Newspapers.—Reduction of Paper Duty.—Foreign Politics.—Belgium.—Spain.—France.—Conspiracies against Louis Philippe.—Enterprise of Louis Napoleon Bonaparte at Strasbourg.—Parliament.—Illness of King William IV.—His death.—His character.—Accession of Queen Victoria.—Ministry at Her Majesty's Accession.—Table of Treaties.—Table of National Debt.

THE disposition which had been manifested in the Session of 1835 by the majority of the House of Lords, threatening something beyond a passing difference with the majority of the House of Commons, became stronger and more confirmed in the Session of 1836. The compromise upon the English Municipal Reform Bill had averted, in some degree, the apprehension of a perilous conflict between the two branches of the legislature. The question of Corporation Reform in Ireland was to be disposed of in the session of 1836, with an absolute indifference to the opinions of the Commons. In 1835, on the reading of that Bill a third time in the Lower House at so late a period of the Session as the 13th of August, Mr. Sinclair, a Scotch member, anticipating the probable course that would be taken by the Lords, when in the next Session it should be sent to the Upper House, said that it must pass through the ordeal of an assembly in which the laws of truth and justice would not be set at nought,—in which vested rights would not be invaded,—in which no bill would pass for the destruction of the Protestant Establishment in Ireland, by transferring the influence from property, which in a preponderating ratio was in the hands of Protestants, to Roman Catholics, who in point of numbers would in most cases obtain the pre-eminence.* It is easy to judge from this declaration how sustained and bitter would be the controversy upon the subject of Irish Corporations in the Session of 1836, in which a new bill was brought in and passed by the House of Commons on the 28th of March. On the 18th of August of that year, just previous to the prorogation, lord Lyndhurst, who had with infinite courage and ability directed the

* Hansard, vol. xxx. col. 615.