

LIV.

AN EMPIRE LOST IN THE WEST.—STANHOPE.

[Soon after the great success of Clive in the East, General Wolfe, whom Pitt had appointed commander-in-chief of the British forces in America, succeeded in wresting Canada from the French by the capture of Quebec. In the treaty of peace which closed the Seven Years' War France was forced to cede to England nearly all her colonial possessions in America. But this great gain to England led directly to a far greater loss. So long as the French power in America remained as a rival to that of Britain, the Anglo-American colonies were forced to rely upon the mother-country to maintain themselves against it; when that power was broken the colonists became practically independent. The narrow and selfish policy pursued by George III. and his ministers toward the colonies gradually weakened their feeling of loyalty, and at length drove them to rebellion. The struggle which led to a separation was virtually ended by the surrender of the British army, under Cornwallis, at Yorktown.]



GEORGE III.

MEANWHILE it was determined to press the operations against Lord Cornwallis with the utmost vigor. The net, indeed, was rapidly closing around the English earl. During the month of August he had relinquished Portsmouth and taken post at Yorktown, in pursuance of some instructions from Sir Henry Clinton, which Sir Henry meant as permission, but which Cornwallis understood as peremptory. Yorktown, as Cornwallis afterward declared, was not, in his judgment, well adapted for defense. It is a small village, about twelve miles from Williamsburg, built upon a high bank, the southern one, of York River. There the long peninsula, extending between the rivers York and James, is little more than eight miles broad. There the river York itself is one

mile in width; and, on a point of land projecting from the northern bank, lies Gloucester, another small village, which Cornwallis also held. Both posts, but more especially Yorktown as the larger, he had fortified as best he might, with redoubts and intrenchments; and these unfinished works he was now to maintain with seven thousand men against a force which by degrees grew to eighteen thousand. His position was not really perilous, so long as the English retained the superiority at sea; but the great fleet of De Grasse was now interposing, and cut off his retreat.

Cornwallis is admitted to have shown most undaunted resolution. The officers under him, and the troops, German and English, all did their duty well. For some weeks they had labored hard and unremittingly in raising their defenses; and they were now prepared, with equal spirit, to maintain their half-completed works. But, besides the enemy without, they had another foe within—an epidemic sickness that stretched many hundreds helpless on their pallet-beds. Nor could they hinder Washington from completing his first parallel, and opening his fire upon them on the evening of the 9th of October. For two days the fire was incessant from heavy cannon, and from mortars and howitzers, throwing shells in showers on the town, until, says Cornwallis, all our guns on the left were silenced, our works much damaged, and our loss of men considerable. By these shells, also, the *Charon*, a ship of forty-four guns, together with three British transports in the river, were set in flames and consumed. On the night of the 11th the enemy began their second parallel at about three hundred yards; that is, at only half the distance of the former. Cornwallis did all in his power to delay, for prevent he could not, the progress of this work, by opening new embrasures for guns, and keeping up a constant fire with all the howitzers and small mortars that he could man.

In their approaches the enemy were also, in some degree, impeded by two redoubts which the British had constructed

in advance to cover their left flank. These Washington resolved to storm; and, for the sake of exciting emulation, he intrusted the attack of the one to the Americans, and of the other to the French. Both attacks were made in the night of the 14th, and with full success; and, by the unwearied exertions of the enemy, both redoubts were included in their second parallel by day-break the next morning.

[On the 16th the English general made an ineffectual attempt to escape by way of Gloucester.]

Meanwhile, as Cornwallis had expected, the enemy's batteries before Yorktown had opened fire at day-break. Nothing now remained for him but to obtain the best terms he could. On that morning, then, the 17th of October, he sent a flag of truce to Washington, proposing a cessation of arms, and a treaty for the capitulation of his post. Washington, in reply, required him to state within two hours the terms which he demanded. In a second letter hereupon Cornwallis asked that the garrisons of Yorktown and Gloucester, though laying down their arms as prisoners of war, should be sent home—the Britons to Britain, and the Germans to Germany, under engagement not to serve against France, America, or their allies, until in due form exchanged. The American general declared these terms to be inadmissible, and the earl then agreed to waive them. It appears probable, indeed, that they were proposed only for the sake of form or show.

On this basis, then—as yielded by Cornwallis, on the morning of the 18th of October—a cessation of arms was continued, and a negotiation began. The commissioners, two field-officers being named on either side, conferred together, and discussed the terms that same day. All the artillery and public stores in the two forts, together with the shipping and boats in the two harbors, were to be surrendered by the English. On the other hand, private property of every kind was to be respected by the Americans and French. The

garrisons of Yorktown and Gloucester were to march out with the same honors of war as had been granted by Sir Henry Clinton at Charleston; the land forces to remain prisoners of the United States, and the naval forces prisoners of France. The soldiers were to be kept in Virginia, Maryland, or Pennsylvania, and as much by regiments as possible. The general, staff, and other officers not left with the troops, to be permitted to go to New York or to Europe on parole.

“It is remarkable,” says an American historian, “that while Colonel Laurens, the officer employed by General Washington (in conjunction with the Vicomte de Noailles) was drawing up these articles, his father was closely confined in the Tower of London, of which Lord Cornwallis was constable. By this singular combination of circumstances, his lordship became a prisoner to the son of his own prisoner!”

The articles of capitulation, having been finally fixed by Washington and accepted by Cornwallis, were signed by the respective generals on the morning of the 19th of October. On the British side about five hundred men had been killed or wounded during the progress of the siege. At its close, the British and German troops, exclusive of the seamen, amounted to six thousand; but so great was the number of the sick and the disabled, that there remained less than four thousand fit for duty. At two o'clock that afternoon, as agreed in the capitulation, the Yorktown troops marched out with their drums beating, their arms shouldered, and their colors cased, to lay down their arms before the enemy, Americans and French, drawn out in line. The officer specially appointed to receive them was General Lincoln, the chief of their captives at Charleston, in the preceding year. Yet Washington, with his usual lofty spirit, had no desire to aggravate the anguish and humiliation of honorable foes. On the contrary, he bade all mere spectators keep aloof from the ceremony, and suppressed all public signs of exultation.

The scene which ensued is described by an eye-witness, a

French chaplain of the Comte de Rochambeau. The two lines of the allied army, says Abbé Robin, were drawn out for upward of a mile, the Americans having the right. The disproportion of heights and of ages in their men, and their soiled and ragged clothing, might be unfavorably contrasted with the neater and more soldierly appearance of the French. Yet, under such circumstances, the personal disadvantages of a raw militia should rather be looked upon as an enhancement of the triumph they had gained. The abbé was struck at seeing, from several indications, how much keener were at that time the animosity between the English and Americans than between the English and French. Thus, the English officers, when they laid down their arms, and were passing along the enemy's line, courteously saluted every French officer, even of the lowest rank—a compliment which they withheld from every American, even of the highest.

With the surrender of Lord Cornwallis the American war may be said to have concluded; so far, at least, as its active military operations were concerned. It was a war by no means, as we sometimes hear alleged of it, founded on any plain or palpable injustice in point of law, since, at the outset, when the taxes were first imposed, the English ministers might point to nearly all the highest authorities as affirming the abstract right of taxation we possessed. But beyond all doubt, it was a war proceeding on the grossest impolicy, from the moment it was seen how much resentment the exercise of that right provoked. For the mere barren assertion of that right—for a mere peppercorn of rent—we alienated and, as it were, in wantonness, flung from us provinces which, at the peace of 1763, had been as contented and loyal as the shires along the Severn or the Thames. We grew wiser, but too late. Earnest and more earnest overtures, larger and then larger concessions, were tendered, from time to time, to the uprisen colonies, but always a few weeks or a few months beyond the period when they might yet have healed

the wound. The same utter want of policy which provoked the war was shown in its first direction. Our most skillful commanders, our most daring enterprises, seemed to be reserved for the conclusion of the conflict, when skill could no more avail us, and when enterprise led only to disaster. While the opportunity was still ours—while France and Spain, so soon to combine against us, still kept aloof—while Washington's army, for example, was in full flight, or Gates's army was not yet formed, then it was that we find General Howe content to bound his conquests at the Delaware, and General Burgoyne refrain a whole month from his advance to Albany.

Such was the system in the cabinet, against which our greatest statesmen warned the ministry in vain. Such were the errors in the field, which even the occasional skill of our officers, and the constant bravery of our troops, could not retrieve. Thus did we alienate a people with whom we might, perhaps, to this very day, have kept united; with them resolutely upholding peace among all other nations; with them, the leaders of the world in temperate liberty and Christian progress. They might have been both our brother freemen and our fellow-subjects, free with their own assemblies, as we are free with ours, yet bound to us beneath the golden circle of the crown. Or if even, with their growing numbers, that golden circle had seemed to them to press, it might have been gently and quietly unloosed. We might have parted as friends and kinsmen part, not have torn asunder with a bleeding gash on either side.

LV.

THE TERRIBLE PENAL CODE.—LECKY.

[The success of the American revolutionists gave a new impulse to the spirit of rebellion in Ireland, and led to a renewal of the attempts which had been made there from time to time to throw off the yoke of English oppression. In 1693, when nine tenths of the people of Ireland were Catholics, the English Parliament passed a law which excluded Catholics from the Irish Parliament. The latter body then began the enactment of the infamous series of statutes known as the Irish Penal Code. Since the days of Walpole, some provisions of the code had been relaxed; but now, in response to the fierce demands of the Irish, England was compelled to make further concessions. The entire code, however, was not swept away until 1829.]

It required, indeed, four or five reigns to elaborate a system so ingeniously contrived to demoralize, to degrade, and to impoverish the people of Ireland. By this code the Roman Catholics were absolutely excluded from the Parliament, from the magistracy, from the corporations, from the bench, and from the bar. They could not vote at Parliamentary elections or at vestries. They could not act as constables, or sheriffs, or jurymen, or serve in the army or navy, or become solicitors, or even hold the positions of gamekeeper or watchman. Schools were established to bring up their children as Protestants; and if they refused to avail themselves of these, they were deliberately consigned to hopeless ignorance, being excluded from the university, and debarred, under crushing penalties, from acting as school-masters, as ushers or as private tutors, or from sending their children abroad to obtain the instruction they were refused at home. They could not marry Protestants; and if such a marriage were celebrated it was annulled by law, and the priest who officiated might be hung. They could not buy land, or inherit or receive it as a gift from Protestants, or hold life

annuities, or leases for more than thirty-one years, or any lease on such terms that the profits of the land exceeded one third of the rent. If any Catholic lease-holder by his industry so increased his profits that they exceeded this proportion, and did not immediately make a corresponding increase in his payments, any Protestant who gave the information could enter into possession of his farm. If any Catholic had secretly purchased his old forfeited estate, or any other land, any Protestant who informed against him might become the proprietor.

The few Catholic land-holders who remained were deprived of the right which all other classes possessed of bequeathing their lands as they pleased. If their sons continued Catholics, it was divided equally between them. If, however, the eldest son consented to apostatize, the estate was settled upon him; the father from that hour became only a life-tenant, and lost all power of selling, mortgaging, or otherwise disposing of it. If the wife of a Catholic abandoned the religion of her husband, she was immediately free from his control, and the chancellor was empowered to assign to her a certain proportion of her husband's property. If any child, however young, professed itself a Protestant, it was at once taken from the father's care, and the chancellor could oblige the father to declare, upon oath, the value of his property, both real and personal, and could assign for the present maintenance and future portion of the converted child such proportion of that property as the court might decree. No Catholic could be guardian either to his own children, or to those of another person; and, therefore, a Catholic who died while his children were minors had the bitterness of reflecting upon his deathbed that they must pass into the care of Protestants. An annuity of from twenty to forty pounds was provided as a bribe for every priest who would become a Protestant. To convert a Protestant to Catholicism was a capital offense.

In every walk of life the Catholic was pursued by persecution or restriction. Except in the linen trade, he could not have more than two apprentices. He could not possess a horse of the value of more than five pounds, and any Protestant, on giving him five pounds, could take his horse. He was compelled to pay double to the militia. He was forbidden, except under particular conditions, to live in Galway or Limerick. In case of war with a Catholic power, the Catholics were required to reimburse the damage done by the enemy's privateers. The Legislature, it is true, did not venture absolutely to suppress their worship, but it existed only by a doubtful connivance—stigmatized as if it were a species of licensed prostitution, and subject to conditions which, if they had been enforced, would have rendered its continuance impossible. An old law which prohibited it, and another which enjoined attendance at the Anglican worship, remained unrepealed, and might at any time be revived; and the former was, in fact, enforced during the Scotch rebellion of 1715. The parish priests, who alone were allowed to officiate, were compelled to be registered, and were forbidden to keep curates, or to officiate anywhere except in their own parishes. The chapels might not have bells or steeples. No crosses might be publicly erected. Pilgrimages to the holy wells were forbidden. Not only all monks and friars, but also all Catholic archbishops, bishops, deacons, and other dignitaries, were ordered by a certain day to leave the country; and if, after that date, they were found in Ireland, they were liable to be first imprisoned, and then banished; and if, after that banishment, they returned to discharge their duty in their dioceses, they were liable to the punishment of death. To facilitate the discovery of offenses against the code, two justices of the peace might at any time compel any Catholic of eighteen years of age to declare when and where he last heard mass, what persons were present, and who officiated; and, if he refused to give evidence, they might

imprison him for twelve months, or until he paid a fine of twenty pounds. Any one who harbored ecclesiastics from beyond the seas was subject to fines which, for the third offense, amounted to the confiscation of all his goods. A graduated scale of rewards was offered for the discovery of Catholic bishops, priests, and school-masters; and a resolution of the House of Commons pronounced "the prosecuting and informing against Papists" "an honorable service to the government."

Such were the principal articles of this famous code—a code which Burke truly described as "well digested and well disposed in all its parts; a machine of wise and elaborate contrivance, and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man." It was framed by a small minority of the nation for the oppression of the majority, who remained faithful to the religion of their fathers. It was framed by men who boasted that their creed rested upon private judgment, and whose descendants are never weary of declaiming upon the intolerance of popery; and it was directed, in many of its provisions, against mere religious observances; and was in all its parts so strictly a code of religious persecution, that any Catholic might be exempted from its operation by simply forsaking his religion. It was framed and enforced, although by the treaty of Limerick the Catholics had been guaranteed such privileges in the exercise of their religion as they enjoyed in the reign of Charles II., although the sovereign at the same time promised, as soon as his affairs would permit, "to summon a Parliament in this kingdom, and to endeavor to procure the said Roman Catholics such further security in that particular as may preserve them from any disturbance on account of their religion, although not a single overt act of treason was proved against them, and although they remained passive spectators of two

rebellions which menaced the very existence of the Protestant dynasty in England.

The economical and moral effects of the penal laws were profoundly disastrous. The productive energies of the nation were fatally diminished. Almost all Catholics of energy and talent who refused to abandon their faith emigrated to foreign lands. The relation of classes was permanently vitiated, for almost all of the land-holders of the country belonged to one religion, while the great majority of their tenants were of another. The Catholics, excluded from almost every possibility of eminence, and consigned by the Legislature to utter ignorance, soon sank into the condition of broken and dispirited helots. A total absence of industrial virtues, a cowering and abject deference to authority, a recklessness about the future, a love of secret illegal combinations, became general among them. Above all, they learned to regard law as merely the expression of force, and its moral weight was utterly destroyed. For the greater part of a century the main object of the Legislature was to extirpate a religion by the encouragement of some of the worst and the punishment of some of the best qualities of our nature. Its rewards were reserved for the informer, for the hypocrite, for the undutiful son, or for the faithless wife. Its penalties were directed against religious constancy and the honest discharge of ecclesiastical duty. It would, indeed, be scarcely possible to conceive a more infamous system of legal tyranny than that which in the middle of the eighteenth century crushed every class and almost every interest in Ireland.

The history of the penal laws should furnish a lasting warning to persecutors of all religions. Arthur Young asserts that the numerical proportion of the Roman Catholics in Ireland was not even diminished, if any thing, the reverse; and that it was admitted, by those who asserted the contrary, that it would take four thousand years, according to the then rate of progress, to convert them. It was stated in Parliament that

only four thousand and fifty-five had conformed in seventy-one years under the system; and what little the religion may have lost in number it gained in intensity. The poorer classes in Ireland emerged from their long ordeal, penetrated with an attachment to their religion almost unparalleled in Europe. With the exception of the inhabitants of Bavaria and the Tyrol, there is, perhaps, no nation in Europe whose character has been so completely molded and permeated by it, or in which skeptical doubts are more completely unknown.

The code perished at last by its own atrocity. It became, after a time, so out of harmony with the prevailing tone of Irish opinion that it ceased to be enforced, and the Irish Protestants took the initiative in obtaining its mitigation.

LVI.

IMPEACHMENT OF HASTINGS.—MACAULAY.

[Ireland was still in a state of agitation when the attention of the English Parliament became absorbed in one of the most remarkable of modern criminal trials. In 1773 Warren Hastings was made the first governor-general of India. During the twelve years of his administration he rendered inestimable service in extending and consolidating England's power in the East, but his glory was sullied by many crimes. Soon after his retirement from office he was impeached (1788) by the House of Commons, before the bar of the Lords, on charges of misgovernment in India. The trial dragged on for eight years, and, in the end, Hastings was acquitted; but the object for which the impeachment had been begun was attained. The crimes of Hastings have never been repeated, even by the worst of his successors.]

In the mean time the preparations for the trial had proceeded rapidly, and, on the 13th of February, 1788, the sittings of the court commenced. There have been spectacles more dazzling to the eye, more gorgeous with jewelry and