

to him, it must arise either from his endeavour to force Coke to a favourable decision, in which he was in all probability prompted by a feeling, not uncommon with him, that a matter of state policy was in danger of being sacrificed to some senseless legal quibble or precedent, or from his advice to the king that a rumour should be set afloat which was not strictly true. We do not imagine that in any other politician either of these actions would meet with very severe condemnation.

Bacon's share in another great trial which came on shortly afterwards, the Overbury and Somerset case, is not of such a nature as to render it necessary to enter upon that obscure and thorny subject.¹ It may be noted, however, that his letters about this time show that he had become acquainted with the king's new favourite, the brilliant Sir George Villiers, and that he stood high in the king's good graces. In the early part of 1616, when Ellesmere, the lord chancellor, was dangerously ill, Bacon wrote a long and careful letter to the king, proposing himself for the office, should it fall vacant, and stating as frankly as possible of what value he considered his services would be. In answer, he appears to have received a distinct promise of the reversion of the office; but, as Ellesmere recovered, the matter stood over for a time. He proposed, however, that he should be made a privy councillor, in order to give him more weight in his almost recognised position of adviser to the king, and on the 9th June 1616 he took the oaths and his seat at the council board.

Meanwhile, his great rival Coke, whose constant tendency to limit the prerogative by law and precedent had made him an object of particular dislike to James, had on two points come into open collision with the king's rights. The first case was an action of *præmunire* against the Court of Chancery, evidently instigated by him, but brought at the instance of certain parties whose adversaries had obtained redress in the chancellor's court after the cause had been tried in the Court of King's Bench. With all his learning and ingenuity, Coke failed in inducing or even forcing the jury to bring in a bill against the Court of Chancery, and it seems fairly certain that on the technical point of law involved he was wrong. Although his motive was, in great measure, a feeling of personal dislike towards Ellesmere, yet it is not improbable that he was influenced by the desire to restrict in every possible way the jurisdiction of a court which was the direct exponent of the king's wishes. The other case, that of the *commendams*, was more important in itself and in the circumstances connected with it. The general question involved in a special instance was whether or not the king's prerogative included the right of granting at pleasure livings in *commendam*, i.e., to be enjoyed by one who was not the incumbent. Bacon, as attorney-general, delivered a speech, which has not been reported; but the king was informed that the arguments on the other side had not been limited to the special case, but had directly impugned the general prerogative right of granting livings. It was necessary for James, as a party interested, at once to take measures to see that the decision of the judges should not be given on the general question without due consultation. He accordingly wrote to Bacon, directing him to intimate to the judges his pleasure that they should delay judgment until after discussion of the matter with himself. Bacon communicated first with Coke, who in reply desired that similar notice should be given to the other judges. This was done by

¹ The mysterious crimes supposed to be concealed under the obscure details of this case have cast a shadow of vague suspicion on all who were concerned in it. The minute examination of the facts by Mr Spedding (*Letters and Life*, v. 208-347) seems to show that these secret crimes exist nowhere but in the heated imaginations of romantic biographers and historians.

Bacon, though he seems to hint that in so doing he was going a little beyond his instructions. The judges took no notice of the intimation, proceeded at once to give judgment, and sent a letter in their united names to the king announcing what they had done, and declaring that it was contrary to law and to their oath for them to pay any attention to a request that their decision should be delayed. The king was indignant at this encroachment, and acting partly on the advice of Bacon, held a council on the 6th June 1616, at which the judges attended. James then entered at great length into the case, censuring the judges for the offensive form of their letter, and for not having delayed judgment upon his demand, which had been made solely because he was himself a party concerned. The judges, at the conclusion of his speech, fell on their knees, and implored pardon for the manner of their letter; but Coke attempted to justify the matter contained in it, saying that the delay required by his majesty was contrary to law. The point of law was argued by Bacon, and decided by the chancellor in favour of the king, who put the question to the judges individually, "Whether, if at any time, in a case depending before the judges, which his majesty conceived to concern him either in power or profit, and thereupon required to consult with them, and that they should stay proceedings in the meantime, they ought not to stay accordingly?" To this all gave assent except Coke, who said that "when the case should be, he would do that should be fit for a judge to do." No notice was taken by the king of this famous, though somewhat evasive, reply, but the judges were again asked what course they would take in the special case now before them. They all declared that they would not decide the matter upon general grounds affecting the prerogative, but upon special circumstances incident to the case; and with this answer they were dismissed. Bacon's conduct throughout the affair has been blamed, but apparently on wrong grounds. As attorney he was merely fulfilling his duty in obeying the command of the king; and in laying down the law on the disputed point, he was, we may be sure, speaking his own convictions. Censure might more reasonably be bestowed on him, because he deliberately advised a course of action than which nothing can be conceived better calculated to strengthen the hands of an absolute monarch.² This appeared to Bacon justifiable and right, because the prerogative would be defended and preserved intact. Coke certainly stands out in a better light, not so much for his answer, which was rather indefinite, and the force of which is much weakened by his assent to the second question of the king, but for the general spirit of resistance to encroachment exhibited by him. He was undeniably troublesome to the king, and it is no matter for wonder that James resolved to remove him from a position where he could do so much harm. On the 26th June he was called before the council to answer certain charges, one of which was his conduct in the *præmunire* question. He acknowledged his error on that head, and made little defence. On the 30th he was suspended from council and bench, and ordered to employ his leisure in revising certain obnoxious opinions in his reports. He did not perform the task to the king's satisfaction, and a few months later he was dismissed from office.

Bacon's services to the king's cause had been most important; and as he had, at the same time, acquired great favour with Villiers, his prospects looked brighter than before. According to his custom, he strove earnestly to guide by his advice the conduct of the young favourite. His letters, in which he analyses the various relations in which such a man must stand, and prescribes the course of

² A somewhat similar case is that of the writ *De Rege inconnitio* brought forward by Bacon. See *Letters and Life*, v. 233-36.

action suitable for each, are valuable and deserving of attention.¹ Very striking, in view of future events, are the words² in which he gives him counsel as to his dealing with judges: "By no means be you persuaded to interpose yourself by word or letter in any cause depending, or like to be depending, in any court of justice, nor suffer any man to do it where you can hinder it; and by all means dissuade the king himself from it, upon the importunity of any, either for their friends or themselves. If it should prevail, it perverts justice; but if the judge be so just, and of so undaunted a courage (as he ought to be) as not to be inclined thereby, yet it always leaves a taint of suspicions and prejudice behind it." It is probable that Villiers at this time had really a sense of the duties attaching to his position,³ and was willing to be guided by a man of approved wisdom. It was not long before an opportunity occurred for showing his gratitude and favour. Ellesmere resigned the chancellorship on the 5th March 1617, and on the 7th the great seal was bestowed upon Bacon, with the title of Lord Keeper. Two months later he took his seat with great pomp in the Chancery Court, and delivered a weighty and impressive opening discourse. He entered with great vigour on his new labours, and in less than a month he was able to report to Buckingham that he had cleared off all outstanding Chancery cases. He seemed now to have reached the height of his ambition; he was the first law officer in the kingdom, the accredited minister of his sovereign, and on the best terms with the king and his favourite. His course seemed perfectly prosperous and secure, when a slight storm arising opened his eyes to the frailty of the tenure by which he held his position.

Coke was in disgrace but not in despair; there seemed to be a way whereby he could reconcile himself to Buckingham, through the marriage of his daughter, who had an ample fortune, to Sir John Villiers, brother of the marquis, who was penniless or nearly so. The match was distasteful to Lady Hatton and to her daughter; a violent quarrel was the consequence, and Bacon, who thought the proposed marriage most unsuitable, took Lady Hatton's part. His reasons for disapproval he explained to the king and Buckingham, but found to his surprise that their indignation was strongly roused against him. He received from both bitter letters of reproof; it was rumoured that he would be disgraced, and Buckingham was said to have compared his present conduct to his previous unfaithfulness to Essex. Bacon, who seems to have acted from a simple desire to do the best for Buckingham's own interests, at once changed his course, advanced the match by every means in his power, and by a humble apology appeased the indignation that had been excited against him. It had been a sharp lesson, but things seemed to go on smoothly after it, and Bacon's affairs prospered. In January 1618 he received the higher title Lord Chancellor; in July of the same year he was made Baron Verulam; and in January 1621 he was created Viscount St Alban. His fame, too, had been increased by the publication in 1620 of his most celebrated work, the *Novum Organum*. He seemed at length to have made satisfactory progress towards the realisation of his cherished aims; the method essential for his Instauration was partially completed; and he had attained as high a rank in the state as he had ever contemplated. But history too clearly tells us that his

actions in that position were not calculated to promote the good of his country.

Connected with the years during which he held office is one of the weightiest charges against his character. Buckingham, notwithstanding the advice he had received from Bacon himself, was in the habit of addressing letters to him recommending the causes of suitors. In many cases these seem nothing more than letters of courtesy, and from the general tone, it might fairly be concluded that there was no intention to sway the opinion of the judge illegally, and that Bacon did not understand the letters in that sense. This view is supported by consideration of the few answers to them which are extant.⁴ One outstanding case, however, that of Dr Steward,⁵ casts some suspicion on all the others. The terms of Buckingham's note⁶ concerning it might easily have aroused doubts; and we find that the further course of the action was to all appearances exactly accommodated to Dr Steward, who had been so strongly recommended. It is, of course, dangerous to form an extreme judgment on an isolated and partially understood case, of which also we have no explanation from Bacon himself, but if the interpretation given by Mr Heath be the true one, Bacon certainly suffered his first, and so far as we can see, just judgment on the case to be set aside, and the whole matter to be reopened in obedience to a request from Buckingham.

It is somewhat hard to understand Bacon's position with regard to the king during these years. He was the first officer of the crown, the most able man in the kingdom, prudent, sagacious, and devoted to the royal party. Yet his advice was followed only when it chimed in with James's own will; his influence was of a merely secondary kind; and his great practical skill was employed simply in carrying out the measures of the king in the best mode possible. We know indeed that he sympathised cordially with the home policy of the Government; he had no objection to such monopolies or patents as seemed advantageous to the country, and for this he is certainly not to be blamed.⁷ The opinion was common at the time, and the error was merely ignorance of the true principles of political economy. But we know also that the patents were so numerous as to be oppressive, and we can scarcely avoid inferring that Bacon more readily saw the advantages to the Government than the disadvantages to the people. In November 1620, when a new parliament was summoned to meet on January following, he earnestly pressed that the most obnoxious patents, those of alehouses and inns, and the monopoly of gold and silver thread, should be given up, and wrote to Buckingham, whose brothers were interested, advising him to withdraw them from the impending storm. This prudent advice was unfortunately rejected. But while he went cordially with the king in domestic affairs, he was not quite in harmony with him on questions of foreign policy. Not only was he personally in favour of a war with Spain for the recovery of the Palatinate, but he foresaw in such a course of action the means of drawing together more closely the king and his Parliament. He believed that the royal difficulties would be removed if a policy were adopted with which the people could heartily sympathise, and if the king placed himself at the head of his Parliament and led them on. But his advice was neglected by the vacillating and peace-loving monarch, his proffered proclamation was put

¹ *Letters and Life*, vi. 6, 7, 13-26, 27-56.

² *Ibid.*, vi. 33.

³ A position which Bacon in some respects approved. See *Essays*, "Of Ambition." "It is counted by some a weakness in princes to have favourites; but it is of all others the best remedy against ambitious great ones; for when the way of pleasuring and displeasuring lieth by the favourite, it is impossible any other should be over great."

⁴ *Letters and Life*, vi. 278, 294-96, 313.

⁵ *Ibid.*, vii. 579-588, analysis of the case by Mr Heath, who expresses a strong opinion against Bacon's action in the matter.

⁶ *Ibid.*, vi. 444.

⁷ For a full discussion of Bacon's connection with the monopolies, see Gardiner, *Prince Charles, &c.*, ii. 355-373. For his opinion of monopolies in general, see *Letters and Life*, vi. 49.

aside, and a weak, featureless production substituted in its place. Nevertheless the new Parliament seemed at first more responsive than might have been looked for. A double subsidy was granted, which was expressly stated to be "not on any consideration or condition for or concerning the Palatinate." The session, however, was not far advanced when the question of patents was brought up; a determined attack was made upon the very ones of which Bacon had been in dread, and it was even proposed to proceed against the referees (Bacon and Montagu) who had certified that there was no objection to them in point of law. This proposal, though pressed by Coke, was allowed to drop; while the king and Buckingham, acting under the advice of Williams, afterwards lord keeper, agreed to give up the monopolies. It was evident, however, that a determined attack was about to be made upon Bacon, and that the proceeding against the referees was really directed against him. It is probable that this charge was dropped because a more powerful weapon had in the meantime been placed in his enemies' hands. This was the accusation of bribery and corrupt dealings in Chancery suits, an accusation apparently wholly unexpected by Bacon, and the possibility of which he seems never to have contemplated until it was actually brought against him. At the beginning of the session a committee had been appointed for inquiring into abuses in the courts of justice. Some illegal practices of certain Chancery officials had been detected and punished by the court itself, and generally there was a disposition to overhaul its affairs, while Coke and Cranfield directly attacked some parts of the chancellor's administration. But on March 14th one Aubrey appeared at the bar of the House, and charged Bacon with having received from him a sum of money while his suit was going on, and with having afterwards decided against him. Bacon's letter¹ on this occasion is worthy of serious attention; he evidently thought the charge was but part of the deliberate scheme to ruin him which had already been in progress. A second accusation (Egerton's case) followed immediately after, and was investigated by the House, who, satisfied that they had just matter for reprehension, appointed the 19th for a conference with the Lords. On that day Bacon, as he had feared, was too ill to attend. He wrote² to the Lords excusing his absence, requesting them to appoint a convenient time for his defence and cross-examination of witnesses, and imploring them not to allow their minds to be prejudiced against him, at the same time declaring that he would not "trick up an innocency with cavillations, but plainly and ingenuously declare what he knew or remembered." The charges rapidly accumulated, but Bacon still looked upon them as party moves, and was in hopes of defending himself.³ Nor did he seem to have

¹ *Letters and Life*, vii. 213: "I know I have clean hands and a clean heart, and I hope a lean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, specially in a time when greatness is the mark and accusation is the game."

² *Ibid.*, vii. 215-16.

³ *Ibid.*, vii. 225-26. From the letter to the king (March 25, 1621)—"When I enter into myself, I find not the materials of such a tempest as is comen upon me. I have been (as your majesty knoweth best) never author of any immoderate counsel, but always desired to have things carried *suavibus modis*. I have been no avaricious oppressor of the people. I have been no haughty or intolerable or hateful man in my conversation or carriage. I have inherited no hatred from my father, but am a good patriot born. Whence should this be? For these are the things that use to raise dislikes abroad. . . . And for the briberies and gifts wherewith I am charged, when the book of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice, howsoever I may be frail, and partake of the abuse of the times."

lost his courage, if we are to believe the common reports of the day,⁴ though certainly they do not appear worthy of very much credit.

The notes⁵ bearing upon the interview which he obtained with the king, show that he had begun to see more clearly the nature and extent of the offences with which he was charged, that he now felt it impossible altogether to exculpate himself, and that his hopes were directed towards obtaining some mitigation of his sentence. The long roll of charges made upon the 19th April finally decided him; he gave up all idea of defence, and wrote to the king begging him to show him favour in this emergency.⁶ The next day he sent in a general confession to the Lords,⁷ trusting that this would be considered satisfactory. The Lords, however, decided that it was not sufficient as a ground for their censure, and demanded a detailed and particular confession. A list of twenty-eight charges was then sent him, to which an answer by letter was required. On the 30th April his "confession and humble submission"⁸ was handed in. In it, after going over the several instances, he says, "I do again confess, that on the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect; for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court."⁹ On the 3d May, after considerable discussion, the Lords decided upon the sentence, which was,¹⁰ That he should undergo fine and ransom of £40,000; that he should be imprisoned in the tower during the king's pleasure; that he should be for ever incapable of any office, place, or employment in the state or commonwealth; that he should never sit in parliament, or come within the verge of the court. This heavy sentence was only partially executed. The fine was in effect remitted by the king; imprisonment in the tower lasted for about four days; a general pardon (not of course covering the parliamentary censure) was made out, and though delayed at the seal for a time by Lord Keeper Williams, was passed probably in November 1621. The cause of the delay seems to have lain with Buckingham, whose friendship had cooled, and who had taken offence at the fallen chancellor's unwillingness to part with York House. This difference was finally smoothed over, and it was probably through his influence that Bacon received the much-desired permission to come within the verge of the court. He never again sat in parliament.

So ends this painful episode, which has given rise to the most severe condemnation of Bacon, and which still presents great and perhaps insuperable difficulties. On the whole, the tendency of the most recent and thorough researches has been towards the opinion that Bacon's own account of the matter (from which, indeed, our knowledge of it is chiefly drawn) is substantially correct. He distinguishes three ways in which bribes may be given,¹¹ and ingenuously

⁴ *Letters and Life*, vii. 227, and Gardiner, *Prince Charles, &c.*, i. 450.

⁵ *Ibid.*, vii. 236, 238.

⁶ *Ibid.*, vii. 241.

⁷ *Ibid.*, vii. 242-4: "It resteth therefore that, without fig-leaves, I do ingenuously confess and acknowledge, that having understood the particulars of the charge, not formally from the House, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your lordships to condemn and censure me."

⁸ *Ibid.*, vii. 252-262. ⁹ *Ibid.*, vii. 261. ¹⁰ *Ibid.*, vii. 270.

¹¹ *Ibid.*, 235-36: "The first, of bargain and contract for reward to pervert justice, *pendente lite*. The second, where the judge conceives the cause to be at an end, by the information of the party or otherwise, and useth not such diligence as he ought to inquire of it. And the third, where the cause is really ended, and it is *sine fraude* without relation to any precedent promise. . . . For the first of them I take myself to be as innocent as any born upon St Innocent's Day, in my heart. For the second, I doubt on some particulars I may be faulty. And for the last, I conceived it to be no fault, but therein I desire to be better informed, that I may be twice penitent, once for the fact and again for the error."

confesses that his own acts amounted to corruption and were worthy of condemnation. Now, corruption strictly interpreted would imply the deliberate sale of justice, and this Bacon explicitly denies, affirming that he never "had bribe or reward in his eye or thought when he pronounced any sentence or order." When we analyse the specific charges against him, with his answers to them, we find many that are really of little weight. The twenty-eighth and last, that of negligence in looking after his servants, though it did him much harm, may fairly be said to imply no moral blame. The majority of the others are instances of gratuities given after the decision, and it is to be regretted that the judgment of the peers gives us no means of determining how such gifts were looked upon, whether or not the acceptance of them was regarded as a "corrupt" practice. In four cases specifically, and in some others by implication, Bacon confesses that he had received bribes from suitors *pendente lite*. Yet he affirms, as we said before, that his intention was never swayed by a bribe; and so far as any of these cases can be traced, his decisions, often given in conjunction with some other official, are to all appearance thoroughly just. In several cases his judgment appears to have been given against the party bestowing the bribe, and in at least one instance, that of Lady Wharton, it seems impossible to doubt that he must have known when accepting the present that his opinion would be adverse to her cause. Although, then, he felt that these practices were really corrupt, and even rejoiced that his own fall would tend to purify the courts from them,¹ he did not feel that he was guilty of perverting justice for the sake of reward. How far, then, is such defence or explanation admissible and satisfactory? It is clear that two things are to be considered: the one the guilt of taking bribes or presents on any consideration, the other the moral guilt depending upon the wilful perversion of justice. The attempt has sometimes been made to defend the whole of Bacon's conduct on the ground that he did nothing that was not done by many of his contemporaries. Bacon himself disclaims a defence of this nature, and we really have no direct evidence which shows to what extent the offering and receiving of such bribes then prevailed. That the practice was common is indeed implied by the terms in which Bacon speaks of it, and it is not improbable that the fact of these gifts being taken by officials was a thing fairly well known, although all were aware of their illegal character, and it was plain that any public exposure of such dealings would be fatal to the individual against whom the charge was made out.² Bacon knew all this; he was well aware that the practice was in itself indefensible,³ and that his conduct was therefore corrupt and deserving of censure. So far, then, as the mere taking of bribes is concerned, he would permit no defence, and his own confession and judgment on his actions contain as severe a condemnation as has ever been passed upon him. Yet in the face of this he does not hesitate to call himself "the justest chancellor that hath been in the five changes since Sir Nicholas Bacon's time";⁴ and this on the plea that

¹ *Letters and Life*, vii. 242.

² *Ibid.*, vii. 244: "Neither will your lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power to the pool of Bethesda, for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in."

³ See, among many other passages, *Essays*, "Of Great Place": "For corruptions do not only bind thine own hands or thy servant's hands from taking, but bind the hands of suitors also from offering; for integrity used doth the one; but integrity professed, and with a manifest detestation of bribery, doth the other; and avoid not only the fault but the suspicion."

⁴ Cf. *Letters and Life*, vii. 560: "I was the justest judge that was in England these fifty years; but it was the justest censure in Parliament that was these two hundred years."

his intentions had always been pure, and had never been affected by the presents he received. His justification has been set aside by modern critics, not on the ground that the evidence demonstrates its falsity,⁵ but because it is inconceivable or unnatural that any man should receive a present from another, and not suffer his judgment to be swayed thereby. It need hardly be said that such an *a priori* conviction is not a sufficient basis on which to found a sweeping condemnation of Bacon's integrity as an administrator of justice. On the other hand, even if it be admitted to be possible and conceivable that a present should be given by a suitor simply as seeking favourable consideration of his cause, and not as desirous of obtaining an unjust decree, and should be accepted by the judge on the same understanding, this would not entitle one absolutely to accept Bacon's statement. Further evidence is necessary in order to give foundation to a definite judgment either way; and it is extremely improbable, nay, almost impossible, that such can ever be produced. In these circumstances, due weight should be given to Bacon's own assertions of his perfect innocence and purity of intention; they ought not to be put out of court unless found in actual contradiction to the facts; and the reverse of this is the case, so far as has yet appeared.⁶

The remainder of his life, though still harassed by want of means, for James was not liberal, was spent in work far more valuable to the world than anything he had accomplished in his high office. In March 1622 he presented to Prince Charles his *History of Henry VII.*; and immediately, with unwearied industry, set to work to complete some portions of his great work. In November 1622 appeared the *Historia Ventorum*; in January 1623, the *Historia Vitæ et Mortis*; and in October of the same year, the *De Augmentis Scientiarum*, a Latin translation, with many additions, of the *Advancement*. Finally, in December 1624, he published his *Apophthegms*, and *Translations of some of the Psalms*; and, in 1625, a third and enlarged edition of the *Essays*.

Busily occupied with these labours, his life now drew rapidly to a close. In March 1626 he came to London, and when driving one day near Highgate, was taken with a desire to discover whether snow would act as an anti-septic. He stopped his carriage, got out at a cottage, purchased a fowl, and with his own hands assisted to stuff it with snow. He was seized with a sudden chill, and became so seriously unwell that he had to be conveyed to Lord Arundel's house, which was near at hand. Here his illness increased, the cold and chill brought on bronchitis and he died, after a few days' suffering, on the 9th April 1626.

BACON'S WORKS AND PHILOSOPHY.

A complete survey of Bacon's works and an estimate of his place in literature and philosophy are matters for a volume. It is here proposed merely to classify the works, to indicate their general character, and to enter somewhat more in detail upon what he himself regarded as his great achievement,—the reorganisation of the sciences, and the exposition of a new method by which the human mind might proceed with security and certainty towards the true end of all human thought and action.

⁵ Or on the ground that there was a distinct rule forbidding chancellors and the like officials to take presents. This does not seem to have been the case, if we may judge from what Bacon says, *Letters and Life*, vii. 233.

⁶ Not only do the cases, so far as they are known, support Bacon's plea of innocence, but it is remarkable that no attempt at a reversal of any of his numerous decrees appears to have been successful. Had his decrees been wilful perversions of justice, it is scarcely conceivable that some of them should not have been overturned. See *Letters and Life*, vii. 555-562.

Putting aside the letters and occasional writings, we may conveniently distribute the other works into three classes, *Professional, Literary, Philosophical*. Of the Professional works, which include the *Reading on the Statute of Uses*, the *Maxims of Law*, and the treatise (possibly spurious) on the *Use of the Law*, only experts can speak with confidence; and their opinion, so far as it has yet been given, coincides to some extent with Bacon's own estimate of his powers as a lawyer. "I am in good hope," he says, "that when Sir Edward Coke's reports and my rules and decisions shall come to posterity, there will be (whatsoever is now thought) question who was the greater lawyer." If Coke's reports show complete mastery of technical details, greater knowledge of precedent, and more of the dogged grasp of the letter than do Bacon's legal writings, there can be no dispute that the latter exhibit an infinitely more comprehensive intelligence of the abstract principles of jurisprudence, with a richness and ethical fulness that more than compensate for their lack of dry legal detail. Bacon seems indeed to have been a lawyer of the first order, with a keen scientific insight into the bearings of isolated facts, and a power of generalisation which admirably fitted him for the self-imposed task, unfortunately never completed, of digesting or codifying the chaotic mass of the English law.

Among the literary works are included all that he himself designated moral and historical pieces, and to these may be added some theological and minor writings, such as the *Apophthegms*. Of the moral works the most valuable are the *Essays*. It is impossible to praise too highly writings which have been so widely read and universally admired. The matter is of the familiar, practical kind, that "comes home to men's bosoms." The thoughts are weighty, and even when not original, have acquired a peculiar and unique tone or cast by passing through the crucible of Bacon's mind. A sentence from the *Essays* can rarely be mistaken for the production of any other writer. The short, pithy sayings,

"Jewels, five words long,
That on the stretched forefinger of all time
Sparkle for ever,"

have become popular mottoes and household words. The style is quaint, original, abounding in allusions and witticisms, and rich, even to gorgeousness, with piled-up analogies and metaphors.¹ The first edition contained only ten essays, but the number was increased in 1612 to thirty-eight, and in 1625 to fifty-eight. The short tract, *Colours of Good and Evil* which with the *Meditationes Sacrae* originally accompanied the *Essays*, was afterwards incorporated with the *De Augmentis*. Along with these works may be classed the curiously learned piece, *De Sapientia Veterum*, in which he works out a favourite idea, that the mythological fables of the Greeks were allegorical and concealed the deepest truths of their philosophy. As a scientific explanation of the myths the theory is of no value, but it affords fine scope for the exercise of Bacon's unrivalled power of detecting analogies in things apparently most dissimilar. The *Apophthegms*, though hardly deserving Macaulay's praise of being the best collection of jests in the world, contain a number of those significant anecdotes which Bacon used with such effect in his other writings. Of the historical works, besides a few fragments of the projected history of Britain, there remains the *History of*

¹ The peculiarities of Bacon's style were noticed very early by his contemporaries. (See *Letters and Life*, i. 268.) Raleigh and Jonson have both recorded their opinions of it, but no one, it seems to us, has characterised it more happily than his friend, Sir Tobie Matthews, "A man so rare in knowledge, of so many several kinds, endued with the facility and felicity of expressing it all in so elegant, significant, so abundant, and yet so choice and ravishing a way of words, of metaphors, of allusions, as perhaps the world hath not seen since it was a world."—"Address to the Reader" prefixed to *Collection of English Letters*, 1660.

Henry VII., a valuable work, giving a clear and animated narrative of the reign, and characterising Henry with great skill. The style is in harmony with the matter, vigorous and flowing, but naturally with less of the quaintness and richness suitable to more thoughtful and original writings. The series of the literary works is completed by the minor treatises on theological or ecclesiastical questions. Some of the latter, included among the occasional works, are admirably sagacious and prudent, and deserve careful study. Of the former, the principal specimens are the *Meditationes Sacrae* and the *Confession of Faith*. The *Paradoxes* (Characters of a believing Christian in paradoxes, and seeming contradictions), which was often and justly suspected, has been conclusively proved by Mr Grosart not to be the work of Bacon.

Philosophical Works.—The great mass of Bacon's writings consists of treatises or fragments, which either formed integral parts of his grand comprehensive scheme, or were closely connected with it. More exactly they may be classified, as is done by the most recent editors, under three heads:—A. Writings which actually formed part of the *Instauratio Magna*; B. Writings originally intended to form parts of the *Instauratio*, but which were afterwards superseded or thrown aside; C. Works connected with the *Instauratio*, but not directly included in its plan.

To begin with the second of these classes, we have under it some important tracts, which certainly contain little, if anything, that is not afterwards taken up and expanded in the more elaborate works, but which are not undeserving of attention, from the difference in the point of view and method of treatment. The most valuable of them are—(1.) The *Advancement of Learning*, of which no detailed account need be given, as it is completely worked up into the *De Augmentis*, and takes its place as the first part of the *Instauratio*. (2.) *Valerius Terminus*, a very remarkable piece, composed probably about 1603, though perhaps retouched at a later period. It contains a brief and somewhat obscure outline of the first two parts in the *Instauratio*, and is of importance as affording us some insight into the gradual development of the system in Bacon's own mind. (3.) *Temporis Partus Masculus*, another curious fragment, remarkable not only from its contents, but from its style, which is arrogant and offensive, in this respect unlike any other writing of Bacon's. The adjective *masculus* points to the power of bringing forth fruit possessed by the new philosophy, and perhaps indicates that all previous births of time were to be looked upon as feminine or imperfect; it is used in a somewhat similar sense in *Letters and Life*, vi. 183, "In verbis masculis, no flourishing or painted words, but such words as are fit to go before deeds." (4.) *Redargutio Philosophiarum*, a highly finished piece in the form of an oration, composed probably about 1608 or 1609, and containing in pretty full detail much of what afterwards appears in connection with the *Idola Theatri* in book i. of the *Novum Organum*. (5.) *Cogitata et Visa*, perhaps the most important of the minor philosophical writings, dating from 1607 (though possibly the tract in its present form may have been to some extent altered), and containing in weighty and sonorous Latin the substance of the first book of the *Organum*. (6.) The *Descriptio Globi Intellectualis*, which is to some extent intermediate between the *Advancement* and the *De Augmentis*, goes over in detail the general classification of the sciences, and enters particularly on some points of minor interest. (7.) The brief tract *De Interpretatione Naturae Sententiae Duodecim* is evidently a first sketch of part of the *Novum Organum*, and in phraseology is almost identical with it. (8.) A few smaller pieces, such as the *Inquisitio de Motu*, the *Calor et Frigus*, the *Historia Soni et Auditus*, and the *Phaenomena Universi*,

are early specimens of his *Natural History*, and exhibit the first tentative applications of the new method.

The third great division of the philosophical works consists of treatises on subjects connected with the *Instauratio*, but not forming part of it. It is not necessary to characterise these at any length. The most interesting, and in many respects the most remarkable, is the philosophic romance, the *New Atlantis*, a description of an ideal state in which the principles of the new philosophy are carried out by political machinery, and under state guidance, and where many of the results contemplated by Bacon are in imagination attained. The work was to have been completed by the addition of a second part, treating of the laws of a model commonwealth, which was never written. Another important tract is the *De Principiis atque Originibus secundum Fabulas Cupidinis et Caeli*, where, under the disguise of two old mythological stories, he (in the manner of the *Sapientia Veterum*) finds the deepest truths concealed. The tract is unusually interesting, for in it he discusses at some length the limits of science, the origin of things, and the nature of primitive matter, giving at the same time full notices of Democritus among the ancient philosophers and of Telesius among the modern. Deserving of attention are also the *Cogitationes de Natura Rerum*, probably written early, perhaps in 1605, and the treatise on the theory of the tides, *De Fluxu et Refluxu Maris*, written probably about 1616.

The philosophical works which form part of the *Instauratio* must of course be classed according to the positions which they respectively hold in that scheme of the sciences. Before entering on an account of Bacon's object and method, it is necessary to give the general outline of his arrangement.

The great work, the reorganisation of the sciences, and the restoration of man to that command over nature which he had lost by the fall, consisted in its final form of six divisions.

I. *Partitiones Scientiarum*, a survey of the sciences, either such as then existed or such as required to be constructed afresh—in fact, an inventory of all the possessions of the human mind. The famous classification¹ on which this survey proceeds is based upon an analysis of the faculties and objects of human knowledge. This division is represented by the *De Augmentis Scientiarum*.

II. *Interpretatio Naturae*.—After the survey of all that has yet been done in the way of discovery or invention, comes the new method, by which the mind of man is to be trained and directed in its progress towards the renovation of science. This division is represented, though only imperfectly, by the *Novum Organum*, particularly book ii.

III. *Historia Naturalis et Experimentalis*.—The new method is valueless, because inapplicable, unless it be supplied with materials duly collected and presented—in fact, unless there be formed a competent natural history of the *Phaenomena Universi*. A short introductory sketch of the requisites of such a natural history, which, according to Bacon, is essential, necessary, the *basis totius negotii*, is given in the tract *Parasceve*, appended to the *Novum Organum*. The principal works intended to form portions of the history, and either published by himself or left in manuscript, are *Historia Ventorum*, *Historia Vitae et Mortis*, *Historia Densitatis et Rari*, and the extensive collection of facts and observations entitled *Sylva Sylvarum*.

IV. *Scala Intellectus*.—It might have been supposed that the new philosophy could now be inaugurated.

¹ As is well known, the division of the sciences adopted in the great French *Encyclopédie* was founded upon this classification of Bacon's. See Diérot's *Prospectus* (*Œuvres*, iii.) and D'Alembert's *Discours* (*Œuvres*, i.) The scheme should be compared with later attempts of the same nature by Ampère, Cournot, Comte, and H. Spencer.

Materials had been supplied, along with a new method by which they were to be treated, and naturally the next step would be the finished result. But for practical purposes Bacon interposed two divisions between the preliminaries and the philosophy itself. The first was intended to consist of types or examples of investigations conducted by the new method, serviceable for keeping the whole process vividly before the mind, or, as the title indicates, such that the mind could run rapidly up and down the several steps or grades in the process. Of this division there seems to be only one small fragment, the *Filum Labyrinthi*, consisting of but two or three pages.

V. *Prodromi*, forerunners of the new philosophy. This part, strictly speaking, is quite extraneous to the general design. According to the *Distributio Operis*,² it was to contain certain speculations of Bacon's own, not formed by the new method, but by the unassisted use of his understanding. These, therefore, form temporary or uncertain anticipations of the new philosophy. There is extant a short preface to this division of the work, and according to Mr Spedding, some of the miscellaneous treatises, such as *De Principiis*, *De Fluxu et Refluxu*, *Cogitationes de Natura Rerum*, may probably have been intended to be included under this head. This supposition receives some support from the manner in which the fifth part is spoken of in the *Novum Organum*, i. 116.

VI. The new philosophy, which is the work of future ages, and the result of the new method.

Bacon's grand motive in his attempt to found the sciences anew was the intense conviction that the knowledge man possessed was of little service to him. "The knowledge whereof the world is now possessed, especially that of nature, extendeth not to magnitude and certainty of works."³ Man's sovereignty over nature, which is founded on knowledge alone, had been lost, and instead of the free relation between things and the human mind, there was nothing but vain notions and blind experiments. To restore the original commerce between man and nature, and to recover the *imperium hominis*, is the grand object of all science. The want of success which had hitherto attended efforts in the same direction had been due to many causes, but chiefly to the want of appreciation of the nature of philosophy and its real aim. Philosophy is not the science of things divine and human; it is not the search after truth. "I find that even those that have sought knowledge for itself, and not for benefit or ostentation, or any practical enablement in the course of their life, have nevertheless propounded to themselves a wrong mark, namely, satisfaction (which men call Truth) and not operation."⁴ "Is there any such happiness as for a man's mind to be raised above the confusion of things, where he may have the prospect of the order of nature and error of man? But is this a view of delight only and not of discovery? of contentment and not of benefit? Shall he not as well discern the riches of nature's warehouse as the beauty of her shop? Is truth ever barren? Shall he not be able thereby to produce worthy effects, and to endow the life of man with infinite commodities?"⁵ Philosophy is altogether practical; it is of little matter to the fortunes of humanity what abstract notions one may entertain concerning the nature and the principles of things.⁶ This truth, however, has never yet been recognised;⁷ it has not yet been seen that the true aim of all science is "to endow the condition and life of man with

² See also "Letter to Fulgentio," *Letters and Life*, vii. 533.

³ *Fil. Lab.*; *Cog. et Visa*, i.; cf. *Pref. to Ins. Mag.*

⁴ *Val. Ter.*, 232; cf. *N. O.*, i. 124.

⁵ *Letters*, i. 123.

⁶ *N. O.*, i. 115.

⁷ *Fil. Lab.*, 5; cf. *N. O.*, i. 81; *Val. Ter. (Works)*, iii. 235; *Advancement*, b. i. (*Works*, iii. 294).