

inexcusable carelessness or incompetence to discharge the easiest and simplest part of their duty. Pray do what you can to set this right.'

No list of Errata was furnished, but in the Second Edition of the book the mistakes were put right, and in some copies of the First Edition the last two were got rid of.

In a further letter Swinburne pointed to two additional errors :

Page 148, line 4, dele ' a.'

Page 292, last line, for work read Works.

There is a copy of the First Edition of *Essays and Studies* in the Library of the British Museum. The Press-mark is 2308. c. 16.

(64)

[THE DEVIL'S DUE : 1875]

The Devil's Due / A Letter / To the Editor of "The Examiner." / By / Thomas Maitland. / 1875. For Private Circulation.

Collation : Post octavo, pp. 11 ; consisting of Half-title (with the word '*Private*' in italics, within square brackets, and with blank reverse), pp. 1—2 ; Title-page, as above (with blank reverse), pp. 3—4 ; and Text of the *Letter*, pp. 5—11. The reverse of p. 11 is blank. There are no head-lines, the pages being numbered centrally in Arabic numerals. There are no signatures, the pamphlet consisting of a half-sheet of 4 leaves inset within a quarter-sheet of 2 leaves. There is no printer's imprint. The *Letter* was prepared for private distribution only, at the office of *The Examiner*.

Issued stitched, and without wrappers. The leaves, which are untrimmed, measure $6\frac{3}{4} \times 4\frac{5}{16}$ inches. No record exists of

the number of copies originally printed ; but the pamphlet was suppressed almost as soon as it was produced, and it is doubtful if more than a mere handful of copies escaped into circulation. With the exception of the small packet preserved by chance by Watts-Dunton the entire issue was destroyed.

The Devil's Due is an open letter, signed in sarcasm '*Thomas Maitland*,' one of Robert Buchanan's many pseudonyms, and the one with which he signed *The Fleshly School of Poetry* upon its first appearance as an article in *The Contemporary Review*. The letter was dated '*St. Kilda, December 28, 1875*,' and dealt with Buchanan's *The Fleshly School of Poetry*, and the Earl of Southesk's *Jonas Fisher*. It was also printed in *The Examiner* for December 11, 1875, p. 1388.

In 1897, when I printed a short *Bibliographical List of the Scarcer Works and Uncollected Writings* of Swinburne, no copy of *The Devil's Due* was available, and I had to content myself by recording the fact that such a tract had once existed. But upon sending a set of the completed sheets of my *List* to The Pines I was informed by Watts-Dunton that he had found a copy of the pamphlet, and I was invited to call and inspect it. This I did, with the result that I was enabled to add to my *Bibliographical List* a *Postscript* in which the little rarity was described in full. The, as I then imagined, unique example I purchased from Watts-Dunton for £21. Three years afterwards, one Sunday afternoon, Watts-Dunton surprised me by asking whether any friend of mine was desirous of obtaining a copy of the First Edition of *The Devil's Due*. Upon my expressing curiosity as to his reason for making such an enquiry, he informed me that he had found among the lumber of books and papers with which certain rooms at The Pines were encumbered a small packet containing a number of examples of the original pamphlet. This packet he then produced. There were in all some fifteen copies of *The Devil's Due*. One of these was handed to Swinburne ; the remainder I carried away with me, having acquired them from Watts-Dunton at the rate of three guineas each. The copy handed to Swinburne was entrusted to a local binder, who put it into a commonplace cover of black roan. Swinburne then wrote the

following inscription upon the recto of the first leaf, and presented the tiny volume to his friend :

Walter Theodore Watts-Dunton

from

Algernon Charles Swinburne

April 1900

The date of this inscription, *April 1900*, fixes approximately the date when the little 'remainder' came to light. In the autumn of 1909, after the death of Swinburne, I purchased this inscribed copy also for the sum of £21, the identical price I had paid for the first-recovered copy in 1897. The book has since been bound in red levant morocco by Riviere.

The eight lines of verse commencing

*Whom green-faced Envy, sick and sore,
To many-childed Dullness bore,*

printed on pp. 6—7 of *The Devil's Due*, and applied to Robert Buchanan, are a parody of Milton's

*Thee bright-haired Vesta long of yore
To solitary Saturn bore, etc.,*

lines 23—30 of *Il Penseroso*.

Buchanan had no cause for grievance against Swinburne on the score of personalities. So early as September 1866, in the pages of *The Spectator*, he had thus introduced the name of Swinburne into his poem *The Session of the Poets*, published over the pseudonym 'Caliban'—

*What was said? What was done? Was there prosing or rhyming?
Was nothing noteworthy in deed or in word?
Why, just as the hour for the supper was chiming,
The only event of the evening occurred.*

*Up jumped, with his neck stretching out like a gander,
Master Swinburne, and squeal'd, glaring out through his hair,
'All Virtue is bosh! Hallelujah for Landor!
I disbelieve wholly in everything!—there!'*

*With language so awful he dared then to treat 'em,—
Miss Ingelow fainted in Tennyson's arms.*

*Poor Arnold rush'd out, crying 'Sæc' inficetum!
And great bards and small bards were full of alarms;
Till Tennyson, flaming and red as a gipsy,
Struck his fist on the table and uttered a shout:
'To the door with the boy! Call a cab! He is tipsy!
And they carried the naughty young gentleman out.*

These lines were probably little less offensive to Swinburne than was *The Monkey and the Microscope* of August 1872.

The production of *The Devil's Due* was the final outcome of the attack made by Robert Buchanan upon Swinburne, D. G. Rossetti, and others, whom for the purpose of abuse he classed together as 'The Fleshly School.' Although published more than three years later than that pamphlet, the Letter was in direct succession to *Under the Microscope*, and the circumstances which induced both have already been sufficiently detailed in my account of the earlier book. The immediate cause of Swinburne's latest outburst was the appearance of *Jonas Fisher, A Poem in Brown and White*, published in 1875 by Messrs. Trübner & Co. in a small octavo volume of 243 pages. This anonymous volume was the work of the Earl of Southesk. But it was understood by Swinburne that it came from the pen of Robert Buchanan, hence his allusion to its author as 'the polypseudonymous lyrist and libeller,' and, upon another occasion, as 'the polypseudonymous idylist of the gutter.'

That *Jonas Fisher* was at the time of its advent widely regarded as the work of Buchanan is evidenced by the following paragraph extracted from a review of the book which appeared in the pages of *The Examiner* :—

'This anonymous poem is said to be the work of either Mr. Robert Buchanan or the Devil; and delicate as may be the question raised

by this double-sided supposition, the weight of the probability inclines to the first of the alternatives. That the author, whoever he is, is a Scotchman may be inferred from one or two incidental sneers at the characteristics of his countrymen. There are other and more specific circumstances which favour the report that "Jonas Fisher" is another of the aliases under which Mr. Buchanan is fond of challenging criticism, rather than one of the disguises of the enemy.

'There is no reason why the Devil should go out of his way to abuse the "Fleshly School." Now the hero of this poem has views on some of the tendencies of modern poetry and art which coincide very closely with Mr. Buchanan's, exhibiting the same nicely-balanced and carefully differentiated feelings of scorn for effeminate voluptuousness, and delight in that voluptuousness which is manly.'

Upon the appearance of *The Devil's Due* an action for libel was instituted by Buchanan against P. A. Taylor, M.P. for Leicester, and proprietor of *The Examiner*. The action was heard before Mr. Justice Archibald and a Special Jury on June 29 and 30, 1876. The Judge in the course of his summing up expressed very strongly his opinion 'that it was very much to be regretted that they had had to decide these matters at all, for he did not think that what had happened was creditable to either party.' But the Jury found a verdict for the plaintiff, and awarded him £150 damages. Buchanan had claimed £5000.

Swinburne does not appear to have been treated with much loyalty by either P. A. Taylor, the proprietor of *The Examiner*, or by William Minto, the Editor of that paper. The former, through his solicitors, sought to escape his liability by revealing Swinburne's name as that of the writer of the article, and suggested that against the latter the action should be brought. An effort was also made to induce Swinburne to bear the costs of the trial. This he naturally declined to do, and on October 28 he wrote to a friend in whose judgment he had the utmost confidence:—

'Now I must, for the last time as I hope, revert for a moment to a subject which I have as little as possible allowed to harass me in sickness or in health, but on which I want one last word, not perhaps so much of counsel as of cheer, from my oldest and most trusted friend. After

the close of the Taylor-Buchanan lawsuit Watts in a friendly and informal manner suggested to me that it would be "graceful" on my part to offer to bear some part of the heavy expenses of conducting the suit, which had fallen on *The Examiner* in consequence of the publication of my letter. Now I need not tell you that nothing could have been more offensive or irritating to me than the line taken by the counsel for the plaintiff to the effect that I was a man of straw who presumably could not be made to pay up, and therefore they had fallen back on the proprietor of the paper as a scapegoat for my offence.

'I took a night to consider the matter, and then replied that I could not possibly regard the case in any degree answering to that of a debt of honour (the only imaginable aspect under which I could hold myself liable for one penny of the costs), for it was not my business, but that of the Editor who was paid to do so, to know or to decide what might or might not be safely or advisably admitted into the paper. As to the proprietor, with whom I had never had any business relations whatever, the pecuniary damage or profit ensuing on the publication of any particular article seemed to me as much a part of his speculation as any other lucky or unlucky accident in the ordinary way of business, for which I could in no way consider myself responsible.

'Watts answered, in a perfectly friendly and inoffensive manner, that from the legal point of view my present position was unimpeachable, but that on a previous occasion I had seemed in talking with him to take a very different view—and no doubt I then had strongly expressed the regret which I still felt for having innocently brought trouble and heavy loss on persons towards whom I felt sincere goodwill—as far, that is, as I could fairly be held to have brought or helped to bring it by writing a letter of which I instantly had come forward to avow the authorship and assume in public the responsibility for it. He added that he felt sure no advantage would be taken of an offer which would look well on my part; but, as you will doubtless understand and anticipate, I did not relish the idea of making a formal offer on the tacit understanding or in the secret hope that it would not be accepted.

'I think I may say, and trust I may appeal for confirmation to your old knowledge of my character, that neither yourself nor any man living can be less disposed than I am to shirk the consequences of any word or act of mine, and I hope you will be able to tell me in

a brief word that you share my view, and would have acted and felt as I have done in my place. As it is always more than possible that a matter of this kind may be brought up by way of reference, or cast up by way of taunt or reproach, or may simply turn up at any time by way of accident, perhaps I may ask you to keep this letter, as a private statement of the case from my own point of view.'

Among the papers I obtained from the store preserved at The Pines was a document of absorbing interest. This document, which extends to five sheets of blue folio paper, is entirely in Swinburne's handwriting, and was evidently prepared with the greatest care and precision. It consists of a report sent by Mr. MacClymont (who, together with Mr. Charles Russell, Q.C., was Counsel for the plaintiff) to John Nichol upon the eve of the trial, and is followed by a second communication made on July 5, a few days after the trial had concluded. It is evident that these had been lent to Swinburne by Nichol, and that from them the former had made this transcript. That Swinburne regarded the entire document as being of more than ordinary importance is evident from the extremely careful and exact manner in which it is written, and it is highly probable that he fully anticipated that it would one day find its way into type. I cannot do better than reproduce it here.

MacClymont to Nichol

22 June, 1876.

No action that I know of is threatened against or in progress against Swinburne. Buchanan has raised an action against P. A. Taylor, M.P., the proprietor of The Examiner, for a series of libels published in that paper. After the action had been raised, Taylor's Solicitors wrote to the Solicitors instructing me, stating that the last of these libels, entitled 'The Devil's Due,' which I do not think you can have seen, was written by Swinburne, and offering to give up his name that he might be prosecuted on condition of the action brought against Taylor being withdrawn. This of course for obvious reasons we refused; for in the mere case of a literary quarrel fought out however bitterly, I would never as a matter of tactics advise resort to a Court of Law. Whatever be the demerits of Buchanan, and I never saw him until after the action had been commenced, he has been grossly

ill-used by Minto, the editor of The Examiner, whose attacks are very much worse (in a legal sense) than Swinburne's. When this avowal of the authorship came out, I met Taylor's counsel (one Williams of Merton, who used to be called Student Williams) and suggested an arrangement which would have saved all scandal and cost Taylor very little. I was very pleased that I saw my way to propose an arrangement consistently with the interest of my client, because I knew Swinburne was a friend of Jowett's. I did not know that he was such a personal friend of yours, else my pleasure would have been increased. But Williams shewed very little good feeling, and I am bound to say as little skill in the way he received my advances. Ever since for more than seven months the defendant's effort has been to shift the burden from himself to Swinburne and Rossetti; and my effort, which I think has been successful, is to tie him down along with his editor as alone responsible. If it were any business of mine, I should feel very indignant at the persistent way in which they try to put Swinburne in the forefront of the battle to save their own skins; and I have said so in Court more than once, and I think the judges agree with me. Williams¹ comes down to the robing-room with his one brief and entertains the idlers with his conversations with Swinburne about the case, a good deal of which I hear consists of abuse of me. I would not believe a word of it on the word of Williams, but from the report I glean little snatches of reference to the time I spent with Swinburne at Tummel-brig which Williams could have heard only from the poet himself. My recollections of that time are only pleasant, and it vexes me to think that Swinburne should have a different recollection or think so meanly of me as that I could be influenced in a public duty by such mean spite. If he knew it, he owes it to me that he has not been (thanks to Taylor's and Minto's loyalty) criminally prosecuted. I do not mean to say that I have sacrificed my client's interest to favour of Swinburne—though probably if I had seen it to be Buchanan's interest to prosecute, I would (with the thought of the Master in my mind) have declined to hold the brief. Nine juniors out of ten at the bar would have advised a prosecution because it was the obvious course; the result was pretty certain, and the matter had just the flavour of scandal that is useful as an

¹ Mr. Robert Williams, one of the Counsel for the defendant. With him were Mr. Hawkins, Q.C., Mr. Murphy, Q.C., and Mr. Warr.

advertisement. I prevented this, and compelled them to go at Taylor and Minto instead, because in the one case Buchanan would only have had revenge, in the other case he is pretty sure of damages.

Swinburne may be very thankful that this case came to my hands. It happens to be Buchanan's interest in view of his verdict (i.e., his reasonable and forensic interest) to keep his quarrel with Swinburne as much as possible in the background, and I have done so, though Swinburne has done his best through Williams to sting me into temper and forgetfulness of my client's substantial interest. In the result I hope to secure a large verdict. I don't think it any part of a lawyer's duty to serve the passion of his client, and in no case, I hope, much less in the case of a friend of yours and the Master's, will you find me lending myself to purposes of annoyance.

5th July.

I must first thank you for so frankly telling me all you thought. You are one of the three or four men whose ill opinion would grieve me more than I can tell, and I am therefore very grateful for your having given me an opportunity of explaining what must have seemed at first sight meanness and worse. The course and result of the trial must have convinced Swinburne I think that I fought the case fairly, and that so far from being animated by personal ill-will and acting on such motives, my whole effort was to divert attention from the personal quarrel of him and Buchanan, and centre the whole blame on Taylor and his editor, the latter of whom I am convinced flatters Swinburne, and tries to use him for his own purposes.

Swinburne seems not to know that at the very beginning of the case I put in an admission of all the anonymous writings of Buchanan, including 'The Session of the Poets' and 'The Monkey and the Microscope,' neither of which last we attempted for a moment to justify. We insisted on the high qualities of the poet, and brought out the points worthy of admiration in his works which had been admitted in the review. In short, we treated him with every respect that the plaintiff's interest would permit. But Hawkins began by abusing Whitman, Swinburne, and Rossetti, and repudiating on the part of the defendant all sympathy and even tolerance for their work, etc., etc. Generally he tried to throw them overboard, to lighten the damages. He knew that

before the trial in the morning we would have taken £10, 10s., and a promise of being let alone; but all our advances were spurned, with the result you see.

P.S.—I cannot imagine who has been lying and making mischief. Williams is just the man to cover his own gross incompetence by alleging malice in his opponent.

At its conclusion the document is signed—

'Copied literatim, January 2nd, 1877. A. C. Swinburne.'

There is a copy of the First Edition of *The Devil's Due* in the Library of the British Museum. The Press-mark is C. 57, e. 55.

(65)

[ERECHTHEUS : 1876]

Erechtheus : / A Tragedy. / By / Algernon Charles Swinburne. / [Two Greek Quotations, (1) from Pindar, and (2) from Æschylus.] / London : / Chatto and Windus, Piccadilly. / 1876.

Collation : Crown octavo, pp. viii+107; consisting of Half-title (with the publishers' device upon the reverse), pp. i—ii; Title-page, as above (with imprint 'London : / Printed by William Clowes and Sons, Stamford Street / and Charing Cross' upon the centre of the reverse), pp. iii—iv; Dedication 'To My Mother' (with blank reverse), pp. v—vi; list of *Persons* (with blank reverse), pp. vii—viii; Text of the *Tragedy*, pp. 1—105; p. 106 is blank; and *Notes*, p. 107. The head-line is *Erechtheus* throughout, upon both sides of the page. The imprint is repeated upon the reverse of p. 107. The signatures are B to G (six sheets, each 8 leaves), plus H (6 leaves), preceded by an unsigned half-sheet of 4 leaves, forming Sig. A, together with a single unsigned leaf carrying the list of *Persons*. Sig. A 1 has a blank recto, and bears