The Partnership: Mackintosh and Buxton, 1819–22

Tragedy and new leadership

Romilly's wife Anne had suffered bouts of illness in early and mid 1818. During September her condition was precarious. Sir Samuel found much of his personal contentment in Anne's company. The extent of his emotional investment in his wife became clear as his own health deteriorated from worry and lack of rest. Anne showed signs of recovery in early October, but then deteriorated rapidly. She died on 29 October. Her death proved too much for the lawyer who had withstood so many public confrontations. Etienne Dumont, who stayed with Romilly following Anne's death, later attested to the signs of Romilly's internal agony, but he could not have conceived the 'melancholy catastrophe' which ensued.¹ On 2 November, while momentarily unattended by family or physician, Romilly locked his bedchamber door and slit his throat. Although the butler and his doctor reached him before he died, nothing could be done. The Coroner's jury met the next day and quickly reached the verdict that 'the deceased cut his throat while in a state of mental temporary derangement' brought on by his wife's illness and death.²

The tragedy struck those on both sides of the criminal law question deeply. The conservative Lord Eldon, upon taking his seat in the Court of Chancery the morning after, noticed the vacant space where Romilly had been accustomed to sit. 'His eyes filled with tears. “I cannot stay here,” he exclaimed; and rising in great agitation, he broke up his Court.'³ The Saints also mourned. James Stephen, who lost his first wife in 1796, and his second in 1816, wrote Wilberforce a letter full of self-reproach for having delayed a visit to Romilly; he empathized deeply with Romilly's violent emotions, and felt that perhaps he might have
comforted him. Wilberforce responded briefly, that Romilly's death gave him much to say, yet rendered him incapable of saying it. Stephen considered Romilly's death a severe loss to the antislavery movement as well as to law reform, one bereft even of the comfort of knowing that Romilly's spiritual state was secure. The Christian Observer called Romilly 'one whom we most highly venerated', and his death reminded one of the vanities of life and the need to make known the promises of the gospel, especially to the suffering. The Evangelicals were not alone in drawing religious lessons from Romilly's death. The leading Unitarian minister, Thomas Belsham, published a sermon prompted by the suicide, which found the mortality of man strikingly exemplified by the removal of 'the wise, the venerable, and the good'.

Looking back on the period of the Regency from mid century, the Duke of Buckingham and Chandos recalled, 'No death excited so profound an impression, as that of Sir Samuel Romilly ... he was a great loss to the party, and as a legal reformer, a loss to the nation'. Few barristers of the period received as many posthumous accolades and public declarations of remorse at their passing as Romilly. Certainly the death of Lord Ellenborough a few weeks later failed to produce such a sympathetic public effusion. Romilly's persevering initiative in bringing forward bills to amend the hanging statutes between 1808 and 1818, as well as his influence on prison reform, have made it natural for historians to use him as the focus in discussing the political battle over the criminal laws. The reform of the penal code was certainly larger than Romilly, but it may well have been Romilly's death which quickened the enthusiasm of those interested in restricting the death penalty. Lessening the severity of the Bloody Code was no longer the hopeful wish of a small minority; it had become the expectation of a large enough portion of politicians and their constituents that it was now a mainstream idea, if not yet a majority opinion. In these same years, the pressure of numbers on the courts made it necessary to pardon an increasing portion of offenders, generating further inconsistencies and making the existing statutes appear all the more unreasonable to the partisans of reform.

In the immediate aftermath of Romilly's death, it was unclear who would rise up to press the cause. Romilly's closeness to the Whig leadership, indicated by the presence of Henry Brougham and Lord Lansdowne among the bearers at his funeral, suggested that penal reforms might become more of a party issue than Romilly would have wished. Though devoted to the Whigs through friendship and commitment to the ideals of civil and religious liberty, Romilly never considered his cause an exclusively Whig interest. His recurrent stimulation of the issue,