

**LETTER TO THE
EARL OF LIVERPOOL ...**

**by
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LETTER

TO

THE RIGHT HONOURABLE

THE EARL OF LIVERPOOL.

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LETTER

TO

THE RIGHT HONOURABLE

THE EARL OF LIVERPOOL,

FIRST LORD OF THE TREASURY, &c. &c. &c.

ON THE

LICENTIOUSNESS OF THE PRESS,

AS DESTRUCTIVE OF

THE MONARCHY AND THE PUBLIC MORALS;

AND ON

THE EXPEDIENCY OF CHANGING CERTAIN LAWS WHICH
AFFECT THE BENEFICED CLERGY.



BY THE REVEREND EDWARD HANKIN, M. D.

RECTOR OF WEST-CHILTINGTON.

“ HÆC IGITUR TIBI RELIQUA PARS EST; HÏC RESTAT ACTUS; IN
“ HOC ELABORANDUM EST, UT REMPUBLICAM CONSTITUAS.”

CICERO.

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LETTER

TO

THE RIGHT HONOURABLE

THE EARL OF LIVERPOOL,

FIRST LORD OF THE TREASURY, &c. &c. &c.

THE political period of your Lordship's life has been marked by events more extraordinary, as to their causes, and more important and awful, as to their immediate consequences, than any recorded in the history of modern times. The tendency of these events to destroy the happiness of society, and demoralize the civilized world, did not escape the notice of your illustrious coadjutors; and all that human

foresight and genius could devise to arrest and avert their baleful effects, was executed with energy, and pursued with persevering diligence. But such was the impetuosity of the torrent, fed by springs imperceptible to vulgar eyes, that all attempts to oppose its progress were vain. Brighter scenes now, indeed, open to the view of desolated Europe, which the most sanguine mind could never have expected to behold. May the ray of hope, which cheers suffering humanity, not prove delusive! The impression made by the contemplation of recent events on the minds of the Statesmen of the present day and of future ages will, like all other moral lessons, vary according to the causes to which they ascribe them, the circumstances in which they are placed, and the political constitution of the country in which they live: but, whatever diversity of conduct and opinion

may prevail, all must be convinced of this, that no Government can suffer its vital and constituent principles to be assailed, and brought into contempt, without exposing itself to imminent danger, or rather certain destruction. It matters not whether the Government be an Aristocracy, a Democracy, a Monarchy, or a mixture of the three. If the Government be partly monarchical, and the Monarch and his family be frequently treated with insult, by word or deed, and their importance to the country undervalued and misrepresented, the constitution will, a little sooner or later, be destroyed ; and a Democracy or Oligarchy succeed. In like manner, if the Established Religion of the country be not protected by laws strictly executed, and the persons and ecclesiastical property of its ministers surrounded with a species of rational sanctity, the Religion of the State

will cease to be an object of veneration and respect; and if, as in Great Britain, the Established Religion be so interwoven with the political polity, as to make an essential part of it, then the decline and fall of the National Church will be followed by the destruction of the Constitution; the one arising from the other in the natural series of causes and effects. There are many in this country, who would be offended at their political sagacity being called in question, weak enough to ascribe the subversion of the ancient Monarchy in France to the despotism of the Government, and the exclusion of the Democracy from all share in the Administration; and they consider the preservation of this country from the internal commotions with which it was threatened, to be owing to the superior excellence of its political Constitution. Nothing can be more absurd than both these opi-

nions. Such persons would be more usefully employed in investigating the causes, which, notwithstanding the many blessings enjoyed by the subjects of this Government, above those of other countries, rendered so many thousands insensible to them, and prepared them for abetting the invaders of their country and religion, whose avowed object was to subvert and totally demolish that political fabric, which, God be praised! still stands erect amid the ashes and wrecks of surrounding thrones. This investigation, if properly pursued, would convince them that the public morals had been debauched, the reason and good sense of the people deluded, and their affection alienated from the Monarch, the Nobility, and Church, by the licentiousness of the Press. That this spirit of discontent, and the propensity to revolution and anarchy, is less visible, must be ascribed, in

part, to the wisdom of the measures adopted by the Administration, in which your Lordship held a distinguished rank ; but, principally, to the enormous wickedness of the Ruler of France, whose crimes could not be contemplated even by the worthless and the wicked without fear and horror. This spirit is not extinct, and, under circumstances more favourable, will revive, if the causes which foment and cherish it be not removed. Monarchy, my Lord, is the key-stone of our political arch, the support of the National Church, and the fountain from which springs that illustrious order to which your Lordship pertains. The Commons emanate indeed from the people, but it is by virtue of the royal mandate ; and it is their political union with the Monarch, the Nobles, and the Church, which distinguishes them from a democratical rabble, and constitutes at once their

dignity, their utility, and their importance. They are as much interested in upholding the respect due to the King, the Aristocracy, and the Church, as in maintaining their own privileges. Now, it is to the necessity of checking this licentiousness of the Press, which, under the ridiculous pretence of maintaining liberty, threatens with destruction whatever has been held most sacred in religion, most indisputable in morals, and most deserving of honour and respect in society, that I beg to call your Lordship's attention. You may justly congratulate yourself on the success of your political career under embarrassments of no ordinary magnitude; and the aid which this country has given to the Allied Powers, in restoring tranquillity and happiness to the Continental States, will entitle you to the gratitude of the present, and the applause and admiration of future ages. But,

whatever your talents and your virtues may effect, it will appear small, while things of greater importance to the welfare of your country remain to be done. France and Holland may owe to your Lordship the restoration of their ancient Sovereigns, and Europe the return of peace and social order ; but while the vital principles of the Constitution are diseased ; while the respect due to the Supreme Magistrate and his august family is openly violated with impunity ; while laws, excellent in themselves, are rendered oppressive by the tedious and useless forms of process, and the villany of the subordinate agents ; and while the great body of the clergy is suffered to languish in poverty and obscurity, exposed to the operation of vexatious laws — your political character, however great it may be, will still appear incomplete. “ *Hæc igitur tibi reliqua pars est ; hîc restat actus ;*

in hoc elaborandum est, ut rempublicam constituas."

If the tranquillity, the prosperity, and the duration of Empires, depend on the affection and good-will which the citizens bear to the Supreme Magistrate and the constituted authorities of the State, and on their conviction that the laws by which they are governed, are just and equal; and that those to whom the execution of them is committed, are men of integrity and capacity, alike able and willing to discharge their duty: then it is evident, that whatever tends to destroy this affection, this conviction, and this confidence, in the hearts of those who are to obey, is in the highest degree subversive of the Government, and destructive of its vital principles. In ancient times, the art of printing was unknown, and the crimes of the Sovereign, the follies

and errors of his Ministers, and the profligacy of the Nobles, were, like the smoke of their palaces, confined within a narrow circle. The news of a celebrated victory, or notable defeat, of an extraordinary act of tyranny, or formidable insurrection, occasionally reached the distant provinces, through the medium of travellers, and the correspondence of distinguished families, who kept up a more or less frequent intercourse with the capital; but these reports produced no more effect on the public mind, than the strangling of the reigning Sultan at Constantinople by the Janissaries, and the election of another to supply his place, produces in this country. The causes of distress and dissatisfaction were for the most part local, and did not extend beyond the limits of the province or city in which they originated; and when these were removed, the language of complaint ceased,

and the people returned peaceably to the discharge of their duty, as good subjects, or were punished for their rebellious contumacy, unaided and unpitied by the neighbouring districts, which might be alike ignorant of the offence which they had committed, and the chastisement which they had received. But it is far otherwise in modern times, particularly in this country, where even the meanest subject may publish whatever he pleases at his own risk ; and this risk is considerably diminished by causes which shall be hereafter explained. Now, not only the grievances, real or imaginary, of a town or province, but an affront offered to an obscure individual, may become the means of exciting commotions in every part of the Empire ; and by instilling a spirit of Quixotism into the minds of those who had, on their own account, no cause of complaint, convert the most

loyal and dutiful subjects into disturbers of the public peace, and enemies of social union. The perpetual circulation of the daily journals, and other periodical works, through every city, town, and almost every family in the kingdom, enables the envious, the turbulent, the licentious, and the malevolent, to gratify the wicked propensities of their own hearts, and corrupt the hearts of others. Every act of robbery and villany, the arts by which it was effected, and the means by which the offender escaped the hands of justice, are proclaimed for the instruction of those who may be disposed to enter on the same career. Every trial for seduction, fornication, incest, and for offences of a nature still more indecorous, with a detail of all the disgusting circumstances which attended it, is printed and circulated to preserve the modesty and chastity of the young, to prevent the pre-

mature incitement of those passions, which, even in maturer age, reason cannot controul. Every act of imprudence into which the clergy and dignitaries of the National Church, who are not exempted from the common frailties of human nature, may have been betrayed, is exaggerated, and spread abroad, as the means of promoting virtue, and attaching people more firmly to the religion of their country. Every plan of the Minister, which unforeseen circumstances may have rendered abortive, and every folly which the members of the executive and legislative bodies may have individually committed, in the unguarded moments of convivial mirth, are commented on, and held up to public ridicule and censure, to inspire the lower and middle classes of society with affection towards their persons; with confidence in their wisdom and integrity, and

with cheerful submission to the laws and ordinances of the State. In enumerating the advantages, or, to speak seriously on a subject, on which to jest is almost criminal, the evils resulting from the unbridled licentiousness of the Press, it ought not to be forgotten, that the wounds inflicted by domestic misfortunes on the most virtuous and illustrious families in the kingdom, are daily made to bleed afresh, by being exposed to the public eye by the unfeeling hand of the editor of a newspaper, who is ready to sacrifice the happiness of his neighbour, and even to endanger the safety of his country, in order to find matter to supply the defects of his genius, and fill his venal columns.—What ! is it not enough, that female innocence has been betrayed by the seductive arts of villany, or that a noble youth, the hope of his parents and his country, has deviated from the path of

rectitude and honour? must the sufferings of the friends and relations be rendered perpetual, and the unfortunate offender be deprived of the strongest inducement to a reformation of manners, by the publication of deeds, the remembrance of which, whatever may be their turpitude, humanity would wish to bury in oblivion? When offences become the subject of judicial inquiry, the magistrate discharges his duty, and pronounces a sentence, conformably to positive laws, or ancient and established practice; and here innocence is always presumed till guilt is undeniably proved. But what duty does the editor of a magazine or newspaper discharge, who presumes guilt without evidence, and who measures the severity of his sentence by personal enmity, party-spirit, the malevolence of his heart, or the influence of a bribe? Will he say, that by exposing crimes to

public censure, the commission of them is rendered less frequent, and that the Press is thus indirectly made the guardian of virtue? He who reasons in this manner, betrays a gross ignorance of human nature, and covers with a flimsy veil the base and sordid motives by which he is actuated. Where the sentence is death or banishment, the publication of it can do no hurt to the offender; for the public welfare requires, that he should be cut off from all further intercourse with his fellow-citizens; and here the feelings of his friends cannot be consulted. But the publication ought to be simple and unaccompanied with minute details of the circumstances which attended the perpetration of the crime; for these serve only to corrupt and pollute the imagination. In offences of a more venal nature, the object of rational punishment is to correct, and not to destroy

every incentive to virtuous conduct, by consigning the offender to perpetual infamy and general abhorrence. This is alike inconsistent with the maxims of sound policy, and the principles of our holy religion: yet this is the effect of the licentiousness of the Press; the editor of a newspaper assumes a power, for the exercise of which the judges would be liable to be impeached; and those who wish to deprecate his wrath, must purchase his forbearance. The sentences of Courts-Martial ought, perhaps, always to be made public, at least to be made known to all persons connected with the army and navy. The constitution of these bodies, on which the safety of the country depends, is of a nature so peculiar and delicate, and the consequence of disobedience, even in circumstances apparently trivial, productive of such fatal effects, that a departure from the ordinary admi-

nistration of legal justice seems to be unavoidable. Besides, the offences which generally come under the cognisance of Courts-Martial, however important they may be, considered as breaches of military discipline, are seldom, in a moral point of view, of great magnitude; and while the publishing of them tends to preserve that subordination, without which these armed bodies would not only cease to be useful, but become dangerous, it neither materially affects the social character of the offender, nor hurts the feelings of his relations. An officer may absent himself from his regiment without permission, send a challenge to the commanding officer, or behave towards him with disrespect, and may for such conduct be justly dismissed the service without ceasing to be considered by the world as an honourable character: the sentence partially disqualifies, but does not morally

degrade. Another consequence resulting from the licentiousness of the Press is the benefit which our enemies on the Continent, in the time of war, derive from it. The information communicated through the public journals is perhaps more extensive than could be obtained by a thousand spies. Not an order is issued to the navy, victualling, and transport boards; scarcely are any instructions given by the Lords of the Admiralty to the commanders of the fleets; scarcely is any measure discussed in the Cabinet, which does not instantly appear in the daily papers; and even the substance of many of the confidential dispatches to our ambassadors, is given with an accuracy and minuteness which must astonish every reflecting mind. Nor must we here pass unnoticed that degradation of the Legislative Bodies, and members of the Executive Government, in the eyes of foreign

nations, and of every class of subjects in the United Kingdom, which the publication of the broils and dissensions that unavoidably occur, has a tendency to produce. Freedom of Speech in the two Houses is essential to their independence, and in the discussion of great and important subjects it is to be expected, that the “*modus in rebus*” will sometimes be forgotten. In the Cabinet also, where the members are less numerous, and united by closer ties, discord must sometimes prevail. But will it raise the Government in the estimation of foreign courts, or promote harmony, satisfaction, and submission at home, to proclaim to the world, that the Ministers of the Crown are at variance among themselves, and destitute of capacity to discharge the important duties of their respective stations; and that the leading members of the two parties in either House

of Parliament, consider each other as men sordidly attached to their own private interests, indifferent to the public welfare, without patriotism and without virtue? I have frequently conversed with foreigners, both in this country and on the Continent, who were enthusiastic admirers of the British Constitution; but I never knew one that did not conclude his panegyric with some such exclamation as this: "But your Press! surely every man would wish it to be under some restraint." Indeed they are so astonished at its audacity—(I beg pardon of the gentlemen editors)—that they are at a loss to conceive how it is compatible with the existence of civil government.—From the general view which I have given of the evils resulting from the licentiousness of the Press, it appears that it tends to inflame the passions, and corrupt the morals of the young; to disturb the

peace, and injure the feelings of private families, particularly of such as stand most in need of consolation; to alienate the good-will of the citizens from the Government, and destroy that confidence in the Executive Power and Legislative Bodies, which is the foundation of rational obedience; to promote tumult, sedition, and treason in every order of society; to vilify the members of the two Houses of Parliament, and the Ministers of the Crown, in the eyes of foreign nations; to communicate dangerous intelligence to the enemy in the time of war; to divulge the secrets of the Cabinet; to bring into contempt the Established Religion of the country; and, in short, to place the reputation and happiness of the most illustrious and virtuous men in the Empire at the mercy of every rascal, who, having neither character nor fortune to lose, may have the hardihood to risk

a few months' confinement. Now, whatever corrupts the morals of the citizens, promotes among them strife and dissension, diminishes their affection for the magistrates, their respect for the laws, their reverence for the Established Religion, and their confidence in the integrity and wisdom of the Legislature, has a direct and powerful tendency to subvert the Government, and destroy the political constitution of the country; and that the licentiousness of the Press has this tendency, has, I think, been clearly demonstrated. But the Constitution, which is so dear to Englishmen, is threatened with destruction by the licentiousness of the Press in a way still more direct and formidable, which I shall describe after having considered what security the laws afford against the evils already mentioned.

In matters of Libel, an indictment may be preferred to the grand jury at the quarter-sessions or assizes ; an application may be made to the Court of King's Bench for permission to file a criminal information ; an action may be brought for the recovery of a pecuniary recompence adequate to the supposed injury which has been sustained ; lastly, the offender may be prosecuted in the ecclesiastical courts. Permission to file a criminal information is frequently refused, and the grounds on which it is withheld, are known only to the judge. When an indictment is preferred, the juries are often parties, and under the influence of passion ; for the causes of defamation generally originate in the neighbourhood in which they dwell. But whether the injured party proceed by way of information or indictment, the court sus-

tains the cause on the ground that the party accused has broken the peace, and been guilty of an offence against the supreme power by assuming the judicial functions. It therefore will not admit any justification, nor hear evidence in support of the truth of the libellous assertions. This is most wise and just; for he who defames his neighbour's character, snatches the sword from the hand of the magistrate to wield it himself; annuls, as far as in him lies, the jurisdiction of the tribunals, and abrogates the laws and ordinances of the State. In short, the libeller does, on a small scale, what insurgents and rebels do on a larger; both aim at the subversion of the political constitution of their country. They are therefore guilty of a crime of no small magnitude. The conviction of the offender subjects him to a fine or imprisonment, or both.—The ecclesiastical courts proceed on

the idea that the offender has been guilty of a breach of the Decalogue, or Moral Law, and disregarded one of the primary duties of religion. They presume that the transgressor has acted rather from passion or inadvertency than depravity of heart, and endeavour to reclaim him by appealing to his sense of shame without subjecting him to any material inconvenience or loss. He is ordered to do penance. This is become a mere farce; the offender, instead of standing in a white sheet during divine service, exposed to the view of the congregation, and reading them by his example an instructive lesson, conformably to the wholesome rigour of ancient discipline, appears in the vestry after service, and there makes an apology, in a low tone of voice, in the presence of the clergyman and the clerk. If the party libelled sues for a pecuniary recompence, the Court takes

not into consideration the injury done to the public by an individual having assumed the judicial functions, but regards the matter wholly as personal between the parties, and the libeller is allowed to substantiate his charges by bringing forward evidence in support of them, and may defame the witnesses of the prosecutor, by impeaching their veracity ; and thus justify one bad action by the perpetration of twenty more. Why the libeller should be allowed to justify under one form of process, and not under the other, I cannot conceive. The injured party may stand in need of a pecuniary recompence, but the country also has a claim on the offender for the violation of her laws. She cannot pardon the offence, because a partial retribution has been awarded to one of her injured citizens. If the libeller had legal evidence, and was animated by patriotism,

and the love of virtue, why did he not drag the guilty before the competent tribunals? But, in whatever way the injured party may proceed, whether by indictment, criminal information, action for damages, or application to the ecclesiastical courts, so considerable is the expense, and so great is the risk, that the offender will escape through some trifling defect in the evidence, or some trivial error in the legal forms, that few have the courage, and many not the means, of seeking redress. Besides, the libellous matter is often of so gross and indelicate a nature, that it cannot be discussed without doing violence to the feelings, not only of the party accused, and his immediate connections, but also of every person who has the least regard for decency and virtue. But, when these difficulties are encountered, and the libeller convicted, is there an editor so abandoned as to assert,

that a forced apology made in the presence of the curate and clerk ; that a fine, six months' or two years' imprisonment, is a full, just, and ample satisfaction to the country for the violation of its laws, to the friends and relatives of the party accused for the lasting injury done to their feelings, or to the individuals whose reputation and happiness may have been destroyed, by the atrocious libels which issue from the Press. It is often impossible for the sentence of a court to efface the injurious impression which the libel has made on the public mind, and the defamation may have been read by thousands who will never hear of the punishment of the offender. What satisfaction could such a punishment afford to the man who had been accused of having had a criminal partiality for his mother, his sister, or his brother, or,

as recently happened, of having been implicated in the murder of his servant—that very servant whose parricidal hand attempted to assassinate his master—the master by whose bounty he was fed, and over whose slumbers it was his duty to watch? Imprisonment in such cases does not do, what it was the object of the defamatory writer to effect; it does not morally degrade. It appears then that the laws do not effectually restrain the perpetration of a crime, to which there is but too strong a propensity in human nature, and to the commission of which men are instigated by every sordid passion of the heart. In some cases transportation for life, in others corporal punishment, and in others fines and imprisonment, ought to be inflicted. Let us now consider how far the licentiousness of the Press affects the monarchical part of our Constitution.

Of the three orders of the State, King, Lords, and Commons, the King is by far the most ancient, the most dignified, and the most important. He is the mediator of their differences, the life and soul of their political being, the bond and tie, by which they are held together and supported. He is the fountain of honour, the source from which spring all the distinctions and subordinations which are the grace, the ornament, and cement of civil society; he is the depositary of the national strength, the representative of its majesty. The excellency of the British Constitution has shone forth with greater lustre, during the last five-and-twenty years, than in any preceding period; and the importance of the monarchical part of it, to the preservation and welfare of the two other branches, has been better understood. Now, among all nations the person of the Chief Magistrate, by

whatever name he may have been distinguished, has been considered as sacred ; and an insult offered to him or his family, or to persons who acted under his more immediate direction, as governors and ambassadors, has been regarded as an insult done to the community. The virtues and vices of princes are reflected on the people, by whom they are readily imitated ; and the rank which a nation holds in the estimation of foreign courts, depends much on the respect in which the Sovereign is held by his people ; and hence those portraits of Sovereigns are most favourable to the cause of virtue and good government, in which their merits are displayed, and their defects thrown into the back-ground. The enthusiast, the hypocrite, and the libeller, may create archetypes of moral excellence, which have no existence in nature, and censure whatever appears to fall short of them ;

but in forming an estimate of the merits and demerits of Princes, and men in public and exalted stations, the man that is just and candid will make great allowance, not only for the frailties inseparable from human nature, but also for the peculiar circumstances in which such persons are placed, the mode of thinking, and the manners and customs of the age. When a Sovereign is not behind his age and country in virtue, he has a right to escape censure ; and when his virtue is of a superior kind, he is entitled to extraordinary praise. Augustus is perhaps an example of the former kind, Marcus Antoninus of the latter ; with whom we may join his present Majesty, George the Third, who, from the abyss of misery, now reads to his subjects an affecting lesson on the vanity of human grandeur. During a reign of more than half a century, no wild projects of ambi-

tion, no attempts to infringe on the liberties of the subject, which, on the contrary, he has rendered more firm and secure by the surrender of some of the privileges of the Crown;* no rigorous execution of the laws enacted to uphold the respect due to the Sovereign, have diminished the lustre of his social and domestic virtues. Living in the bosom of a numerous family, by whom he was revered and beloved; practising the parental and conjugal duties in the most exemplary manner, conversing familiarly on proper occasions with persons of every rank; and yet, which is of all things the most difficult, suffering none to forget the deference and respect which the

* The bills for rendering the Judges independent of the Crown; for limiting the power of the Crown in granting pensions; for making Juries judges of matter of libel, &c. &c. &c.

subject owes to the Sovereign*—he has shown, that the discharge of the regal functions is not incompatible with the strictest attention to the virtues of private life. Much praise is also due to the de-

* The most finished productions of sculpture and painting appear to the greatest advantage when viewed at a distance, and so do human characters, however exalted they may be. Indeed, the higher they are exalted, the more ought those frailties and weaknesses which are inseparable from our common nature, to be concealed from the vulgar eye. The near and frequent contemplation of them destroys that reverential respect which secures to princes the obedience and fidelity of their subjects. When a Sovereign lays aside the imperial robe and the insignia of his greatness, and condescends to associate on equal and familiar terms with the various classes of society, he exhibits, no doubt, the strongest proof of a good heart, and an amiable disposition; but he should remember that he is trying a political experiment, which is not unattended with danger; an experiment repugnant to the maxims of the sages of all antiquity.

scendants of this illustrious, though unfortunate Monarch, if their actions be weighed in the scales of equity ; regard being had to the circumstances in which they are placed, and the sentiments and feelings which such circumstances naturally inspire. In so large a family dissensions will arise, and accidents happen, which no care, no discipline, can prevent : But we may venture to assert, that the family of no nobleman in the kingdom, consisting of the same number of persons, has exhibited a more exemplary conduct, or displayed a larger portion of the moral and social virtues. Filial obedience and paternal affection have, in an eminent degree, distinguished the royal offspring. These are primary duties, and the discharge of them, in maturer years, implies a heart glowing with the best affections of human nature. In other families the submission of children to parental

authority generally ceases with infancy; in this alone it has been a principle of life and action. Born with a prospect, more or less remote, of ascending the throne of their ancestors, and entitled by their high birth to fill the first offices of the State, they have shown a moderation, as to the pursuit of the objects of political ambition, of which the history of the princes that have reigned in modern Europe affords no example. What cabals might they not have formed? what obstacles might they not have thrown in the way of the executive power by joining the various parties, that, during the present reign, have contended for pre-eminence, and the emoluments of office!! for all of them would have rejoiced to have these illustrious personages at their head. Yet have they accustomed themselves to retirement, living almost within the precincts of the paternal mansion, and taking no part in political

contests, unless when, in compliance with filial duty, they supported Ministers, to whom their father and Sovereign had confided the reins of government. Their forbearance and self-command respecting the objects which usually stimulate great minds, and sometimes carry them beyond the bounds of honour and virtue, is the more worthy of admiration, as it seems to have been a fundamental maxim with every Administration, during the last thirty years, to exclude the younger branches of the royal family from holding any important office in the State. The motive is apparent, the policy at least doubtful. The appointment of the Duke of York to the office of Commander-in-Chief is, we believe, the only instance of a departure from this rule that can be adduced ; and this, there is reason to believe, was rather extorted from, than ceded by, the Minister of the day. The ex-

clusion of these illustrious personages from every important station, deprives them of the means of displaying their talents and their virtues, and of acquiring that popularity which is the natural object of desire; and degrades them in the estimation of the people, who, seeing them unemployed, are led to judge unfavourably of their mental endowments, and regard them as useless. Again, the splendour of the throne is in no country confined to the person of the Monarch, but extends to his children and kindred of the blood royal; and what would be vanity and culpable parade in other subjects, is in them nothing more than a proper attention to the ceremonial of their rank: yet no superb palaces, no costly establishments, no magnificent equipages and external grandeur, have consumed the national treasure to support the dignity of the younger branches of this au-

gust family. They have, for the most part, as has been observed, lived under the paternal roof; and, before Carlton House was finished, even the heir-apparent of the most powerful Empire in Europe had not a mansion which would have satisfied a private gentleman of ten thousand a year. The incomes of the princes of the blood have been, and still are very small, not equal to a fifth part of many private fortunes; and these proving inadequate in times when the value of money is decreased nearly two-thirds, the deficiency has generally been supplied rather by the economy of the Sovereign, than applications to the Legislative Body.

It might have been expected that such a Monarch and such a family would have been objects of the most ardent affection, and that all classes of subjects would have

vied with each other in extolling their praise, and doing justice to the beneficence of their hearts ; and yet, to degrade, insult, and defame this mild and virtuous Monarch, has been the constant object of the writers for newspapers, magazines, and other periodical works, during the whole reign ; and the boldness and impudence of the libeller has been applauded as the language of the purest patriotism. If the personal abuse of the Sovereign has been occasionally suspended, it was only to wound him in a part where his feelings might be supposed to be more acute. The little frailties of his numerous offspring, frailties almost inseparable from the ardour inspired by early life and exalted rank, have been magnified into crimes, or represented as indications of a base and degenerate mind ; and they have been held up as objects of public derision or public hatred, for not exhibiting a per-

fection of character unattainable by those who are placed in circumstances far less abounding in temptations, and more favourable to the contemplation and exercise of private and domestic virtues. There is not perhaps an individual member of this numerous and august family, against whom insinuations of the most scandalous and indecent nature have not, at some time or other, been thrown out in the daily papers and periodical journals ; and to such a height of impudence and wickedness have these unprincipled assassins of illustrious characters proceeded, that we believe there are few crimes which have not been, directly or indirectly, imputed to these exalted personages,* whose very rank, and the

* Allusion has been made, in a former part of this publication (page 30), to an atrocious libel, in which the author insinuated that one of the first personages in

delicate feelings which it inspires, prevent them from vindicating their injured characters by appealing to the ordinary tribunals of the country. Yet they have sometimes been compelled to do so, and the punishment of the libeller has always proved the falsehood of his assertions, and the malevolence of his heart. The splendour and privileges attached to the royal family are dearly bought, if they are to be at the mercy of every villain, who, not having the means of living without the walls of a prison, courts prosecution by wickedly assailing

the kingdom had been implicated in the murder of his domestic, and was going to seek an asylum on the Continent. For the offence he was, I believe, condemned to two years' imprisonment. Had this defamatory writer been a subject of France, and the person libelled a brother of the tyrant of that country, would his execution have been deemed murder, and his name be joined with that of Palm, Wright, and the Duke D'Enghien?

the most honourable characters, in the hope of exciting the pity, and obtaining the assistance, of those who may be weak enough to regard him as a martyr to liberty, or of those whose principles are equally corrupt, but who have not courage publicly to avow them.

To assert that the licentiousness of the Press is essential to the preservation of freedom, is to insult the common sense, and do violence to the common feelings of mankind. Volumes may be written to prove that the unrestrained exercise of the Press is the firmest support of the liberty of the subject ; but the advocates for licentiousness forget that liberty flourished in the greatest vigour in those times when the art of printing was unknown ; and after all that ingenuity can say on the subject, there are, in truth, but two ways in which the

Press can be instrumental in preserving the liberties of a nation. By enlightening the minds of the people, it makes them better acquainted with the rights and privileges which pertain to them, and which are recognised by the Constitution; and when these are in danger of being destroyed by the attacks of despotism, it may stimulate them to draw the sword in their defence, and erect the standard of civil war. Now that remedy is most dangerous, and requires the greatest skill and experience in its application, which, while it eradicates one disease, exposes the whole frame to dissolution. In Ireland the freedom of the Press shakes off every fetter, and disdains all controul; and in that free and happy country the life of no man, who is obnoxious to the advocates of licentiousness, is worth four-and-twenty hours' purchase. Of all the causes which tend to

shorten the duration of Empires, in modern times, the licentiousness of the Press is the most powerful ; it at once shakes and undermines the political fabric, assailing alike the whole and its component parts ; and if it sometimes produces vigorous effects, they are effects of febrile frenzy, terminating in lassitude and weakness, the prognostics of impending dissolution. If the Legislative Bodies were at variance, and any two of them were to unite in the view of destroying the third, could they in any way effect their purpose more completely, than by exposing it to public hatred and contempt, by encouraging the defamatory editors of the daily journals to ascribe to it every defect and every vice ? Were all the libels which have been written against the royal family during the present reign collected, they would form a library of no inconsiderable extent. Neither age nor sex

has been able to protect the illustrious victims from the venom of those libellous assassins; and while the silent contempt with which these much-injured personages have looked down on the wicked machinations of the enemies of social union and exalted virtue, evinces their innocence, and displays the greatness of their minds, the loyalty of the nation to its Sovereign, where such abuses are permitted, must appear very equivocal. Some change in the laws is, perhaps, absolutely necessary, effectually to put an end to these serious evils, which result from the licentiousness of the Press; yet much might be done without any change. The two Houses of Parliament and the Courts of Law have, I believe, the power of suppressing *in toto* the publishing of the proceedings which take place within their walls: they therefore pos-

sess the means of prohibiting the publication of whatever may be injurious to the public welfare in any of the ways that have been enumerated, and of permitting other matters to be inserted in the public journals, for the information and instruction of those who may have inclination and leisure to read them. The public offices and the police offices have also a similar power.

Should the daily Journals, and other periodical publications, alarmed at the reformation which I propose, thus address me: ‘ Do you wish to ruin us, and see us become as dull and uninteresting as the Gazette de Paris?’ I reply, ‘ I have no such design: on the contrary, I am desirous of raising you to a higher rank in the republic of letters; to make you real and useful patriots, friends of religion, and pre-

ceptors of the human race. It is not against you I make war ; it is your venal editors, your defamatory scribblers, who pollute your pages, and prostitute them to the worst purposes, that are the marked objects of my hatred. These are your enemies ; they degrade you in the estimation of the virtuous, and subject you to the censure of the wise ; they make you the panders of every vice, the heralds of infamy and slander. In their hands you are made to speak the language of treason and sedition ; to libel your virtuous Sovereign, and pierce with many a dagger the bosoms of his amiable and august offspring. Through them you corrupt our youth, shock the delicacy of maturer age, and disturb the harmony of domestic life. In short, you take up arms against the laws and religion of your country, and labour to bring into contempt

whatever is venerable and honourable in the State. But I perceive the cause of your anxiety, and will remove your apprehension: you fear that when you are deprived of so many resources, it will be difficult to furnish sufficient matter to fill your numerous pages; but your fears are groundless. All that affords rational instruction or innocent amusement will still lie open to you; and if your editors and compilers are unable to avail themselves of these resources, it must arise from their want of capacity. You will still enjoy the free use of political discussion, in which the English, above all other nations, delight. The constitution and laws of other states, their effects on the happiness and prosperity of the people, the relations which subsist between these States and Great Britain; the laws enacted and repealed by the Legislature of your country;

the debates of the two Houses (while they are permitted to be published), and the expediency of the measures adopted by the Executive Government ; commerce, internal and foreign, with the various acts and regulations pertaining to it ; the improvements made in agriculture, and other arts which either adorn human life, or minister to its comfort ; the progress of science abroad and at home ; an impartial account of the best publications, and the honours and rewards conferred on learned men, with the impartial biography of the most eminent characters, when praise can no longer hurt their delicacy, nor censure injure their reputation ; acts of generosity and benevolence ; rewards given to the lower classes of society for exemplary behaviour ; the success with which diligence, temperance, perseverance, and honesty, have

been crowned ; the fatal consequences which have resulted from ignorance and inattention in matters apparently trivial ; observations on the new pieces exhibited at the theatres ; an account of the successful jockeys on the turf, and other public amusements ; the ravages made by fire, tempests, and inundations ; with a thousand other things calculated to interest, amuse, and instruct, without corrupting the morals of the reader, present themselves to an intelligent editor. These are inexhaustible sources, which can never be dried up ; but should the periodical scribbler be at a loss for matter to fill a vacant column, he may, without injury to the reader, insert some of those innocent anecdotes, the relation of which is, I believe, peculiar to the British Press ; and they have this singular property annexed to them, that they are equally in-

teresting, whether the facts be true or false, whether they happened yesterday, or in the reign of Elizabeth. “Yesterday the charming Lady Betty C. was safely delivered of a fine boy. We understand the Duke and Duchess of D. are to stand sponsors.”—“On Thursday Lord E. hunted with the Duke of G. and afterwards dined with his Grace.” If such trifles can amuse, there can be no objection to their appearing occasionally in your columns; but the continual insertion of what only tends to gratify individual vanity, is a proof of indolence or want of genius in your editors. You are now, I trust, convinced that you will sustain no real loss by your pages ceasing to become the registers of crimes, and the incentives to every species of impurity; and that in proportion as you become good citizens, you will acquire a higher degree of respectability, and be regarded as the com-

panions of princes, the friends of religion, the supporters of the laws, and the promoters of public virtue.’ *

* If the personification of the Public Journals should appear absurd to those cold-hearted readers who require chapter and verse, and mathematical demonstration, in matters in which the dictates of uncorrupted nature would be their safest guide; they may be told that Plato, in the dialogue entitled “Crito,” introduces the Athenian laws expostulating with Socrates on the injustice of evading by flight the sentence of death which they had passed on him.

There is another species of immoral and defamatory publications not noticed. These address themselves to another sense, and the eye is made to complete what the ear had begun. The reader will perceive that I allude to Caricatures. The venders of these incitements to impure indulgences abound in every part of this great metropolis, and in every city in the Kingdom; and so indecent are the representations exhibited to the public eye, that the youth of both sexes cannot pass through the streets without their modesty being put to the blush, and their morals exposed to imminent danger. The frailties of

From the consideration of the licentiousness of the Press, as destructive of the mo-

human nature, the misfortunes of private life, and even the awful visitations of Providence, are here exposed to ridicule and contempt. The authors of them, who are the lowest species of buffoons, seem sensible of the truth of the poet's assertion,

“ Segnius irritant animos demissa per aurem,

“ Quam quæ sunt oculis subjecta fidelibus, et quæ

“ Ipse sibi tradit spectator ;”

and they are willing to profit by it. How often has the august family of our beloved and unfortunate Sovereign been libelled in these indecent and defamatory prints! Nor have the heaviest afflictions to which man is exposed in his progress through life, been able to exempt the Monarch himself from being made the subject of these indecorous exhibitions. Shame on such insensibility and depravity of heart! For what purpose were whipping-posts, stocks, and pillories invented? When will the good sense and virtue of the Legislature put an end to practices which stimulate the passions before the power of gratifying them exists, and corrupt the heart even amid the ordinary occupations of life.

narchical part of our Constitution and the public morals, permit me to turn your Lordship's attention to the National Church, and the administration of justice. The ecclesiastical polity of this country is so intimately connected with the Monarchy, that they are the natural supports the one of the other; and they must both fall together. A Monarchy without an Established Church would be a prodigy in politics. The condition of the Clergy has, during the last three or four years, occupied the attention of his Majesty's Government; and the archives of every diocese have been rummaged to procure information on this important subject; and I trust that the exertions of the Government will not cease, till something has been done worthy of the Empire and the Clergy. But nothing great, nothing corresponding to the dignity and importance of the Hierarchy, can be ex-

pected till the first Minister of the Crown shall have the ambition to become the first Minister of the Church ; all difficulties will then vanish, and we shall no more hear the poverty of the nation pleaded as an excuse for leaving the Clergy to starve. Poverty ! mere cant, like the cry of “ suffering humanity ;” the one being expressive of a cold indifference for, or enmity to, the religion of the State ; the other, of a desire to lay the honour and majesty of the Empire prostrate at the feet of a foreign tyrant. May this noble ambition fire your Lordship’s breast, and crown your political career ! Then, indeed, may you say with truth,

- “ Exegi monumentum ære perennius,
 “ Regalique situ pyramidum altius ;
 “ Quod non imber edax, non Aquilo impotens
 “ Possit diruere, aut innumerabilis
 “ Annorum series, et fuga temporum ;”

and I shall be ready to exclaim, “ Now, Lord, let thy servant depart in peace ;” for I shall have reason to believe that the numerous Tracts which I have published and distributed in the view of relieving the wants of the Clergy, and upholding the honour and respect which is due to them, have not been written in vain. But I will not venture to indulge the hope expressed by the poet in these beautiful lines :

“ O! while along the stream of Time thy name
 “ Expanded flies, and gathers all its fame ;
 “ Say, shall my little bark attendant sail,
 “ Pursue the triumph, and partake the gale.”

The details furnished by the different dioceses abundantly prove the miserable and forlorn state of a large portion of the beneficed and unbeneficed Clergy, and establish the strongest claim on the equity and humanity of the British Legislature.

Now the only step taken in consequence of this information, has been to pass an act to condemn the aged Clergy to a workhouse, and reduce them to the necessity of subsisting on the charity of the benevolent, in order to provide more amply for the young, whose wants are fewer, and who have the means of increasing their incomes by instructing the youth, and in other ways inaccessible to the veteran grown grey in the service of the altar, whose infirmities consign him to wretchedness and obscurity. His children too must share his fate, if they are not grown up, and capable of providing for themselves. All the habits of his former life are destroyed ; and the ties, by which he was connected with persons of his own rank, broken. He, whose feelings had been refined by long intercourse with polished society, and whose mind had explored the depths of science, must be exposed, amid

the distress of poverty, the infirmities of age, and the pains of disease, to the low scenes and disgusting conversation of vulgar brutality. But what good, we ask, can possibly result from this bill? Will the service of the Church be more regularly performed, or the Clergy who perform it be more respectable? Far otherwise. The Bishops, before the passing of this bill, had the power of enforcing a regular and decent performance of parochial duty within their respective dioceses; and we presume that the chance of ending their days in a work-house or prison, will with few prove an additional stimulus to enter into holy orders. The Clergy are called Clerks, in allusion to their office in ancient times; and the noble Lord who framed this bill, and forced it through the two Houses, in spite of the remonstrances of the Archbishops, Bishops, the Chief-Justice of the King's Bench, and,

I believe, even of the Lord Chancellor, seems to have considered them as clerks in reality, and to have treated them as such. When they can work no longer, they are to be dismissed, and are not permitted, like the public agents in the higher departments under Government, to enjoy two-thirds of their stipends when their services are no longer required, or they are become incapable of performing them. I wish not to insinuate that the noble Peer who framed this bill, or any member of the Administration, is destitute of humanity ; I believe, on the contrary, they are all honourable and virtuous men, and I am persuaded that the attention bestowed on the important scenes passing on the Continent, has prevented him from seeing the pernicious tendency of the bill, and that he will be the first to move for its repeal, or to obviate its defects, by providing for the support of the

aged and infirm Clergy who may be rendered incapable of discharging their parochial functions. This might be done with great propriety by a county rate, and it would not be burdensome, as it is not to be presumed that the number of Clergy requiring aid would in any one county be considerable; and in most cases their wants arising from age would be of short duration. Having stated the consequences which will probably result from this bill, and shown that it can be productive of no good, it is but fair to observe, that the Bishops are invested with a discretionary power of suspending its operation in cases where the incumbent is incapacitated for discharging his clerical functions, and of fixing the quantum of salary to be given to the Curate. This is but a feeble security. No man can promise for himself, much less for others, that discretionary power shall be

equitably and impartially executed. Besides, it destroys the independence of the Clergy, by making them dependent for their subsistence on the pleasure of their diocesan.*

It is perhaps of little consequence to the prosperity of the British Empire, what opinion foreign nations entertain of its wealth, its power, and its virtue; yet this opinion constitutes what is called national

* The leading feature of this bill (53rd of the King, cap. 149) is to prevent incumbents from holding two benefices that do not exceed a hundred and fifty pounds per annum each, unless they happen to be so near each other that they may be served by the same incumbent; and even this he cannot do conveniently and decently, if in either rubrical service should be required. Now, as the inadequacy of small benefices to the support of the incumbents was the principal cause of permitting two or more of them to be held by the same person,

glory, in which the citizens of every country, in every age, have felt themselves deeply interested. Now it must appear very extraordinary to foreigners that a nation, whose beneficence and liberality extend to every quarter of the globe, should look with cold indifference on its Clergy, and deal out to them with a parsimonious hand the means of a scanty subsistence; and they will be led to suspect there can be no firm belief in, or attachment to, the religion of

this bill evidently tends to impoverish the Clergy. In the hope that it will be repealed, I forbear to point out its numerous defects; but I entreat the noble Lord who introduced it, to consider the immoral tendency of section the fifteenth, the fatal consequences which may result from that part of section the first, which relates to the communication to be made to the Bishop on the death or resignation of the Curate, and from section the sixteenth: this section is so obscurely expressed as to leave the sense doubtful.

the country where this indifference and neglect of its ministers prevail. They who are capable of estimating the moral excellence of the same country in different ages, and of different countries in the same age, perceive that mean sentiments, narrow views, low and unworthy projects, mark the periods in which the greatest indifference and disregard for religion and its ministers have prevailed; and that public spirit, patriotism, loyalty, and heroic deeds, have generally accompanied a reverential respect for the altars and the ministers who attend on them. It is worthy of remark, My Lord, that the lukewarm friends, or rather secret enemies, of our ecclesiastical polity, are the very persons who talk so much about the mighty and irresistible power of moral causes, which they assert, and with great truth, overthrew

the French Monarchy ; for it fell without a shot, and with the effect of which they were wont to threaten us, and endeavour to overawe the Legislature and Executive Government. Now human life is nothing more than a series of actions arising from volitions, which may all be referred to religion, as their great and universal cause. It was a conviction of this truth that united the sacerdotal robe with the imperial purple, and induced princes and legislators, in whose breasts no sentiment of piety ever glowed, to protect the religion of the State by the utmost severity of penal sanctions. It is this that forms the alliance between Church and State, which every wise Government will cherish and endeavour to strengthen. The religion of a country must always be regarded as making part of its political constitution, as the principle of life and energy.

I have shown in a former publication (Letter to Sir William Scott), that to provide competently for the support of the Clergy, and erect a comfortable mansion on every benefice in the Kingdom, is a work of no insuperable difficulty; and having recommended this to your Lordship's attention, I shall now point out the means of ameliorating the condition of the beneficed Clergy without expending a shilling. On some future occasion I propose to submit to your Lordship's consideration, the outlines of a plan for restoring the Church, if not to its pristine splendour, of which it was stript by that disgrace to Monarchy, Henry the Eighth, at least for putting it on a respectable footing, and raising its Ministers above want; and at the same time suggest the means of effecting this without imposing any burthen on the people. It must be remembered that the complaints of the

poverty of the Church presume that the value of the benefices is not adequate to the support of their respective incumbents ; and this presumption is founded on another, viz. that the real value of the benefices is known ; for to presume without evidence is the characteristic of folly. Let it also be remembered that a tenth part of the produce of the land is the income consecrated by the piety, the liberality, and the wisdom of our ancestors, for the support of the Clergy ; and that the answer uniformly made by the Legislature to the various applications for a commutation for tithes has been, that the produce of land is the only thing which, at all times, is commensurate with the fluctuating value of the precious metals ; therefore no substitute can be found. That the value of many of the ecclesiastical benefices is known, is a truth but too evident ; but that the value of the

greater part of the rectories and vicarages is unknown even to the incumbents, and that in few instances do they receive two-thirds of the real value of the tithable lands, in many not a third, and in some not a fourth, is no less so, and can be demonstrated to any person who has a general knowledge of such subjects. Nor do I see how the Parliament can adopt any general plan for increasing the incomes of the Clergy, till the value, *communibus annis*, of the ecclesiastical benefices is ascertained. The returns made by the Bishops are no doubt the best they were able to make; but, considered as data from which a judgment can be formed of the value of ecclesiastical property, they are not worth sixpence: they are, however, documents of considerable importance in another point of view, for they prove the wretched condition of the beneficed Clergy, and also prove that the

incumbents are deprived of a considerable part of the emoluments which they ought to derive from their benefices. The returns made by the incumbents to the Bishops, by order of the Privy-Council, ought to have included the number of acres in each parish subject to the payment of tithes, with a general description of the soil and produce ; as clay, loam, sand, pasture, arable, wood ; then might the Noble Lord who framed the bill have compared the probable produce of the respective parishes with the sums received by the Clergy in lieu of tithes, and he would have been led to inquire into the causes which induced the Clergy to surrender so large a portion of their property while they were pining away in poverty and obscurity. These causes he would have found to be the existence of oppressive laws, which, at the time they were made, were productive of much good, but are now

the sources of infinite evil and fraud. When an act passed in the reign of Elizabeth for the relief of the poor, the Clergy were not exempted ; yet I have been informed that sixty years elapsed after the passing of this act before their ecclesiastical property was assessed to the parochial rates ; the Clergy require no such exemption ; the performance of acts of beneficence and charity, in imitation of their Lord and Master, is inculcated on their minds as a part of their ordinary education ; and the humane spirit which influenced the minds of the Legislature at that time, prevented them from suspecting that a law, taking its origin in the best affections of the heart, would be applied to the worst purposes. It is to be regretted that the Clergy were not left free as to the performance of acts of charity, the first, the most comprehensive of all the virtues, the unrestrained exercise of

which seems to be in a peculiar manner adapted to their character, and essential to it. But ecclesiastical property being liable to be rated in the parochial assessments for the relief of the poor, it is not matter of wonder that it should have been rated in the most unequal and unjust manner, and have given rise to endless dissensions and animosities between the Clergy and their parishioners, especially if we take into consideration the persons who have the power of assessing, and the persons to whom the appeal lies. In most cases the law provides that no man shall be judge in his own cause ; but here the incumbent has to contend against two parties, of which the one has directly, the other indirectly, an interest in committing acts of oppression and fraud. The magistrates, who are the judges, are landlords, and the farmers, who assess the tithes, are their tenants. When human

nature shall no longer be what it is, and every mean and sordid passion of the soul be absorbed in a sense of duty, then will such men conscientiously and impartially discharge the trust which, we conceive, is very improperly committed to them. Tithes being nothing more than the tenth of the produce of the land, as the word itself imports, the value of them seems to be more easily ascertained than that of any other species of property; and when assessed to the parochial rates, they ought to pay in the proportion of a tenth. No good reason, in my opinion, can be assigned why tithes should not be considered as rent, or the interest of money, which can only be assessed equally with other property. It is probable that tithes were first assessed in this way; but the farmers soon began to regard tithes, not as a simple rent payable in kind out of the produce of their lands;

a rent the less to be complained of, as it has existed, without any variation, about a thousand years, and has existed in some degree or other almost from the beginning of time ; but they considered them as a species of mixed or compound property, arising partly from their labour, and partly from the soil, and rated the tithes at a fourth, a third, and even two-fifths of the value of the whole produce. In this way has the very nature of tithes been changed : they are no longer the tenth of the *produce of the land*, but a tenth or eighth of the soil. This encroachment on the property of the Church has received the sanction, not only of the magistrates at the quarter-sessions, who are judges in their own cause, but also of the superior tribunals, the purity of whose motives far be it from me to impeach. Your Lordship is by this time probably prepared to expect, that you will be called on to exempt

tithes from being assessed to the poor-rates, or at least to exempt them from paying in a greater proportion than a tenth. I require, My Lord, no such thing; the meek and humble body to which I pertain, do not desire it: but I most earnestly entreat your Lordship, in the name of my brethren, of humanity, of religion, and of the country, to consider the expediency of fixing by law the proportion in which property ecclesiastical shall be assessed to the parochial rates; of limiting the powers with which overseers of the poor are invested; and of enabling the Clergy to recover the money due to them for tithes by a summary process, leaving it open, in certain cases, to the party who may think himself injured, to appeal to the superior tribunals.

The benefits which will result from fixing the proportion in which tithes shall be

liable to be assessed to the parochial rates, are greater and more numerous than can easily be conceived by those who have not carefully and thoroughly considered the subject. The utility of an ecclesiastical establishment to the community, arises from the moral impressions which its ministers make on the hearts of their respective congregations, by their doctrine and their example. But men listen reluctantly to the advice of those with whom they are at variance, and are little disposed to follow their example; now, of all the sources of dissension between the Clergy and their parishioners, the unequal proportion in which the tithes are assessed, is the most abundant. Thus the interests of religion and virtue are materially injured; and the community suffers by the unjust and illiberal perverseness of a few individuals, in whom the love of money absorbs and de-

stroys every kind and benevolent affection of the soul. Again, were tithes assessed by a fixed law, the incumbents of small livings would be able to take their tithes in kind, or to obtain an equitable composition; the real value of the benefices would be ascertained; and the Legislature have true data to direct their judgment, as to the degree in which the small benefices stand in need of being augmented; the condition of the incumbents would be ameliorated, and the public revenue increased: but until the mode of assessing tithes shall be fixed by law, the value of the small benefices never can be known to the Legislature, nor obtained by the incumbents; for no sooner do they attempt to take their tithes in kind, than they are surrounded with difficulties which they can never surmount, unless, which seldom happens, they are men of property, of robust constitution,

and persevering minds; they may then, perhaps, by spending a considerable part of their fortune and their time among attorneys and barristers, at last so far succeed as to get something like the value of their tithes. Further, the frequent appeals which the Clergy are compelled to make in their own defence to the quarter-sessions, and the number of witnesses which it is necessary to examine, occupy too large a portion of the magistrates' time, and impede the ordinary administration of justice. The barefaced perjuries which are committed by the respondents and their adherents are notorious, and publicly inculcate the commission of a crime which tends to the subversion of civil society. It would not, I apprehend, be difficult to lay down a fixed rule, by which tithes might in all cases be equitably assessed: the relation of the land to the tithes, and of the tithes to

the land, must be reciprocal ; and the value of the one being given, the value of the other can be easily ascertained. Now the Legislature, during the last fifty years, has invariably adhered to one rule in allotting to the Clergy a certain portion of the lands to be inclosed, where such lands were to be exempted from the payment of tithes. I have consulted about two hundred bills of inclosure, and find that in all cases a fifth of the arable and an eighth or ninth of the pasture, though generally a ninth, has been given. I was informed by Mr. Hatsell that Parliament adopted this regulation with the approbation of the Bishops, whose duty it would otherwise have been to examine every bill of inclosure, to prevent the property of the Church from being lost. It appears then to have been the settled opinion of the King, Lords, and Commons, during half a century, that the

value of the tithes of arable land is equal to a fifth of the whole produce ; and the value of the tithe of pasture equal to a ninth, or at most an eighth ; and consequently, that in no case can the Clergy be justly required to contribute in a larger proportion to the parochial rates. A bill, My Lord, brought into Parliament to this effect, would be of infinite use to the beneficed Clergy, and to the nation, whatever specific regulations the Legislature might in its wisdom adopt.

But whatever good might result from the law here submitted to your Lordship's consideration, the Clergy would still be subjected to vexations, impositions, and fraud, as long as overseers of the poor retained the unlimited and uncontrollable power which is now vested in them. They possess a power which no absolute Monarch ever presumed to exercise ; the power of

raising at all times by a summary process whatever sums they please, and of determining in what proportion each person liable to be rated shall pay. Were his Majesty to assume such a power, though it might be exercised in the most conscientious manner, and the money raised be applied to the most useful purposes, it would produce universal discontent and public tumults. But such a power in the hands of the Sovereign would be less dangerous than in the hands of men without education or probity, who are under the strongest temptation to render their power subservient to their own interest, and oppressive to their neighbours. As the law now stands, two overseers may meet every month, or even every day, in each other's bed-chamber, and make a rate at five or five-and-twenty shillings in the pound; they may assess themselves at a twentieth part of the an-

nual value of their houses and lands, and the rest of the parish at ten times the amount of their just proportions ; they may enforce the payment of these unjust rates by selling all the goods and chattels in the parish, and committing the owners of them to prison. Let us see whether the Legislature has made any, and what provisions against the abuses to which the unlimited exercise of this power is liable. By the act of the 43rd of Elizabeth, every rate made for the support of the poor must be signed by two magistrates ; but the magistrates have no power to examine the overseers on oath, whether any rate is necessary, or compel them to produce their accounts, in order to see whether the amount of the last rate has been collected and nearly expended. They act ministerially ; and if they refuse to sign the rate, the Court of King's Bench will grant a mandamus to compel them. This

provision therefore seems to answer no useful end, as it does not operate as a check on the conduct of parish-officers; on the contrary, it is productive of much evil, in as much as it tends to lead those who are unacquainted with the law into a belief that the magistrates approve of the rate, with which they are often wholly unacquainted. Further, by the 17th of George II. no rate made for the relief of the poor can be valid, which has not been published in the parish-church, during divine service, on the Sunday immediately following the day on which it was signed by the magistrates. The object of the Legislature was to prevent persons aggrieved from being deprived of the right of appeal; but the intentions of the Legislature are easily frustrated. When overseers make an unjust rate, and are desirous of preventing an appeal, they may get their rate signed by the magistrates on

the Saturday preceding the day on which the quarter-sessions are held ; the rate is published on the following day ; and if the party injured by an unequal assessment be from home, or absent from church, he may have no knowledge of the publication of the rate, and be thus deprived of the right of appeal : for appeals must be made, by the act of the 17th of George II. chap. 38th, to the first sessions holden after the publication of the rate. But suppose the party injured not absent from home, and that he has received notice of the publication of the rate, he may then be obliged to travel thirty or forty miles during the night, if the sessions are held on the day following the publication, and employ an attorney to lodge an appeal. He has now secured the privilege of appealing three months hence to a tribunal competent to decide on the merits of his case, but not competent in

many cases to do him justice. The day for holding the next sessions being arrived, the overseers may, on some frivolous pretence, put off the hearing of the appeal for another three months, and in the mean time make as many similar rates as they please. These the appellant must also pay, or be committed to prison. But the day of retribution is now arrived, the magistrates will not allow the overseers to put off the hearing of the appeal a second time without some special cause. Four counsellors, assisted by two attorneys, state the case to the court, and the rate is quashed; but the injured party obtains no redress. He is perhaps ruined in his affairs by being compelled to raise, by the sale of his property, if he has any, a large sum to satisfy the unjust demands of the overseers, or condemned to linger in a jail. The court may be convinced that the parish-officers deserve to be hanged, but they can give no damages.

They will allow taxed costs, which are seldom more than two-thirds of the real costs, and the appellant is obliged to pay a large proportion of the legal expenses incurred by the parish, to which his own taxed costs are added ; so that though he may have been allowed costs, he will be considerably out of pocket by the appeal. The court has no power to prevent the parish-officers from making a similar rate, by fixing the sum at which the appellant shall in future be rated ; the court has not even the power to order the money which has been extorted from him to be returned, though this money may be necessary for his subsistence, and to save him from ruin.

By the act of 43rd of George III. chap. 23rd, when a rate has been quashed or amended, the money received by the overseers remains in their hands, and is to be set off against the next rate. The overseers,

supported by the parish-funds, may proceed in the same iniquitous course year after year, and the party injured cannot appeal to the superior courts. While persons of every rank and profession are obnoxious to the injuries which flow from the abuse of these dangerous and unnecessary powers vested in the hands of overseers, the beneficed Clergy are the most common victims, who no sooner refuse to accept a third or fourth part of the value of their little benefices, and give notice of their intention to take their tithes in the only way recognised by law, than they are condemned to the fiery ordeal just mentioned. Are these laws calculated to promote benevolence and charity, to inspire us with humanity for the poor, and keep alive a spirit of devotion and religion? Laws which encourage oppression hold out the strongest temptation to defraud, by rendering it almost impossible to detect and punish the

guilty, and produce endless animosities between the parishioners, and promote enmity and rancour between the clergyman and those whose spiritual concerns he is to superintend and direct. There is another abuse of the power vested in overseers, against which it is not so easy to find a remedy. The evil is indeed not so general as those before mentioned, but presses very heavily on those who are exposed to it. The act of the 43rd of Elizabeth enumerates those classes of persons who are the proper objects of relief; these are the lame, the impotent, the old, the blind, and other persons who are not able to work; it points out the method of employing those who can find no work, and prepares places of correction and punishment for the drones who would live on the industry of others. The choice of the objects of relief is left to the overseers, and in large and populous towns this discretionary power is probably

not abused to any considerable extent; but in villages, where the principal farmers are the overseers, the abuse is enormous, and productive of great injustice and oppression. The principal farmers, who employ a great number of labourers, give low wages, and make up the difference out of the parish-funds. Thus the young and vigorous are taught, almost from their infancy, to consider themselves as paupers and beggars; the noblest spur to industry is removed; and the little farmers, who with their children cultivate their lands, the clergyman, and tithe-owner, and the housekeepers, who have no lands, are plundered in order to enrich the more opulent farmers.

I will now point out the heads of those legislative regulations which will prevent overseers from abusing their power in the instances just enumerated.

1st, Overseers of the poor should be restrained from making any rate without having given notice of their intention to do so three preceding and successive Sundays in the parish-church.

2nd, All rates should be made in vestries legally holden ; the day and hour of holding such vestries having been published the three preceding Sundays.

3rd, The amount of any one rate should not exceed a fourth, fifth, or sixth of the annual expenditure of the parish in supporting the poor, taken on an average of the last five years.

4th, No rate should be allowed by the magistrates before the overseers have sworn that the last rate has been collected to the best of their power ; that a new rate is

necessary to enable them to provide for the poor; that not more than a certain portion of the sums raised by former rates remains in their hands. The magistrates should have power to call for the parish-accounts, examine the overseers on oath respecting the same, and to disallow the rate should it not appear to them necessary.

5th, The right of appeal should extend to the third quarter-sessions holden after the publication of the rate. The court should have power to give the appellant damages, and to determine whether the same should be paid by the overseers themselves, or out of the parish-funds; the court should have power to direct the sum which the appellant has been unjustly compelled to pay, to be returned to him within a certain number of days; in default of which, the overseers should be liable to be com-

mitted to the county jail till the order of session has been obeyed.

6th, When a rate is quashed or amended by the court, the appellant should be exempted from paying any part of the expenses incurred by the parish on account of the appeal.

7th, Appeals in certain cases should lie from the quarter-sessions to the Court of King's Bench, particularly when the conduct of the overseers appears to the appellant to have been oppressive.

8th, As many persons who do not reside in the parishes in which their property is situate, are greatly interested in the manner in which the sums raised by parochial rates are expended ; and as it is doubtful whether such persons have a right to ex-

amine the parish-books by deputy, this right should be fully established by law, and such persons empowered to vote at vestries by their deputy.

9th, By the 17th George II. chap. 38th, parish-officers are bound to furnish copies of the parish-accounts to persons rated or liable to be rated, on the payment of sixpence for every three hundred words contained therein; in default thereof, to pay for the use of the poor a sum not exceeding five pounds, nor less than one. But as authenticated copies of these accounts are necessary to enable persons interested to examine them, and appeal against them, the penalty should be increased to twenty pounds, to be paid to the party aggrieved, in the same manner as, by the 17th George II. chap. 3rd, parish-officers refusing to permit any person to inspect the rates, or

to grant copies of the same, are subjected to the payment of twenty pounds to the party aggrieved.* The act of the 17th of George II. chap. 38th, requiring overseers to furnish copies of the parish-accounts, seems to require a slight alteration. The words *parish-accounts* are construed to signify the accounts kept by the overseers, and entered in books open to public inspection, but not to include the bills and other documents, without which it is im-

* These remarks on the abuse of the powers vested in the overseers of the poor are taken from a little pamphlet which I printed at Worcester in the summer of the year 1811, having the following title: "Letter addressed to the Members of both Houses, on the Abuse of the Powers vested in the Overseers of the Poor." It was never published, but copies of it were sent to many of the Members of both Houses; and I regret that none of them has hitherto brought forward a measure of such apparent utility to the whole community.

possible to know whether the accounts are just or fraudulent, or to convict and punish the offenders. After the words, “copies of the parish-accounts,” these words ought to follow, “and copies of all bills, receipts, memorandums, and other papers relating to the said accounts, on paying as aforesaid.”

As to the means of settling the disputes which may arise between the Clergy and their parishioners on the subject of tithes in a summary way, I shall say little. The consideration of this subject pertains to gentlemen more conversant in the law. An explanatory act would remove many of the difficulties which now exist, and render the magistrates at the quarter-sessions competent judges, in most cases, of such matters. There can be no doubt that the object is practicable, and

of the greatest importance, in whatever point of view it may be considered.

It now, My Lord, only remains for me to offer you the assurance of my high consideration; and to express my hope that you will never abandon the pursuit of these great objects, and that true glory, which, to use the words of the great Roman orator, is the everlasting memorial of many and great services rendered to our friends, to our country, to the human race.

FINIS.

