

Erskine May, Vol. II, Chapter IX, pp. 238-247

The Press, to 1760

[238] WE now approach the greatest of all our liberties,—liberty of opinion. We have to investigate the development of political discussion,—to follow its contests with power,—to observe it repressed and discouraged,—but gradually prevailing over laws and rulers, until the enlightened judgment of a free people has become the law by which the state is governed.

Freedom in the governed to complain of wrongs, and readiness in rulers to redress them, constitute the ideal of a free state. Philosophers and statesmen of all ages have asserted the claims of liberty of opinion.(1) But the [239] very causes which have filled enlightened thinkers with admiration for this liberty, have provoked the intolerance of rulers. It was nobly said by Erskine, that 'other liberties are held under governments, but the liberty of opinion keeps governments themselves in due subjection to their duties. This has produced the martyrdom of truth in every age; and the world has been only purged from ignorance with the innocent blood of those who have enlightened it.'(2) The church has persecuted freedom of thought in religion: the state has repressed it in politics. Everywhere authority has resented discussion, as hostile to its own sovereign rights. Hence, in states otherwise free, liberty of opinion has been the last political privilege which the people have acquired.

When the art of printing had developed thought, and multiplied the means of discussion, the press was subjected, throughout Europe, to a rigorous censorship. First, the church attempted to prescribe the bounds of human thought and knowledge; and next, the state assumed the same presumptuous office. No writings were [240] suffered to be published without the imprimatur of the licenser: and the printing of unlicensed works was visited with the severest punishments.

After the reformation in England the crown assumed the right which the church had previously exercised, of prohibiting the printing of all works 'but such as should be first seen and allowed.' The censorship of the press became part of the prerogative; and printing was further restrained by patents and monopolies. Queen Elizabeth interdicted printing save in London, Oxford, and Cambridge.

Origin of Newspapers

But the minds of men had been too deeply stirred to submit to ignorance and lethargy. They thirsted after knowledge; and it reached them through the subtle agency of the press. The theological controversies of the sixteenth century, and the political conflicts of the seventeenth, gave birth to new forms of literature. The heavy folio, written for the learned, was succeeded by the tract and flying sheet,—to be read by the multitude. At length, the printed sheet, continued periodically, assumed the shape of a news-letter or newspaper.

The first example of a newspaper is to be found late in the reign of James I.,(3)—a period most inauspicious for the press. Political discussion was silenced by the licenser, the Star Chamber, the dungeon, the pillory, mutilation, and [241] branding. Nothing marked more deeply the tyrannical spirit of the two first Stuarts than their barbarous persecutions of authors, printers, and the importers of prohibited books: nothing illustrated more signally the love of freedom, than the heroic courage and constancy with which those persecutions were borne.

The fall of the Star Chamber⁽⁴⁾ augured well for the liberty of the press; and the great struggle which ensued, let loose the fervid thoughts and passions of society in political discussion. Tracts and newspapers entered hotly into the contest between the Court and the Parliament.⁽⁵⁾ The Parliament, however, while it used the press as an instrument of party, did not affect a spirit of toleration. It passed severe orders and ordinances in restraint of printing; and would have silenced all royalist and prelatial writers. In war none of the enemy's weapons were likely to be respected; yet John Milton, looking beyond the narrow bounds of party to the great interests of truth, ventured to brand its suppression by the licenser, as the slaying of 'an immortality rather than a life.'⁽⁶⁾

The Restoration and Press Licensing

The Restoration brought renewed trials upon the [242] press. The Licensing Act placed the entire control of printing in the government.⁽⁷⁾ In the narrow spirit of Elizabeth, printing was confined to London, York, and the universities, and the number of master printers were limited to twenty. The severe provisions of this act were used with terrible vindictiveness. Authors and printers of obnoxious works were hung, quartered and mutilated, exposed in the pillory and flogged, or fined and imprisoned, according to the temper of their judges:⁽⁸⁾ their productions were burned by the common hangman. Freedom of opinion was under interdict: even news could not be published without license. Nay, when the Licensing Act had been suffered to expire for a while, the twelve judges, under Chief Justice Scroggs, declared it to be criminal, at common law, to publish any public news, whether true or false, without the king's license.⁽⁹⁾ Nor was this monstrous opinion judicially condemned, until the better times of that constitutional judge, Lord Camden.⁽¹⁰⁾ A monopoly in news being created, the public were left to seek intelligence in the official summary of the 'London Gazette.' The press, debased and enslaved, took refuge in the licentious ribaldry of that age.⁽¹¹⁾ James II. and his infamous judges carried the Licensing Act into effect with [243] barbarous severity. But the Revolution brought indulgence even to the Jacobite press; and when the Commons, a few years later, refused to renew the Licensing Act,⁽¹²⁾ a censorship of the press was for ever renounced by the law of England.

The Free Press Recognised

Henceforth the freedom of the press was theoretically established. Every writing could be freely published: but at the peril of a rigorous execution of the libel laws. The administration of justice was indeed improved. Scroggs and Jeffreys were no more: but the law of libel was undefined; and the traditions of the Star Chamber had been accepted as the rule of Westminster Hall. To speak ill of the government was a crime. Censure of ministers was a reflection upon the king himself.⁽¹³⁾ Hence the first aim and use of free discussion was prohibited by law. But no sooner had the press escaped from the grasp of the licenser, than it began to give promise of its future energies. Newspapers were multiplied: news and gossip freely circulated among the people.

With the reign of Anne opened a new era in the history of the press. Newspapers then assumed their present form, combining intelligence with political discussion; and began to be published daily.⁽¹⁴⁾ This reign was also marked by the higher intellectual character of its periodical [244] literature, which engaged the first talents of that Augustan age,—Addison and Steele, Swift and Bolingbroke. The popular taste for news and political argument was becoming universal: all men were politicians, and every party had its chosen writers. The influence of the press was widely extended: but in becoming an instrument of party, it compromised its character, and long retarded the recognition of its freedom. Party rancour too often betrayed itself in outrageous license and calumny. And the war which rulers had hitherto waged against the press, was now taken up by parties. Writers in the service of rival factions

had to brave the vengeance of their political foes, whom they stung with sarcasm and lampoon. They could expect no mercy from the courts, or from Parliament. Every one was a libeller who outraged the sentiments of the dominant party. The Commons, far from vindicating public liberty, rivalled the Star Chamber in their zeal against libels. Now they had 'a sermon to condemn and a parson to roast;'(15) now a member to expel:(16) now a journalist to punish, or a pamphlet to burn. Society was no less intolerant. In the late reign, Dyer, having been reprimanded by the speaker, was cudgelled by Lord Mohun in a coffee-house; and in this reign, Tutchin, who had [245] braved the Commons and the attorney-general, was waylaid in the streets, and actually beaten to death. So strong was the feeling against the press, that proposals were even made for reviving the Licensing Act. It was too late to resort to such a policy: but a new restraint was devised in the form of a stamp duty on newspapers and advertisements,—avowedly for the purpose of repressing libels. This policy, being found effectual in limiting the circulation of cheap papers,(17) was improved upon in the two following reigns, and continued in high esteem until our own time.(18)

The Press Under George I and George II

The press of the two first Georges made no marked advances in influence or character. An age adorned by Pope, Johnson, and Goldsmith,—by Hume and Robertson,—by Sterne, Gray, Fielding, and Smollett, claims no mean place in the history of letters. But its political literature had no such pretensions. Falling far below the intellectual standard of the previous reign, it continued to express the passions and malignity of parties. Writers were hired by statesmen to decry the measures and blacken the [246] characters of their rivals; and, instead of seeking to instruct the people, devoted their talents to the personal service of their employers, and the narrowest interests of faction. Exercising unworthily a mean craft, they brought literature itself into disrepute.(19)

The press, being ever the tool of party, continued to be exposed to its vengeance: but, except when Jacobite papers, more than usually disloyal, openly prayed for the restoration of the Stuarts, the press generally enjoyed a fairer toleration. Sir Robert Walpole, good-humoured, insensitive, liberal,—and no great reader,—was indifferent to the attacks of the press, and avowed his contempt for political writers of all parties.(20) And other ministers, more easily provoked, found a readier vengeance in the gall of their own bitter scribes, than in the tedious processes of the law.

Such was the condition of the press on the accession of George III. However debased by the servile uses of party, and the low [247] esteem of its writers, its political influence was not the less acknowledged. With an increasing body of readers, interested in public affairs, and swayed by party feelings and popular impulses, it could not fail to become a powerful friend, or formidable foe, to ministers. 'A late nobleman, who had been a member of several administrations,' said Smollett, 'observed to me, that one good writer was of more importance to the government, than twenty placemen in the House of Commons.'(21) Its influence, as an auxiliary in party warfare, had been proved. It was now to rise above party, and to become a great popular power,—the representative of public opinion. The new reign suddenly developed a freedom of discussion hitherto unknown; and within a few years, the people learned to exercise a powerful control over their rulers, by an active and undaunted press, by public meetings, and, lastly, by political concert and association.

Footnotes.

1. [Greek text not reproduced]—Socrates, *Stobaei Florilegium*. Ed. Gaisford, i. 328. Translated thus by Gilbert Wakefield: 'The sun might as easily be spared from the universe, as free speech from the liberal institutions of society.' [Greek text not reproduced]—Demosthenes. *Ibid.*, 323; translated by the same eminent scholar. 'No

greater calamity could come upon a people than the privation of free speech.'

[Greek text not reproduced]

This is true liberty, when free-born men,
Having to advise the public, may speak free.

Euripides.

'For this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth,—that let no man in the world expect: but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for.'—Milton's *Areopagitica*, Works, iv. 396: Ed. 1851. 'Give me the liberty to know, to utter, and to argue, freely according to conscience, above all liberties.'—*Ibid.*, 442.

2. Erskine's speech for Paine.
3. *The Weekly Newes*, May 23rd, 1622, printed for Nicholas Bourne and Thomas Archer. *The English Mercurie*, 1588, in the British Museum, once believed to be the first English newspaper, has since been proved a fabrication.—Letter to Mr. Panizzi by T. Watts, of the British Museum, 1839: *Disraeli's Curiosities of Literature*, 14th Ed., i. 173; *Hunt's Fourth Estate*, i, 33.
4. February 1641.
5. Upwards of 30,000 political pamphlets and newspapers were issued from the press between 1640 and the restoration. They were collected by Mr Thomasson, and are now in the British Museum, bound up in 2,000 volumes.—*Knight's Old Printer and Modern Press*, 199: *Disraeli's Cur. of Literature*, i. 175.
6. *Areopagitica*; a Speech for Liberty of Unlicensed Printing, Works, iv 400; Ed. 1851.
7. 13 and 14 Chas. II. c. 33.
8. *St. Tr.*, vi. 514. The sentence upon John Twyn, a poor printer, was one of revolting brutality; *St. Tr.*, vi. 659.
9. Carr's Case, 1680; *State Trials*, vii. 929.
10. *Entinck v. Carrington*. *St Tr.*, xix. 1071.
11. See Macaulay's *Hist*, i. 365, for a good account of the newspapers of this period.
12. In 1695. See Macaulay's *Hist.*, iii. 656; iv, 540.
13. See the law as laid down by Ch. J. Holt, *St. Tr.*, xiv. 1103.
14. *The Daily Courant* was the first daily paper, in 1709,—*Hunt's Fourth Estate*, i. 175.
15. Dr. Sacheverell, 1709; *Bolingbroke Works*, iii, 9; Preface to Bishop of St. Asaph's *Four Sermons*, burned 1712; *Parl. Hist.*, vi. 1151.
16. Steele, in 1713. See Sir R. Walpole's admirable speech; *Parl. Hist.*, vi. 1268; *Coxe's Walpole*, i. 72.
17. 'Do you know that Grub Street is dead and buried during the last week.'—Swift's *Journ. to Stella*, Aug. 7th, 1712.

'His works were hawked in every street,
But seldom rose above a sheet:
Of late, indeed, the paper stamp
Did very much his genius cramp;
And since he could not spend his fire
He now intended to retire.'

- Swift's *Poems*, iii. 44, Pickering's Edition.

18. See infra, p. 382.

19. Speaking in 1740, Mr. Pulteney termed the ministerial writers 'a herd of wretches, whom neither information can enlighten, nor affluence elevate.' 'If their patrons would read their writings, their salaries would quickly be withdrawn: for a few pages would convince them that they can neither attack nor defend, neither raise any man's reputation by their panegyric, nor destroy it by their defamation.'—Parl. Hist., xi. 882. —See also some excellent passages in Forster's *Life of Goldsmith*, 71; Ed. 1848.
20. On the 2nd Dec., 1740, he said: 'Nor do I often read the papers of either party, except when I am informed by some who have more inclination to such studies than myself, that they have risen by some accident above their common level.' Again: 'I have never discovered any reason to exalt the authors who write against the administration, to a higher degree of reputation than their opponents.'—Parl. Hist., xi 882.
21. Forster's *Life of Goldsmith*, 665. In 1738, Mr. Danvers said: 'The sentiments of one of these scribblers have more weight with the multitude than the opinion of the best politician in the kingdom.'—Parl. Hist., x. 448.

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