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UC SOUTHERN REGIONAL LIBRARY FACILITY

Hone

First Trial



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA
LOS ANGELES

SUBSCRIPTION OR MR. HONE
OF THE FRIENDS OF THE LIBERTY
FIRST TRIAL

OF
WILLIAM HONE,

ON AN
Ex-Officio Information.

in the manner in which these proceedings are conducted
and that the trial of this kind is not to protect the
public interest, but to satisfy the curiosity of the
publicity of the trial of every individual
AT GUILDHALL, LONDON, DECEMBER 18, 1817,

BEFORE
MR. JUSTICE ABBOTT AND A SPECIAL JURY,

FOR PUBLISHING A PARODY ON THE LATE
JOHN WILKES'S CATECHISM
OF A MINISTERIAL MEMBER.

Sixteenth Edition.
LONDON:

PRINTED BY AND FOR WILLIAM HONE, 67, OLD BAILEY;
AND SOLD BY ALL BOOKSELLERS.

1818.
PRICE ONE SHILLING.

SUBSCRIPTION FOR MR. HONE.

AT a MEETING of the FRIENDS of the LIBERTY of the PRESS and TRIAL by JURY, held at the City of London Tavern, on Monday, December 29, 1817,

Mr. WALTHMAN in the Chair,

Resolved unanimously,

1. That the Liberty of the Press is one of the dearest rights and proudest distinctions of Englishmen, and is inseparably connected with, and wholly dependent on the purity of the Trial by Jury.

2. That the inestimable importance of the sacred and constitutional right of Trial by Jury, has never been more demonstratively proved than by the recent prosecutions and honourable acquittals of Mr. William Hone.

3. That Parodies on Scripture having been written and published by Martin Luther, the Father of the Reformation, by Dignitaries of the Church, and by other eminent and learned personages down to the present time, we are persuaded that the exception taken to the parodies of Mr. Hone by the present Ministers of the Crown was to answer political purposes against the Liberty of the Press.

4. That a hypocritical prostitution of Religion, and a pretended zeal for its defence, when used by corrupt Statesmen as a mask for political persecution, must ever be held by all sincere Christians as the worst profanation of its sacred name.

5. That it is evident from the manner in which those prosecutions were commenced and conducted, that the real object of Ministers was not to protect Religion; but to crush an apparently defenceless individual who had exposed their political delinquencies, to stifle public discussion, to destroy the Liberty of the Press, and to uphold existing abuse.

6. That the extensive knowledge; the varied talents; the manly intrepidity; the energy of mind; and the unshaken perseverance which enabled Mr. William Hone so dauntlessly to resist the reiterated assaults of Ministerial persecution, entitle him to the gratitude and support of every friend to constitutional freedom.

7. That a Subscription be now opened, and that the money which may be subscribed, be placed in the hands of a Committee to be used in such way as shall appear to them best calculated to promote the permanent welfare of Mr. Hone and his Family.

8. That the following Gentlemen be of the Committee—Alderman Goodbhere, Alderman Thorp, Robert Walthman, Joseph Hurcombe, William Sturch, Samuel Brooks, William Williams, William Teasdale.

9. That Robert Walthman, be the Treasurer.

10. That the Thanks of this Meeting are due to Sir Francis Burdett, Bart. for his spontaneous offers of co-operation with the Gentlemen originating the Subscription—in strict conformity with a life of pure patriotism and love of country.

11. That the Thanks of this Meeting are hereby cordially given to Mr. Charles Pearson, for his manly and successful struggle in correcting the corrupt system of packing Juries, which has contributed so essentially toward the present triumph; and especially for the gratuitous advice and assistance given to Mr. Hone throughout the whole of the prosecutions, affording a rare example to his profession of zeal, independence, and disinterestedness.

12. That the Thanks of this Meeting be given to Lord Cochrane, for his zealous endeavours on the present occasion.

ROBERT WALTHMAN, Chairman.

13. That the Thanks of this Meeting be given to Mr. Walthman, for his conduct in the Chair, and for his exertions upon all occasions to support the cause of Liberty.

W. STURCH.

Subscriptions will be received by Robert Walthman, the Treasurer, Bridge-street, Blackfriars; Alderman Thorp, Aldgate, High-street; Robert Carter, Minories; Joseph Hurcombe, St. Paul's Church-yard; Samuel Brooks, Strand; and Alexander Galloway, High Holborn.

* * *The Proprietors of Independent Country Newspapers at Liverpool and other places, considering that the Liberty of the Public Press has been essentially promoted, by Mr. HONE's exertions, have most handsomely opened Books for Subscriptions at their respective Offices, and voluntarily in their Journals promoted the object which the Committee have in view. Sums so subscribed, as well as those procured by the spontaneous kindness of other individuals in the country, who are desirous of contributing by their exertions to the future welfare of Mr. Hone and his Family, are respectfully requested to transmit the amounts received by them, as often as convenient, to Mr. WALTHMAN, the Treasurer, in London.*

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TRIAL.

THE KING *against* **WILLIAM HONE,**
ON AN EX-OFFICIO INFORMATION FOR PUBLISHING THE LATE
JOHN WILKES'S CATECHISM.

*Tried in Guildhall, London, on Thursday, December 18, 1817, at the
London Sittings after Michaelmas Term.*

BEFORE MR. JUSTICE ABBOTT AND A SPECIAL JURY.

THE Trial of this issue excited considerable interest. So early as eight o'clock the avenues leading to the Court became crowded; the doors were thrown open shortly after, and the Court immediately filled. About twenty minutes after nine o'clock, Mr. Hone entered, attended by a youth, his brother, who placed on the table of the Court several parcels of books and papers, which nearly covered the table. About half-past nine o'clock Mr. Justice ABBOTT took his seat on the Bench, and the following Special Jury were immediately sworn :

JOHN GODWIN BOWRING, Leadenhall-street

WILLIAM SYME, Fenchurch-buildings

JOHN WOOLLETT, Gould-square

JOHN O'BRIEN, Broad-street-buildings

WILLIAM NOAKES, Little Eastcheap,
South-side, wine merchant

JOHN GARDINER, Old Broad-street

NICHOLAS HILTON, Ironmonger-lane

SAMUEL BROOK, Old Jewry

JAMES HUNTER, Barge-yard

WILLIAM THOMPSON, Queen-street

THOMAS LEWIS, Queen-street

THOMAS EDWARDS, Coleman-street.

Mr. SHEPHERD (son to the Attorney-General) stated, that this was an information filed by his Majesty's Attorney-General against the defendant, for printing and publishing a certain impious, profane, and scandalous libel on that part of our church service called the Catechism, with intent to excite impiety and irreligion in the minds of his Majesty's liege subjects, to ridicule and scandalize the Christian religion, and to bring into contempt the Catechism.

The ATTORNEY-GENERAL (*Sir Samuel Shepherd*) addressed the Court as follows:—

My Lord, and Gentlemen of the Jury,—You have understood from my young friend the nature of this cause. It is an information filed by me, as Attorney-General, against the defendant, William Hone, for printing and publishing an impious and profane libel, upon *The Catechism*, *The Lord's Prayer*, and *The Ten Command-*

ments, and thereby bringing into contempt the Christian Religion. I won't occupy your time long, Gentlemen, in shewing this to be the effect of the publication, for it seems impossible for me to hear it read without feeling one's-self compelled to apply to it this language. It is charged, and, as I think; justly charged, with being a profane, blasphemous, and impious libel. It has nothing of a political tendency about it, but it is avowedly set off against the religion and worship of the Church of England, as established by Act of Parliament. It has been over and over again said by the most eminent Judges, and particularly by one who was the most learned man that ever adorned the bench—the most even man that ever blessed domestic life—the most eminent man that ever advanced the progress of science—and also one of the best and most purely religious men that ever lived. I speak of Sir Matthew Hale. It was by him in one sentence said, that “the Christian Religion is parcel of the Common Law of England.” The service of the Church of England is also part of the statute law of England; for in the reign of Charles the Second, for securing uniformity of public prayer in the Church of England, a book, commonly called *The Book of Common Prayer*, was not composed, but collected, and annexed to an Act of Parliament then framed, as part of the enacted form of the Liturgy of the Church of England. If to revile that—if to bring it into contempt, be not a libel, then Christianity no longer is what Sir Matthew Hale described it—“parcel of the Common Law of England,” nor this Sacred Book a part of the Statute Law of the land, because in such an event the law must declare its inability to support its own provisions. In that book there is a Catechism, the object of which is most important, because it is that part which is peculiarly destined for forming in the minds of the younger classes of the community that proper foundation for religious belief which is to influence their future conduct. It is that part which the Ministers of the Church of England are peculiarly bound to teach to those between the infant and adult state at certain periods of time; it is that part which all who are initiated into Christianity through baptism must be confirmed before they come to their pastor in an adult state. To procure this important object, it consists of three parts:—1st, The Service of the Church of England; 2nd, The Apostles Creed (which is professed by every class of Christians, no matter what be their particular form of worship); and 3d, The Ten Commandments, which were of divine origin, communicated originally from the mouth of God through Moses to the Jews. These form the foundation of all our religious and moral duties; they are those which, if men would but obey, there would be an end to strife; nothing but peace and happiness could then be found in human society. This Book (*The Book of Common Prayer*) has also the Lord's Prayer, as in his sacred and blessed Sermon on the Mount. If these works be not what ought to be held sacred from ridicule, what is there which can be called so in the mind of a Christian? I take this to be a proposition of law, that he who attempts to parody these threesacred parts of Christian belief, and presents them to the mind in a ridiculous shape, does that which is calculated to bring them into contempt, and is therefore, by the law of the land, guilty of a libel.

It cannot be necessary to Christian minds to reason on the baneful effect of such a publication as the Defendant's. If any of you, Gentlemen, be fathers, and wish your children to hold in reverence the sacred subjects of Christian belief, read these publications of the Defendant, and say if you would put them into the hands of those children you love. If you would not put them into their hands, would you into those of the lower classes of society, which are not fit to cope with the sort of topics which are artfully raised for them? I ask you, if it be possible, that after such publications are thus cheaply thrown among this class of people, they can, with the same degree of reverence that becomes the subject, look at the contents of the Sacred Book of our belief? Nay, even in better cultivated minds, the firmness of moral rectitude is shaken, and it often becomes necessary to make great mental exertion to shake off the influence of these productions, and recal the mind to a true feeling towards sacred truths. They are inevitably calculated to weaken the reverence felt for the Christian faith. It may be said that the Defendant's object was not to produce this effect—I believe that he meant it, in one sense, as a political squib, but his responsibility is not the less, for he has parodied *The Catechism* in terms which it is impossible to believe can have any other effect than that of bringing it into contempt. The publication is called "*A Catechism*; that is to say, an Instruction to be learned of every person before he be brought to be confirmed a Placeman or Pensioner by the Minister." The Jury will see these are the very words of the original in parody. Again, *The Apostles Creed* is also in complete parody. We say, "I believe in God," &c. &c.; here he says, "I believe in George, the Regent Almighty, Maker of New Streets, and Knights of the Bath; and in the present Ministry, his only choice, who were conceived of Toryism, brought forth of Wm. Pitt, suffered loss of place under Charles James Fox; were execrated, dead, and buried. In a few months they rose again from their Minority; they re-ascended the Treasury Benches, and sit at the right hand of a little man in a large wig; from whence they laugh at the petitions of the people who pray for Reform, and that the sweat of their brow may procure them bread." The *Ten Commandments* are also parodied, and divided precisely in the same manner as the rest of the publication, for the purpose of keeping the whole resemblance more complete. The child is supposed to be examined precisely as it is laid down in the 2d chapter of *Exodus*, of course parodied. He answers, as to the promise of belief his sponsors made for him—

"The same to which the Minister for the time being always obliges all his creatures to swear. I, the Minister, am the Lord thy liege, who brought thee out of want and beggary into the House of Commons."

[Here an expression of feeling was manifested by some individuals of the crowd in the Hall of the Court.]

Mr. Justice ABBOTT—If there is any body present of so light a disposition as to think that a matter of this kind should be made a subject of laughter, at least he shall learn that he shall not come here to interrupt those who are of a graver disposition, and in the discharge of an important duty.

The ATTORNEY-GENERAL—My Lord, if there be any persons here

who can raise a smile at the reading of the Defendant's publication, it is the fullest proof of the baneful effect it has had, and with which I charge it. It is for that very reason I charge it as a libel on the Law of England. I am not sorry for the faint smile just uttered in Court. It establishes the baneful tendency of the work. If there be any here who are not Christians of some sect or other, God forbid that I should have their applauding support. Their approbation or disapprobation is alike indifferent to me. When I allude thus to Christians, let me be supposed as only alluding to those who have had the opportunity of having the light of Christianity shed upon them—God forbid I should be supposed to denounce those who had not had that opportunity. The next Commandment in this Parody is, 'Thou shalt have no other Patron but me.' At last comes that part where a young man is desired to recite the Lord's Prayer, and this is parodied in the same manner. I know, Gentlemen of the Jury, that by the Law of England, it is your province to decide on the matter of the libel, and to say if it be such or no. I am not sorry that this is the case, for I think it impossible that any twelve men who understand the Law of England, and the precepts of Christianity, which are part and parcel of that Law, can read this production of the Defendant's without being decidedly of opinion that it is impossible to read it without seeing that its necessary and obvious consequence must be to bring into contempt the Liturgy of the Church of England. I forbear, Gentlemen, from reading any more of this production, as it will shortly be read by the Clerk. I shall now go to prove the publication by the Defendant; it will be for you to take it fairly and fully under your investigation, and, according to the solemn obligation you have taken—that obligation of an oath which is founded on religion, or it is no oath at all—decide upon it; and so help you God.

The ATTORNEY GENERAL then called witnesses to prove the publication of the Parodies by the Defendant.

Griffin Swanson, *examined by Mr. TOPPING.*

He held in his hand a pamphlet, called *Wilkes's Catechism*, which he bought on the 17th of February last, at Mr. Hone's shop, No. 55, Fleet-street. He bought it from a boy or a girl in this shop, which then had Mr. Hone's name over the door. The girl, he believed, said she was Mr. Hone's daughter. Two-pence was the price of it. He bought pamphlets afterwards at the same place, and marked them at the time. He observed bills in the window, that a publication by the name of this Catechism was sold there, but he could not recollect whether there were posting bills advertising it.

Henry Hutchings, *examined by Mr. RICHARDSON.*

On the 7th of February last, he was the landlord of a shop, No. 55, Fleet street, and Mr. Hone, now in Court, was then his tenant, and up to Midsummer. He used to sell books and pamphlets. The parish was situate in St. Dunstan's in the West, and he believed in the City of London.

Thomas White, *examined by Mr. SHEPHERD.*

Was Clerk of the Inner Treasury at the King's Bench, and produced *The Book of Common Prayer* and the Seal. He pointed out

in the **Book the Church Catechism**, signed by the Commissioners, and exemplified by the Great Seal. It corresponded to the publications by the King's Printers and the Universities.

Mr. Justice ABBOTT.—It would be a highly penal offence to publish as from authority any other than the real authenticated form.

Mr. Thomas White.—Certainly, my Lord.

Here the printed Catechism, with the publication of which the Defendant stood charged, was put in, and read by the Clerk. It was as follows :—

The late John Wilkes's Catechism of a Ministerial Member ; taken from an Original Manuscript in Mr. Wilkes's Handwriting, never before printed, and adapted to the Present Occasion.—With Permission.—London : Printed for one of the Candidates for the Office of Printer to the King's Most Excellent Majesty, and Sold by William Hone, 55, Fleet Street, and 67, Old Bailey, Three Doors from Ludgate Hill. 1817. Price Two-pence.

A Catechism, that is to say, An Instruction, to be learned of every person before he be brought to be confirmed a Placeman or Pensioner by the Minister.

Question. WHAT is your name ?

Answer. Lick Spittle.

Q. Who gave you this name ?

A. My Sureties to the Ministry, in my Political Change, wherein I was made a Member of the Majority, the Child of Corruption, and a Locust to devour the good Things of this Kingdom.

Q. What did your Sureties then for you ?

A. They did promise and vow three things in my Name. First, that I should renounce the Reformists and all their Works, the pomps and vanity of Popular Favour, and all the sinful lusts of Independence. Secondly, that I should believe all the Articles of the Court Faith. And thirdly, that I should keep the Minister's sole Will and Commandments, and walk in the same, all the days of my life.

Q. Dost thou not think that thou art bound to believe and to do as they have promised for thee ?

A. Yes, verily, and for my own sake, so I will ; and I heartily thank our heaven-born Ministry, that they have called me to this state of elevation, through my own flattery, cringing, and bribery ; and I shall pray to their successors to give me their assistance, that I may continue the same unto my life's end.

Q. Rehearse the Articles of thy Belief.

A. I believe in GEORGE, the Regent Almighty, Maker of New Streets, and Knights of the Bath,

And in the present Ministry, his only choice, who were conceived of Toryism, brought forth of WILLIAM PITT, suffered loss of Place under CHARLES JAMES FOX, were execrated, dead, and buried. In a few months they rose again from their minority ; they re-ascended to the Treasury benches, and sit at the right hand of a little man with a large wig ; from whence they laugh at the Petitions of the People who may pray for Reform, and that the sweat of their brow may procure them Bread.

I believe that King James the Second was a legitimate Sovereign, and that King William the Third was not; that the Pretender was of the right line; and that George the Third's grandfather was not; that the dynasty of Bourbon is immortal; and that the glass in the eye of Lord James Murray was not Betty Martin. I believe in the immaculate purity of the Committee of Finance, in the independence of the Committee of Secresy, and that the Pitt System is everlasting. Amen.

Q. What dost thou chiefly learn in these Articles of thy Belief?

A. First, I learn to forswear all conscience, which was never meant to trouble me, nor the rest of the tribe of Courtiers. Secondly, to swear black is white, or white black, according to the good pleasure of the Ministers. Thirdly, to put on the helmet of Impudence, the only armour against the shafts of Patriotism.

Q. You said that your Sureties did promise for you, that you should keep the Minister's Commandments: tell me how many there be?

A. Ten.

Q. Which be they?

A. The same to which the Minister for the time being always obliges all his creatures to swear, I the Minister am the Lord thy liege, who brought thee out of Want and Beggary, into the House of Commons.

I. Thou shalt have no other Patron but me.

II. Thou shalt not support any measure but mine, nor shalt thou frame clauses of any bill in its progress to the House above, or in the Committee beneath, or when the mace is under the table, except it be mine. Thou shalt not bow to Lord COCHRANE, nor shake hands with him, nor any other of my real opponents; for I thy Lord am a jealous Minister, and forbid familiarity of the Majority, with the Friends of the People, unto the third and fourth cousins of them that divide against me; and give places, and thousands and tens of thousands, to them that divide with me, and keep my Commandments.

III. Thou shalt not take the Pension of thy Lord the Minister in vain; for I the Minister will force him to accept the Chilterns that taketh my Pension in vain.

IV. Remember that thou attend the Minister's Levee day; on other days thou shalt speak for him in the House, and fetch and carry, and do all that he commandeth thee to do; but the Levee day is for the glorification of the Minister thy Lord: In it thou shalt do no work in the House, but shalt wait upon him, thou, and thy daughter, and thy wife, and the Members that are within his influence; for on other days the Minister is inaccessible, but delighteth in the Levee day; wherefore the Minister appointed the Levee day, and chatteth thereon familiarly, and is amused with it.

V. Honour the Regent and the helmets of the Life Guards, that thy stay may be long in the Place, which the Lord thy Minister giveth thee.

VI. Thou shalt not call starving to death murder.

VII. Thou shalt not call Royal gallivanting adultery.

VIII. Thou shalt not say, that to rob the Public is to steal.

IX. Thou shalt bear false witness against the people.

X. Thou shalt not covet the People's applause, thou shalt not covet the People's praise, nor their good name, nor their esteem, nor their reverence, nor any reward that is theirs.

Q. What dost thou chiefly learn by these Commandments?

A. I learn two things—my duty towards the Minister, and my duty towards myself.

Q. What is thy duty towards the Minister?

A. My duty towards the Minister is, to trust him as much as I can; to fear him; to honour him with all my words, with all my bows, with all my scrapes, and all my cringes; to flatter him; to give him thanks; to give up my whole soul to him; to idolize his name, and obey his word; and serve him blindly all the days of his political life.

Q. What is thy duty towards thyself?

A. My duty towards myself is to love nobody but myself, and to do unto most men what I would not that they should do unto me; to sacrifice unto my own interest even my father and mother; to pay little reverence to the King, but to compensate that omission by my servility to all that are put in authority under him; to lick the dust under the feet of my superiors, and to shake a rod of iron over the backs of my inferiors; to spare the People by neither word nor deed; to observe neither truth nor justice in my dealings with them; to bear them malice and hatred in my heart; and where their wives and properties are concerned, to keep my body neither in temperance, soberness, nor chastity, but to give my hands to picking and stealing, and my tongue to evil speaking and lying, and slander of their efforts to defend their liberties and recover their rights; never failing to envy their privileges, and to learn to get the Pensions of myself and my colleagues out of the People's labour, and to do my duty in that department of public plunder unto which it shall please the Minister to call me.

Q. My good Courtier, know this, that thou art not able of thyself to preserve the Minister's favour, nor to walk in his Commandments, nor to serve him, without his special protection; which thou must at all times learn to obtain by diligent application. Let me hear, therefore, if thou canst rehearse the Minister's Memorial.

Answer.

Our Lord who art in the Treasury, whatsoever be thy name, thy power be prolonged, thy will be done throughout the empire, as it is in each session. Give us our usual sops, and forgive us our occasional absences on divisions; as we promise not to forgive them that divide against thee. Turn us not out of our places; but keep us in the House of Commons, the land of Pensions and Plenty; and deliver us from the People. Amen.

Q. What desirest thou of the Minister in this Memorial?

A. I desire the Minister, our Patron, who is the disposer of the Nation's overstrained Taxation, to give his protection unto me and to all Pensioners and Placemen, that we may vote for him, serve him, and obey him, as far as we find it convenient; and I beseech the Minister that he will give us all things that be needful, both for our reputation and appearance in the House and out of it; that he will be favourable to us, and forgive us our negligences; that it will please

him to save and defend us, in all dangers of life and limb, from the People, our natural enemies; and that he will help us in fleecing and grinding them; and this I trust he will do out of care for himself, and our support of him through our corruption and influence; and therefore I say Amen. So be it.

Q. How many Tests hath the Minister ordained?

A. Two only, as generally necessary to elevation; (that is to say) Passive Obedience and Bribery.

Q. What meanest thou by this word Test?

A. I mean an outward visible sign of an inward intellectual meanness, ordained by the Minister himself as a pledge to assure him thereof.

Q. How many parts are there in this Test?

A. Two; the outward visible sign, and the intellectual meanness.

Q. What is the outward visible sign or form of Passive Obedience?

A. Dangling at the Minister's heels, whereby the person is degraded beneath the baseness of a slave, in the character of a Pensioner, Placeman, Expectant Parasite, Toadeater, or Lord of the Bedchamber.

Q. What is the inward intellectual meanness?

A. A death unto Freedom, a subjection unto perpetual Thralldom: for being by nature born free, and the children of Independence, we are hereby made children of Slavery.

Q. What is required of persons submitting to the Test of Passive Obedience?

A. Apostacy, whereby they forsake Liberty; and faith, whereby they stedfastly believe the promises of the Minister, made to them upon submitting to that Test.

Q. Why was the Test of Bribery ordained?

A. For the continual support of the Minister's influence, and the feeding of us, his needy creatures and sycophants.

Q. What is the outward part or sign in the Test of Bribery?

A. Bank notes, which the Minister hath commanded to be offered by his dependants.

Q. Why then are beggars submitted to this Test, when by reason of their poverty they are not able to go through the necessary forms?

A. Because they promise them by their Sureties; which promise, when they come to lucrative offices, they themselves are bound to perform.

Q. What is the inward part, or thing signified?

A. The industry and wealth of the People, which are verily and indeed taken and had by Pensioners and Sinecurists, in their Corruption.

Q. What are the benefits whereof you are partakers thereby?

A. The weakening and impoverishing the People, through the loss of their Liberty and Property, while our wealth becomes enormous, and our pride intolerable.

Q. What is required of them who submit to the Test of Bribery and Corruption?

A. To examine themselves, whether they repent them truly of any signs of former honour and patriotism, stedfastly purposing henceforward to be faithful towards the Minister; to draw on and off like his glove; to crouch to him like a spaniel; to purvey for him like a

jackall; to be as supple to him as Alderman Sir WILLIAM TURTLE; to have the most lively faith in the Funds, especially in the Sinking Fund; to believe the words of Lord CASTLEREAGH alone; to have remembrance of nothing but what is in the Courier; to hate MATTHEW WOOD, the present Lord Mayor, and his second Mayoralty; with all our heart, with all our mind, with all our soul, and with all our strength; to admire Sir JOHN SILVESTER, the Recorder, and Mr. JOHN LANGLEY; and to be in charity with those only who have something to give.

[*Here endeth the Catechism.*]

This being the whole of the case on the part of the prosecution,

Mr. HONE rose, and addressed the Court to the following purport:—He called upon the jury, as earnestly and as solemnly as the Attorney-General had done, to decide upon this case according to their oaths. If he felt any embarrassment on this occasion, and he felt a great deal, it was because he was not in the habit of addressing an assembly like that: he had never, indeed, addressed any assembly whatever; and, therefore, he hoped that they and the Court would show their indulgence to him, standing there as he did, unassisted by counsel, to make his own defence. If he were really guilty of this libel, as the Attorney-General had called it, he should not have stood there this day. So far back as May, he was arrested under a warrant by the Lord Chief Justice of that Court, Lord Ellenborough, and brought suddenly to plead to informations filed against him. He did not plead, because he conceived the proceeding by information to be unconstitutional, and he thought so still. However ancient this mode of proceeding might be, he was satisfied that it was never intended to be exercised in the way that it had been of late years. By this process, every man in the kingdom, however innocent he might be, was entirely at the mercy of the Attorney-General, and of the Government. There was no security for honour, integrity, and virtue; no presentment to a jury, no previous inquiry; the victim was taken in a summary way by warrants, and brought to answer suddenly to informations of which he was wholly ignorant. Another objection which he had to plead on that occasion was, the enormous expense that must have been incurred. He had been given to understand, that making his defence in the usual way, by solicitor and counsel, would cost 100*l.* which would have been utter ruin to him. He applied to the Court for copies of the informations, but the Court did not grant him those copies. He was sorry for this, because if they had been granted, he should have known what he was specifically charged with. On Friday last, he applied for copies at the Crown-office, and upon paying the customary charges, he procured them. When he was placed on the floor of the Court of King's Bench, the late Attorney-General, Sir William Garrow, stated, that the informations charged him with blasphemous publications. Now he found, that this information did not charge him with blasphemous publications; it charged, that he, being an impious and wickedly disposed person, and intending to excite impiety and irreligion, did publish that which was stated in the information. And here he must beg leave to call to their attention the great prejudice which had been

raised against him throughout the country by this circumstance, and the injury which he had sustained by misrepresentations coming from the highest authorities in the country. The late Attorney-General had charged him with a second information, and he then observed, that whether he were charged with one information, or 300 informations, he would not plead unless copies were given to him. The Attorney General in reply observed, that the number of informations depended on the number of publications. He did not, however, mean to charge Sir William Garrow with any intention to produce an unfavourable impression in the public mind against him. But he must say, and he would say it boldly, because he said it truly, that no man was ever treated with greater injustice than he was by Lord Ellenborough. Previous to his arrest, under a warrant issued by his Lordship, he had not been out of the house all the week: he had been engaged in writing, and no application had been made by any one to see him of which he did not hear. Two officers seized him near his own door upon the warrant of Lord Ellenborough and refused to let him go home, without stating any reason why they made that refusal. He was taken to Sergeant's-inn coffee-house, and afterwards carried to a lock-up house in Shire-lane, where he remained till half-past five, anxiously expecting Mr. Gibbon, the tipstaff, (who, he was told, was coming), in order that he might learn from him the charge, and send for friends to bail him. Gibbon did not come, and he remained ignorant of the charge. On the Monday following, at a moment when he was retiring for the purposes of nature he was put into a coach, and ordered to be taken to Westminster-hall to plead; but even then the officer could not tell him to what he was to plead. While in the coach, he found it almost impossible to keep himself from fainting: but he was told, that when he arrived at Westminster, sufficient time would be allowed him. He was, however, taken into Court, and whilst one of the informations was being read, a mist came before his eyes, he felt giddy, and applied for leave to sit. The answer of Lord Ellenborough was "No;" and it was pronounced with an intonation that might have been heard at the further end of the hall. This refusal, instead of making him sink on the floor, as he had before expected to do, had the effect that a glass of water on being thrown into his face would have had, and he felt perfectly relieved. At the same time, however, he could not help feeling contempt for the inhumanity of the Judge. He was then taken to the King's-Bench, and was afterwards found senseless in his room there, not having performed an office of nature for several days. That arose out of the inhumanity of Lord Ellenborough.

Here Mr. Justice ABBOTT interrupted the defendant, stating, that he had better apply himself to the charge against him. He was unwilling to interrupt any person who was making his defence; but where, as in this case, it became absolutely necessary, he could not refrain. It was the duty of Lord Ellenborough to pursue the course of the Court, and it was customary for defendants to stand while the informations filed against them were being read.

The defendant proceeded.—He should be sorry to be out of order, but he believed instances had been known in which defendants

were permitted to sit. He thought that such cases might be found in the state trials. But whether so or not, such was the feeling of Sir William Garrow, that he leaned over and whispered to him, "If you wish to retire for any purpose of nature, you can." He thanked him, and replied, that the purpose had gone by. He stated this because he should never forget the humanity which Sir William had shown on that occasion, and which formed a strong contrast to the behaviour of the Judge whom he had mentioned. Having stated these facts, he would not take up their time in detailing what he endured for two months in the King's Bench; suffice it to say, that he had suffered the utmost distress in a domestic way, and very considerable loss in a pecuniary way. He had gained nothing there but a severe lesson. He learned that, however honourable a man's intention might be, they might be construed into guilt, and the whole nation might be raised against him, except, indeed, the few cool, dispassionate, and sober persons who would read such publications as the present calmly, and determine upon the motives of the writer. It was upon this intention that they (the jury) were to decide. The Attorney-General, Sir Samuel Shepherd, had stated, that this publication was issued for a political squib. He quite agreed with the Attorney-General; he joined issue with him upon this interpretation of the work; it was published for a political squib, and if they found it a political squib, they would deliver a verdict of acquittal. If they found it an impious and blasphemous libel, they would consign him to that punishment from which he should ask no mercy. This was the question which they were to try, and they had nothing to try but that. They had nothing to do with the tendency which his work might have out of doors, or the effect which it might produce in that Court, or, at least, they had so little to do with it, as not to suffer it to weigh a feather in their minds in returning their verdict to the Court. They would remember, that he was not standing there as a defendant in an action brought by a private individual. In that case, they would not have to look at the intention of the party; they would have to assess the amount of the damages; but here they had every thing to do with the intention of the party, and if they did not find that this political catechism was published with an impious and profane intention, they would give him a verdict of acquittal. The Attorney-General had stated, that the very smile of a person was an evidence of the tendency of this publication. He denied that. The smile might arise from something wholly different from the feeling of the person who wrote that publication. But he would now proceed to call their attention to a very important branch of this question. In 1771, it was the intention of certain intelligent persons, Members of the House of Commons, to explain the powers of juries relating to libels. Mr. Dowdeswell moved to bring in a bill for that purpose; and Mr. Burke, than whom he could not quote a man whose authority would be greater in that Court, delivered a most eloquent and impressive speech on that occasion. He said, "It was the ancient privilege of Englishmen that they should be tried by a jury of their equals; but that, by the proceeding by information, the whole virtue of juries was taken away. The spirit of

the Star-chamber had transmigrated, and lived again in the Courts of Westminster-hall, who borrowed from the Star-chamber what that Court had taken from the Roman law. A timid jury will give way to an awful Judge, delivering oracularly the law, and charging them to beware of their oaths. They would do so; they had done so; nay, a respectable member of their own house had told them, that on the authority of a judge, he found a man guilty in whom he could find no guilt." Mr. Dowdeswell's bill was brought in, but it did not pass into a law. Mr. Burke persevered in the same cause for a number of years, without success; but in 1790, the late Mr. Fox brought in a bill, which was now called the Libel Bill, and it was under the authority of that solemn Act of Parliament that they now sat to try this information. This bill had fixed the powers of juries in cases of libel, and made it imperative on them to determine on the whole of matters charged in the information. Now he was charged—with what? With intending to excite impiety and irreligion, not with having excited it; so that, as the law stood before, if there had been but one copy printed, they would have been told to find him guilty, if it could be proved that the work was published by him; but now, if he had sold 100,000 copies, it was the intention with which they had to do. As to blasphemy and profaneness, he spurned the charge; and when he said he spurned it, he could assure them they should not hear him say one word to-day which he did not utter from his heart, and from the most perfect conviction. They were not to inquire whether he was a member of the Established Church or a Dissenter; it was enough that he professed himself to be a Christian: and he would be bold to say, that he made that profession with a reverence for the doctrines of Christianity which could not be exceeded by any person in that Court. He had, however, been held up as a man unfit to live, as a blasphemer, a monster, a wretch; he had been called a wretch who had kept body and soul together by the sale of blasphemous publications. If any man knew any one act of his life to which profaneness and impiety might be applied, he would ask and defy that man to stand forward and contradict him at that moment. He was innocent of that charge; and it was the proudest day of his life to stand there, because he was not putting in a plea of not guilty against a charge of infamous and blasphemous libel; for if he were guilty of blasphemy, he would go to the stake and burn as a blasphemer, at the same time avowing the blasphemy. He said this, because he considered nothing was dearer to man than sincerity. It had been the misfortune of his life to have his actions misinterpreted by the papers, by the lookers on—the mere every-day observers; but there were a few individuals of the Established Church who knew every thing alledged against him to be a foul and base calumny. It was impossible for a man so humble in life as himself to wage war with opinions broached by a Secretary of State; but when he heard Lord Sidmouth, in the House of Lords, rising every night and calling these little publications blasphemous, he had felt disposed to interrupt him. The odds were terribly against him in a prosecution of this kind, for he had to contend with the Secretary of State—a man whose opinions were adopted by a

great number of persons of the first rank and consideration, and whose private life was, he believed, unimpeachable. This eminent character was, however, like other men, liable to error, else he would not have denounced this publication as blasphemous in his place in the House of Lords. Even if it were so, was it justice to pronounce so decided an opinion, one which must necessarily carry so much weight and influence, before the proper course of inquiry and decision were had upon it? It was by these means that a war-whoop and yell were sent forth against him throughout the country. But, friendless and unprotected as he was, he was obliged to submit, and hence his conduct had been held up to the amusement of the ill-thinking throughout the country. He did not desire, for he did not know how, to obtain popularity; he never went all lengths with any description of persons whatever. He was as independent in mind as any gentleman in that Court was independent in property: he had made to himself many enemies, because it is in human nature that the persons with whom we are intimate scarcely ever forgive one dereliction from what they consider duty. He always endeavoured to make up his mind as coolly as possible: sure he was, that if he ever did a man injury in his life, it was from mistake, and not from intention. And he asked the jury, if they had ever seen any of his publications before, whether they had observed in them any thing that would induce them to think that he was desirous of exciting impiety or profaneness? No man in the country had a greater respect than himself for the constituted authorities; if he differed from some public men in opinion, it was not at all times that he differed; it was not because there was a common cry against a measure that he joined in it. He had told them it was the intention of which they were to judge; and he would sit down immediately, if the Attorney-General could lay his hand on any publication in which, in any one passage or sentence, he could point out any thing tending to degrade or vilify the Christian religion. He stated this, not in bravado, but in the sincerity of his heart. If he were a man of a blasphemous turn of mind, it was scarcely possible, amongst the numerous works which he had published, and the greater part of them written by himself, that something of this kind should not have appeared; but whatever opinions the Attorney-General might form respecting his notions of religion, he knew that he could not produce any blasphemous writings against him. He came now to another part of this subject. It was his fate, when he was taken to the King's-Bench, although it might be an advantage to the country, to differ with the Master of the Crown-office, as to the way in which the special juries were returned. After the juries in his case were struck—

Here Mr. Justice ABBOTT again interrupted the defendant, observing, that he did not think this had any bearing on the question. He was sorry, he repeated, to interfere with his defence, but he had better confine himself to the point at issue.

Mr. HONE said it had, he thought, a bearing on the question, and his Lordship and the Jury would see it in a short time. The Juries to which he alluded were struck in what appeared to him a fair and an honourable way; but—

Mr. Justice ABBOTT.—I do not see the relevancy of what you are

now stating. It is my duty to take care that the time of the Court should not be consumed improperly: any other motive I cannot have.

Mr. HONE said, that no person could be more anxious than himself to save the time of his Lordship and of the Jury. If the Attorney-General had asked him, he would have admitted the publication of the work in order to save time: but if he were prevented from going on with what he had begun to state, it would disarrange the whole of his defence. He brought forward his arguments in the best way he could, and he hoped for the indulgence of the Court. He would very briefly state what he saw of the mode of striking juries. The Master of the Crown Office took the book in his hand, and, putting his pen between the leaves, selected the name that appeared against the pen. The Master struck three juries for him in this way; but when he (the defendant) was leaving the office, he could not help observing, that out of 144 persons, there were only two whose names he had ever heard of before—he who had lived in London all his life, and had been actively engaged. One of them was Mr. Sharpe, and he only knew his name as a member of the House of Commons. When, therefore, he saw those names he began to reflect whether the Master had struck the juries from a proper list; and Mr. Pearson, his attorney, conceiving that it was not a proper book, he (the defendant) afterwards sent a solemn protest to the Master of the Crown-office, when he knew Mr. Litchfield, the solicitor of the Treasury, would be present, against those Juries, and the result was, that the Crown abandoned its Special Juries; Mr. Litchfield waved the three juries which had been struck in his case. The Crown consented to his discharge on his own recognizance. Three weeks ago these informations were revived, and notices given of fresh juries, and of this trial. He attended at the Crown-office, and he was glad to find that a new book of good jurymen was coming down to the office. He was told that a book containing the names of 8,000 persons in London would be sent down. The book came down, and the Master chose the juries as before, but he did not take the names against which his pen struck.

Mr. Justice ABBOTT.—I really cannot see how this bears upon the cause. I shall not discharge my own duty if I suffer you to proceed. I am unwilling to interfere, and prevent a defendant from stating any thing that bears upon his case, but I cannot see the least bearing in what you are now stating.

Mr. HONE could assure his Lordship that he would not say any thing disrespectful to the Court, but he thought the point most important, and he hoped he should be allowed to proceed.

A Jurymán said, he also thought it might be material, on account of the notice which the public prints had taken of this subject. The defendant, therefore, should have an opportunity of stating the facts truly.

Mr. Justice ABBOTT regretted that the public prints should agitate these matters previous to trial. As one of the gentlemen of the jury, however, wished to hear some explanation, the defendant might proceed.

Mr. HONE resumed.—He had observed, that the Master did not

take the name against which his pen struck, and assigned no reason for taking the name of Webb in the place of Moxon. While the Master was pricking the jury, defendant could not see the name he took. The Master stated, that as there was a cavil about the pen, he should nominate the jury as he thought proper. He then opened the book, the Solicitor of the Treasury standing at the right hand, and Mr. Maule, assistant solicitor, standing on the left, and these two could see all the names. The Master went page after page selecting the jury, sometimes he gave four names in succession without turning over a leaf, at others he went over seven, eight, ten, or a dozen pages, regularly examining every page before he gave a name. In one instance he went over twenty-six pages, in another thirty-six pages, without giving out a name. The defendant entered a protest against this mode of proceeding. He made an affidavit of the facts, and on a motion to the Court put it in. The Court decided (and to him it appeared the most extraordinary decision that ever was) that the Master was not bound to put the pen in his book. Nay, Lord Ellenborough, in the presence of Mr. Justice Abbott, said, that if the Master gave the defendant names in that way, it would be giving a jury by lot, and that he was bound to select such persons as he thought proper. The defendant could oppose nothing to that, except that it appeared to be an unfair mode. He did not think that it ever was in the contemplation of law that the Crown should select such persons as it chose. Under that impression he left the Court with what he conceived to be great injustice. The judges all said, that to nominate meant to select. Now he found that the Master of the Crown Office was nominated to the Crown by the Court, that is to say, the Court nominated four or five persons to the Crown, who selected one of them to fill the office. Here, then, the Court nominated, and the Crown selected, so that nomination was not, in fact, selection. He now came to his trial, and it was perfectly immaterial to him of what opinion the jury were, satisfied as he was that they would return a true verdict. He had a very serious impression upon his mind of what his situation would be if a verdict went against him. In that case he firmly believed that he should never return to his family from that court. The Attorney-General was entitled to a reply; and though the learned gentleman had shewn great courtesy, he could not expect him to waive that right. If he would, the defendant would engage to conclude in 20 minutes. He did not see any disposition of that kind, and he would therefore proceed. He should state nothing that was new, because he knew nothing that was new. He had his books about him, and it was from them that he must draw his defence. They had been the solace of his life; and as to one of Mr. Jones's little rooms in the Bench, where he had enjoyed a delightful view of the Surrey hills, they would afford him great consolation there, but his mind must be much distracted by the sufferings of his family. He knew no distinction between public and private life. Men should be consistent in their conduct; and he had endeavoured so to school his mind that he might give an explanation of every act of his life. If he had ever done an injury to any one, it was by accident, and not by design; and, though some persons had lost money by him, there was not one who would say that he did not entertain a respect

for him [the defendant]. From being a book-dealer he became a bookseller; and what was very unfortunate, he was too much attached to his books to part with them. He had a wife and seven children, and had latterly employed himself in writing for their support. As to parodies, they were as old, at least, as the invention of printing; and he never heard of a prosecution for a parody, either religious or any other. There were two kinds of parodies; one in which a man might convey ludicrous or ridiculous ideas relative to some other subject; the other, where it was meant to ridicule the thing parodied. The latter was not the case here, and therefore he had not brought religion into contempt. It was remarkable that in October last a most singular parody was inserted in the *Edinburgh Magazine*, which was published by Mr. Blackwood. The parody was written with a great deal of ability, and it was impossible but that the authors must have heard of this prosecution. The parody was made on a certain chapter of *Ezekiel*, and was introduced by a preface, stating that it was a translation of a Chaldee manuscript preserved in a great library at Paris. There was a key to the parody which furnished the names of the persons described in it. The key was not published, but he had obtained a copy of it: Mr. Blackwood is telling his own story; and the two cherubims were Mr. Cleghorn, a farmer, and Mr. Pringle, a schoolmaster, who had been engaged with him as editor of a former magazine; the "crafty man" was Mr. Constable; and the work that "ruled the nation" was the "*Edinburgh Review*." The defendant then read a long extract from the parody, of which the following is a specimen:—

"Now, in those days, there lived also a man who was crafty in counsel, and cunning in all manner of working: and I beheld the man, and he was comely and well favoured, and he had a notable horn in his forehead wherewith he ruled the nations. And I saw the horn, that it had eyes, and a mouth speaking great things, and it magnified itself even to the Prince of the Host, and it cast down the truth to the ground, and it grew and prospered. And when this man saw the book, and beheld the things that were in the book, he was troubled in spirit and much cast down. And he said unto himself, why stand I idle here, and why do I not bestir myself? Lo! this book shall become a devouring sword in the hand of my adversary, and with it will he root up or loosen the horn that is in my forehead, and the hope of my gains shall perish from the face of the earth. And he hated the book, and the two beasts that had put words into the book, for he judged according to the reports of men; nevertheless, the man was crafty in counsel, and more cunning than his fellows. And he said unto the two beasts, come ye and put your trust under the shadow of my wings, and we will destroy the man whose name is as ebony, and his book."

He observed, that Mr. Blackwood was much respected by a great number of persons.

Mr. Justice ABBOTT said, he could not think their respect could be increased by such a publication. He must express his disapprobation of it; and at the same time observed, that the defendant, by citing it, was only, defending one offence by another.

The ATTORNEY-GENERAL said, he had been thinking for the last few minutes where a person in his situation could interrupt a defendant. He now rose to make an objection in point of law. The defendant was stating certain facts of previous publications, and a question might arise as to the proof of them. The same objection, applied to the legality of his statement. The defendant had no more right to state any previous libel by way of parody, than a person charged with obscenity had of bringing volumes on the table and exhibiting them in his defence. The defendant had no right to be stating, and so to be publishing, things which had better remain on the shelves in a bookseller's shop than be in the hands of the public.

Mr. HONE said, that the Attorney-General called this parody a libel, but it was not a libel till a jury had found it to be so. His was not a libel, or why did he stand there to defend it? In taking this course of defence, he did not take it as a selection of modes; it was his only mode. He had no intention to send forth any offensive publication to the world, but merely to defend himself. When he heard that his own parodies had given pain to some minds, he was sorry for it. This sort of writing was familiar to him from his course of reading. This parody, called Wilkes's Catechism, was published by him on the 14th of February, and on the 22d he stopt the sale of the other pamphlets. He should adduce evidence to show that this sort of writing had never been prosecuted. He then held in his hand a little publication drawn up by the late Dr. Lettsom, shewing the effects of temperance and intemperance, by diverging lines, as a man gets from water to strong beer, and from strong beer to spirituous liquors and habits of brutal intoxication. He took this as a popular mode of conveying instruction with preservation of health, and had no intention to ridicule the thermometer on the plan on which it was framed.

He (the defendant) knew there were some most excellent persons who occasionally made applications of the Scripture in a way which they would not do in the pulpit. In 1518, a parody of the first verse of the first psalm was written by a man whom every individual in this Court would esteem—a man to whom we were indebted for liberty of conscience, and finally for all the blessings of the Reformation itself—he meant Martin Luther. In the first volume of Jortin's *Life of Erasmus*, page 117, the following parody, on the first verse of the first psalm, to which he had alluded, appeared: "Blessed is the man that hath not walked in the way of the Sacramentarians, nor sat in the seat of the Zuinglians, or followed the counsel of the Zurichers." Would any man say that Martin Luther was a blasphemer? and he was a parodist as well as William Hone. But parodies had been published even in the pulpit. He had then in his hand a parody on the Lord's Prayer, delivered in the pulpit by Dr. John Boys, Dean of Canterbury, in 1613, and which was afterwards inserted in a folio volume of his works which he published. He stated that he gained great applause by preaching on that occasion, which occurred on the 5th of November, 1600. The parody ran in these words: "Our Pope, which art in Rome, hellish be thy name, give us this day our cup in the Lord's supper," and so on.

Mr. Justice ABBOTT thought it better that the defendant should not read any more of this parody; it could only shock the ears of well-disposed and religious persons; and he must again repeat, that the law did not allow one offence to be vindicated by another. He wished the defendant would not read such things.

Mr. HONE.—My Lord, your Lordship's observation is in the very spirit of what Pope Leo X. said to Martin Luther—"For God's sake don't say a word about the indulgences and the monasteries, and I'll give you a living," thus precluding him from mentioning the very thing in dispute. I must go on with these parodies, said Mr. Hone, or I cannot go on with my defence.

The next book he should refer to was a volume of sermons by Bishop Latimer, in which there was one illustrated by a game of cards. He recollected to have seen an old book of sermons with a wooden cut, in which the clergyman was represented holding out a card in his hand from the pulpit. He had no doubt but that wooden cut was a portrait of the Bishop preaching the very sermon to which he was about to call the attention of the Jury. Let it be recollected that the author of this sermon was the great Latimer, who suffered for the truth. Would any one venture to say that he meant to ridicule religion? Many of the sermons were preached before the King and the Privy Council: that to which he referred was the 64th, and entitled "The first of two sermons of the *Card*, preached at Cambridge, in Advent, 1526." The Rev. Bishop says, "And because I cannot declare Christ's rule unto you at one time as it ought to be done, I will apply myself according to your custom at this time of Christmas. I will, as I said, declare unto you Christ's rule, but that shall be in Christ's cards, wherein you shall perceive Christ's rule. The game that we will play at shall be the *triumph* [this word triumph, said Mr. Hone, is what we now call *trump*, which is a corruption of the original term], which, if it be well played at, he that dealeth shall win, and the standers and lookers upon shall do the same; insomuch that there is no man that is willing to play at this triumph with these cards but they shall be all winners and no losers; let, therefore, every Christian man and woman play at these cards, that they may have and obtain the triumph: You must mark, also, that the triumph must apply to fetch home unto him all the other cards, whatsoever suit they be of. Now, then, take you this first card, which must appear and be showed unto you as followeth:—You have heard what was spoken to men of the old law—Thou shalt not kill; whosoever shall kill, shall be in danger of judgment; and whosoever shall say unto his neighbour *radra* (that is to say, brainless, or any other word of rebuking) shall be in danger of a council; and whosoever shall say unto his neighbour fool, shall be in danger of Hell fire." This card was made and spoken by Christ himself. He would not take up the time of the Court by reading the whole of what the Reverend Prelate had said, but would confine himself to a passage where he described bad passions under the name of Turks. "These evil-disposed affections and sensualities in us are always contrary to our salvation. What shall we do now or imagine to thrust down these Turks, and to subdue them? It is a great ignominy and shame for a Christian man to be bound and subject unto a Turk. Nay, it shall not be so; we will first cast a *trump* [here the

word trump is used] in their way, and play with them at cards who shall have the better. Let us play, therefore, on this fashion with this card. Whensoever it shall happen these foul passions and Turks do rise in our stomachs against our brother or neighbour, either for unkind words, injuries, or wrongs, which they have done unto us contrary unto our mind, straightways let us call unto our remembrance and speak that question, unto ourselves, 'Who art thou?' The Bishop had taken his text from John 1. 9. And this is the record of John, when the Jews sent Priests and Levites from Jerusalem to ask him 'Who art thou?' in the course of the sermon, therefore, this question, 'who art thou?' is often introduced. The answer (continues the Bishop) is, 'I am a Christian man.' Then further we must say to ourselves—'What requireth Christ of a Christian man?'—Now turn up your trump, your heart (hearts is trump, as I said before), and cast your trump, your heart, on this card, and upon this card you shall learn what Christ requireth of a Christian man: not to be angry or moved to ire against his neighbour in mind, countenance, or otherwise, by word or deed. Then take up this card with your heart, and lay them together; that done, you have won the game of the Turk, whereby you have defaced and overcome by true and lawful play." As he said before, he was confident that the wooden cut he had seen in the old book of sermons represented the Bishop in the act of holding up the card referred to. He had introduced this extract from Bishop Latimer to show, that the most pious men frequently resorted to means of illustrating even sacred things in a way which others might consider very extraordinary. He was aware that many worthy men condemned parodies, but it was not his business to eulogize this or any other parody; it was sufficient to show, that the practice of composing them had existed, and had been followed by the most venerable and respected characters this country ever produced.

He should now turn to that celebrated collection, the Harleian Miscellany, the second volume of which, being Mr. Dutton's octavo edition, contained an article entitled "The plague of Westminster, or an order for the visitation of a sick Parliament, grievously troubled with a new disease, called the consumption of their members." The persons visited are, the Earl of Suffolk, the Earl of Lincoln, Lord Rundson, the Earl of Middlesex, the Lord Barkley, the Lord Wiloughby, the Lord Maynard, Sir John Maynard, Master Glyn, Recorder of London; with a form of prayer, and other rites and ceremonies, to be used for their recovery; strictly commanded to be used in all churches, chapels, and congregations, throughout his Majesty's three kingdoms of England, Scotland, and Ireland. Printed for V. V. in the year 1647, quarto, containing six pages. Let all the long abused people of this kingdom speedily repair for the remedy of all their grievances to the high place at Westminster; and so soon as entered into the Lords' House let them reverently kneel down upon their bare knees, and say this new prayer and exhortation following: "O Almighty and everlasting Lords, we acknowledge and confess from the bottom of our hearts, that you have most justly plagued us these full seven years for our manifold sins and iniquities. Forasmuch as we have not rebelled against you, but against the King, our most

gracious Lord, to the abundant sorrow of our relenting hearts, to whose empty chair we now bow in all reverence, in token of our duty and obedience. For we now too well (O Lords) understand that we have grievously sinned, which hath made your honours give us as a spoil unto robbers, viz. your committees, sequestrators, excisemen, and pursuivants," &c. The parties are then desired, if they find no redress, to turn to the House of Commons; after which, this direction follows:—"Here, let all the people sing, Ps. 43. Judge and revenge, &c.; and then facing about to Henry VII.'s Chapel, let all the people rehearse the articles of their new-reformed faith, and after say as follows:"—The passage thus directed to be said, and the whole article, concludes thus:—"We beseech ye by all these, pray against the plagny diseases your hypocrisy hath brought upon the two Houses of Parliament and the whole kingdom, by heresy, poverty, impeachments, banishments, and the like, amen. Then let the people sing the 41st Psalm, and so depart." He had already proved to the Court and Jury that eminent and pious divines had been in the habit of approving and writing parodies. He should now show them that that species of composition had also been sanctioned by the approbation of eminent lawyers. In a collection of tracts, by the great Lord Somers, there is a parody commencing thus;—"Ecce!—The New Testament of our Lords and Saviours, the House of our Lords and Sayiours, the House of Commons, and the Supreme Council at Windsor. Newly translated out of their own heathenish Greek ordinances, with their former proceedings; diligently compared and revised, and appointed to be read in all conventicles. Chap. I. The Genealogy of the Parliament from the year 1640 to this present 1648. The conception of their brain, by the influence of the Devil; and born of Hell and Damnation, when they were espoused to Virtue. 1. The Book of the Generation of John Pim, the son of Judas, the son of Belzebub. 2. Pim begat a Parliament, a Parliament begat Showd, Showd begat Hazelrig, and Hazelrig begat Hollis. 3. Hollis begat Hotham, Hotham begat Martin, and Martin begat Corbet; and so on the article goes parodying the whole of the genealogy of Christ, as given in the first chapter of Matthew. It is afterwards in the 13th verse stated, then King Charles, being a just man, and not willing to have his people ruined, was minded to dissolve them. 14. But while he thought on these things, behold an angel of darkness appeared to him, saying, King Charles, these men intend nothing but thine and the kingdom's good, therefore, fear not to give them this power, for what they now undertake is of the Holy Ghost. 15. And they shall bring forth a son, and shall call his name *Reformation*; he shall save the people from their sins. 16. Now all this was done that it might be fulfilled which was spoken long ago in the prophecy.—*Oxtwell Bais*." Then follows the second chapter, which is also a close parody on the second chapter of Matthew. The third chapter of Matthew is parodied by an application to Saltmarsh and Dell, two noted preachers of those times. It commences thus:—"In those days came Saltmarsh the Antinomian, and Dell the Independent, and preached to the citizens of London. The fourth chapter is a parody on the temptations of Christ. He would read only a few passages:—"1. Then was King Charles permitted by God to be tempted by his Parliament with un-

reasonable propositions many days. 2. And when Pembroke the Tempter came unto him, he said, if thou wilt still be King of Great Britain thou must set thy hand to these propositions. 9. From that time there was a deadly war between the King and his Parliament, with an equal concernment on both sides. 10. And his fame went through all the quarters of England, the people bringing unto him all such as were diseased with the evil, and he healed them. 11. And there followed him great multitudes of his people from Kent, from Staffordshire, and from beyond Tyne."

Mr. HONE then quoted some verses from a work, entitled "Political Merriment; or, Truth told to some Tune." He next read from the Rev. Mark Nobles's continuation of Granger's Biographical History of England, the following verses written respecting Dr. Burnet, the author of the Theory of the Earth:—

A dean and prebendary
 Had once a new vagary;
 And were at doleful strife, sir,
 Who led the better life, sir,
 And was the better man,
 And was the better man.
 The dean he said, that truly,
 Since Bluff was so unruly,
 He'd prove it to his face, sir,
 That he had the most grace, sir;
 And so the fight began, &c.
 When Preb. replied like thunder,
 And roars out, 'twas no wonder,
 Since gods the dean had three, sir,
 And more by two than he, sir,
 For he had got but one, &c.
 Now while these two were raging,
 And in dispute engaging,
 The Master of the CHARTER,
 Said both had caught a tartar;
 For gods, sir, there were none, &c.
 That all the books of Moses
 Were nothing but supposes;
 That he deserv'd rebuke, sir,
 Who wrote the Pentateuch, sir;
 'Twas nothing but a sham,
 'Twas nothing but a sham.
 That as for father Adam,
 With Mrs. Eve, his madam,
 And what the serpent spoke, sir,
 'Twas nothing but a joke, sir,
 And well-invented flam, &c.
 Thus, in this battle royal,
 As none would take denial,
 The dame for whom they strove, sir,
 Could neither of them love, sir,
 Since all had given offence, &c.
 She therefore, slyly waiting,
 Left all three fools a-prating;
 And being in a fright, sir,
 Religion took her flight, sir,
 And ne'er was heard of since, &c.

The next work to which Mr. Hone called the attention of the jury was a small tract purporting to be translated from the French of Father La Chaise. It was a parody on the Catechism intended to satirize Lewis XIV. He was asked, Whose child are you? And answered, That he was begotten by Cardinal Richelieu on the body of Ann of Austria. He was then made to lament his breach of faith with the Hugonots. The whole was a gross libel on the King of France, but no ridicule of the Holy Scriptures. The next work to which he should allude was the Fair Circassian, stated to be written by a Gentleman Commoner of Oxford. The author was known to be the Rev. Mr. Croxal, the translator of *Æsop*. It was a very free parody on the Canticles; he held it in his hand, but he did not think it fit to be publicly read.

He should now refer to a work entitled the Champion, published in 1741. It was a periodical publication, and in it he found the following parody:—

“Verse 5. The triumph of the wicked is short, and the joy of the hypocrite but for a moment.

“This is evident in the case of the children of Israel, who were formerly oppressed with the Egyptian task-masters; those miscreants, with *Pharoah* at their head, (like *Colossus*,) afflicted the poor *Israelites* with their burdens, and built for *Pharoah* Treasure-Cities, Pithom and Raameses. But short was the triumph of the wicked. The *Israelites* were delivered, and *Pharoah* with his host of existing task-masters thrown into the Red Sea.

“Remember this. O *Pharoah* of N—f—lk!—thou, who as Benjamin has raven'd like a wolf, in the morning hast devoured the prey, and at night divided the spoil. *Gen. xlix. 17.*

“Though his excellency mount up to the heavens, and his head reach unto the clouds.

“This is to say, however set forth in a preamble.

“7. Yet he shall perish for ever like his own dung; They which have seen him shall say, where is he?

“*Ainsi soir il!*

“8. He shall fly away as a dream, and shall not be found; Yea, shall be chased away as a vision of the night. *Amen.*

“9. The eye also which saw him, shall see him no more; neither shall his place any more behold him.”

In the Foundling Hospital for Wit, is a paper, entitled “Lessons of the Day, 1st and 2d Book of Preferment, &c.” He should trouble the jury with a few extracts from it. The 1st lesson here beginneth the 1st chapter of the Book of Preferment:—

“1. Now it came to pass in the 15th year of the reign of *George* the King, in the 2d month, on the 10th of the month at even, that a deep sleep came upon me, the visions of the night possessed my spirits: I dreamed, and behold *Robert*, the minister, came in unto the King, and besought him, saying:—

2. O King, live for ever! Let thy throne be established from generation to generation! But behold now, the power which thou gavest unto thy servant is at an end, the *Chippenham* election is lost, and the enemies of thy servant triumph over him.

“ 3. Wherefore, now, I pray thee, if I have found favour in thy sight, suffer thy servant to depart in peace, that my soul may bless thee.

“ 4. And when he had spoken these words, he resigned unto the King his place of First Lord of the Treasury, his Chancellorship of the Exchequer, and all his other preferments.

“ 5. And great fear came upon *Robert*, and his heart smote him, and he fled from the assembly of the people, and went up into the sanctuary, and was safe.”

“ SECOND LESSON.—1. Now these are the generations of those that sought preferment.

“ 2. Twenty years they sought preferment, and found it not: yea, twenty years they wandered in the wilderness.

“ 3. Twenty years they sought them places; but they found no resting place for the sole of their foot.

“ 4. And lo! it came to pass in the days of George the King, that they said amongst themselves, Go to, let us get ourselves places that it may be well with us, our wives, and our little ones.

“ 5. And these are the names of the men that have gotten themselves places in this their day, &c.”

And again, “ The evening was warm, and the river was smooth and the melody of instruments was heard upon the waters, and I said Lo! I will go to Vauxhall. So I took a companion, and the voyage pleased me. And it came to pass, as I sailed by Lambeth, the Palace of the High Priest, I asked of the man that was with me, saying, is this Prelate alive or dead? and he answered and said, our friend *sleepeth*. So I came to Vauxhall. * * * And I said unto mine eye, go to now, and examine every part, &c. Then I beheld a drawer, and he looked wistfully upon me, and his countenance said, Sit down. So I sate down; and I said, Go now, fetch me savoury meats, such as my soul loveth; and he straitway went to fetch them. And I said unto him, Asked I not for beef? wherefore then didst thou bring me parsley? Run now quickly and bring me wine, that I may drink, and my heart may cheer me; for as to what beef thou broughtest me, I wot not what is become of it. Now the wine was an abomination unto me; nevertheless I drank, for I said, ‘Lest, peradventure I should faint by the way,’ ” &c.

The next book to which he should call their attention was one, the circulation of which had been very great. It was composed of the papers published by the Association for preserving Liberty and Property against Republicans and Levellers, which met at the Crown and Anchor, in the Strand. It was entitled the British Freeholder’s Political Creed.

“ Q. Who are you ?

“ A. I am a freeholder of Great Britain.

“ Q. What privilege enjoyest thou by being a freeholder of Great Britain?

“ A. By being a freeholder of Great Britain, I am a greater man, in my civil capacity, than the greatest subject of an arbitrary prince; because I am governed by laws; and my life, my liberty, and my property cannot be taken from me but according to those laws; I am a free man.

“ Who gave thee this liberty?

“ No man gave it me; it is inherent, and was preserved to me when

lost to the greatest part of mankind, by the wisdom of God, and the valour of my ancestors, freeholders of this realm.

“Wilt thou stand fast in this liberty, whereunto thou art born and intituled by the laws of thy country?”

“A. Yes, verily, by God’s grace, I will.”

A well-known character, Mr. John Reeves, was the chairman and founder of this society. In one of his publications he (the defendant) had stated that Mr. R. was the publisher of a parody on the Catechism. Now, Mr. R. was a very loyal man. He meant loyal in a different sense from his own loyalty, for in respect and obedience to the laws he yielded to no man. But Mr. Reeves had got something for his loyalty—something to make him sit easy. He is the printer of the Prayer Book, to which he has written an introduction with an address to the Queen. There is an anecdote connected with Mr. Reeves which he should wish to state. Mr. Reeves called at his (the defendant’s) shop, in consequence of the statement respecting his publication of a parody on the Catechism. He then declared, that his Majesty’s Ministers had nothing to do with the establishment of the society at the Crown and Anchor. He therefore, took this opportunity of publicity repeating what Mr. Reeves had said; but he himself knew something respecting the institution of that society, which he should perhaps take the opportunity of stating on another occasion.

Mr. Hone then referred to the papers relative to the Westminster election of 1784, published in a quarto volume. There are among them a great number of scriptural parodies, from which he should select only the following, entitled, “Fox.”

“Again the sons of Judas assemble themselves together at the hotel in the market place, to present themselves before the Lord [Hood] and Envy came also to present himself among them. And Truth said unto Envy, from whence comest thou? And Envy answered and said, from walking to and fro in the garden, and appearing upon the hustings. Then Truth said unto Envy, hast thou considered my servant Fox, that there is none like him upon the earth, a perfect and an upright man, one that revereth me and escheweth evil? and still he holdeth his integrity, although thou movest against him to destroy him without a cause. Then Envy said, skin for skin, yea, all that a man hath will he give for a majority. But put forth thy hand and touch him, and he will curse thee to thy face. And Truth said unto Envy, behold, he is in thy hand, but spare his election. So Envy went forth from the presence of Truth, and raised up a majority against Fox of 318 men. Then Insinuation said unto Fox, Dost thou still retain thy perseverance? Curse the poll and decline. But Fox answered and said, thou speakest as one of the foolish sisters speaketh; my cause is just, and I will persevere. And in all these things, Fox sinned not.”

In the “Humorous Magazine,” there was a parody on the Te Deum; and, in Grose’s Olio, a parody entitled “The Chronicles of the Coxheath Camp.”

He must now refer to that well-known book “the Chronicles of the Kings of England, from the Norman Conquest to the present time,” written, as set forth in the preface, by Nathan Ben Sadi. He should beg leave to read some passages from it as examples of parody.

“Now it came to pass in the year one thousand sixty and six, in the

month of September, on the eighth day of the month, that William of Normandy, surnamed the Bastard, landed in England, and pitched his tent in a field near the town of Hastings. Then Harold the King, attended by all his nobles, came forth to meet him with a numerous army, and gave him battle: and it was fought from the rising of the sun even to the going down of the same. But Harold was slain by an arrow shot into his brains, and his army was routed with exceeding great slaughter."

"Elizabeth.—Now Elizabeth was twenty and five years old when she began to reign, and she reigned over England forty and four years, four months, and seven days, and her mother's name was Anna Bullen. And she choose unto herself wise and able ministers, and governed her kingdom with power and great glory.

"The sea also was subject unto her, and she reigned on the ocean with a mighty hand.

"Her admirals compassed the world about, and brought her home treasures from the uttermost parts of the earth.

"The glory of England she advanced to its height, and all the princes of the earth sought her love: her love was fixed on the happiness of her people, and would not be divided. The era of learning was also in her reign, and the genius of wit shone bright in the land. Spencer and Shakespeare, Verulam and Sidney, Raleigh and Drake adorned the court, and made her reign immortal. And woe unto you Spaniards, woe unto you, you haughty usurpers of the American seas; for she came unto your armada as a whirlwind, and as a tempest of thunder she overwhelmed you in the sea.

"Wisdom and strength were in her right hand, and in her left were glory and wealth.

"She spake, and it was war; she waved her hand, and the nations dwelt in peace.

"Her Ministers were just, and her counsellors were sage; her captains were bold, and her maids of honour ate beefsteaks for their breakfast.

"And Elizabeth slept with her fathers, and was buried in the chapel of King Henry VII., and James of Scotland reigned in her stead.

"James I. And Jamie thought himself a bonny King, and a mickle wise man? howbeit, he was a fool and a pedant.

"But the spirit of flattery went forth in the land, and the great men and the bishops offered incense unto him, saying, O most sacred King! thou art wiser than the children of men; thou speakest by the spirit of God; there has been none equal to thee before thee; neither will any rise after thee like unto thee.

"Thus they abused him daily with lying and fulsome adulation; and the ear of James was tickled therewith, and he was puffed up and thought himself wise; whereupon he began to dispute with the doctors, and to decide controversies, and to write books, and the world was undeceived."

The work has lately been continued down to the present time, with an allusion to the French revolution in the following manner:—

"And after those days a great and wonderful madness broke out about a people in France; so wonderful was it, that from being worshippers of kings they became in the twinkling of an eye king-killers and queen-murderers. And all that had the blood of royalty in their

veins they did cruelly destroy. So great was the destruction through the land, that many thousand guillotines could not clear the prisons of their innocent victims; wherefore they drowned them in hundreds, and butchered them in thousands; and he who could invent the most speedy method to destroy the human race, was accounted worthy of all honour. And every good man, and every virtuous woman, were obliged to fly out of the land, or to hide themselves in rocks and caves, from the fury of Robespierre, and the infernal masters with whom he overspread the land. And they made the house of God a repository for the engines of their destruction, and banished all the priests and religion from the land, and set up a w—c in its stead, to whom they gave the name of liberty and equality.”

The next work he should quote from was one of great celebrity, on account of the wit and genius displayed in its composition, and which was in the library of every gentleman who paid attention to the public affairs of the country—a work which was admired even by those who differed most from the politics it supported: he meant “The Roliad,” published by Mr. Ridgway, a respectable bookseller, and a most worthy man. In that collection of curious pieces, the twenty-second edition of which, and that not the latest, I hold in my hand, there is one entitled, *Vive le Scrutiny*, to which he begged leave to call the attention of the jury. It related to the scrutiny on the celebrated Westminster election carried on in the vestry of St. Ann’s Church, Soho. It is as follows:—“*Cross Gospel the First*.—But what says my good Lord Bishop of London to this same Westminster scrutiny—this daily combination of rites *sacred* and *profane*—ceremonies *religious* and *political* under his hallowed roof of St. Ann’s Church, Soho? Should his Lordship be unacquainted with this curious process, let him know it is briefly this:—At 10 o’clock the *High Bailiff* opens his inquisition for the *Perdition of Votes*, where he never fails to be honored with a crowded audience. At 11 o’clock the *High Priest* mounts the rostrum in the church for the SALVATION OF SOULS, without a single body to attend him; even his corpulent worship the clerk, after the first introductory Amen, filing off to the vestry to lend a hand towards reaping a quicker harvest! the alternate vociferations from church to vestry, during the different *services* were found to cross each other sometimes in responses so opposite, that a gentleman who writes short hand was induced to take down part of the blunder-medley dialogue of one day, which he here transcribes for general information, on a subject of such singular importance, viz.:—

“High Bailiff.—[The High Bailiff of that day, you must know, said Mr. Hone, is represented as having been a very ignorant stupid man.]—I cannot see that *this here fellow* is a just vote.

“Curate.—In thy sight shall no man living be justified.

“Mr. Fox.—I despise the pitiful machinations of my opponents.

“Curate.—And with thy favourable kindness shalt thou defend him as with a shield.

“Witness.—He swore, d—n him if he did’nt give Fox a plumper.

“Clerk.—Good Lord, deliver us.

“Mr. Morgan.—I stand here as counsel for Sir Cecil Wray.

“ Curate.—A general pestilence visited the land, and serpents and frogs defiled the holy temple.

“ Mr. Phillips.—Mr. High Bailiff, the audacity of that fellow opposite to me would almost justify my chastising him in his sacred place, but I will content myself with rolling his heavy head in the Thames.

“ Curate.—Give peace in our time, O Lord !

“ Sir Cecil Wray.—I rise only to say thus much, that is concerning myself; though as for the matter of myself, I don't care, Mr. High Bailiff, much about it.

“ Mr. Fox.—*Hear ! hear ! hear !*

“ Curate.—If thou shalt see the ass of him that hateth thee lying under his burden, thou shalt surely help him.

“ Sir Cecil Wray.—I trust,—I dare say,—at least I hope I may venture to think—that my Right Honourable friend,—I should say enemy,—fully comprehends what I have to say in my own defence.

“ Curate.—As for me, I am a worm, and no man; a very scorn of men, and the outcast of the people; fearful and trembling are come upon me, and a horrible dread overwhelmeth me !!!

“ High-Bailiff.—As that *fellow there* says he did not vote for Fox, whom did he poll for ?

“ Curate.—Barabbas? Now Barabbas was a robber !”

He (Mr. Hone) should now quote a parody of the Lord's Prayer, which appeared in a public paper in the year 1807, (the *Oracle*). It ran thus:—“ Our step-father, who art in Paris, cursed be thy name ! thy kingdom be far from us, thy will be done neither in Heaven nor in earth. (Here the Attorney General interfered, and the defendant remarked, that the parody had appeared in a Government paper, edited, he believed by Mr. Heriot.)

The Court.—Wherever it may have appeared, the publication was highly reprehensible—one instance of profaneness cannot excuse another.

Mr. HONE.—Certainly not; but if this mode of writing has been practised by dignitaries of the church, and by men high in the State, he humbly conceived that that circumstance might be some excuse for his having been the publisher of the trifle now charged as libellous. He solemnly declared, that he never had any idea of ridiculing religion, and that as soon as he was aware of the publication having given offence to some persons whose opinion he respected, however much he might differ with them on that point, he immediately stopped the sale. He even refused, after he had suspended the publication, to give a copy to an old friend; and gave such offence by that refusal, that his friend had scarcely spoken to him since. He persisted, however, in allowing no copies to go out of his custody, except three, which he gave to three different individuals, in order to obtain their opinions on the parody. In short, finding the opinion that the publication was offensive prevailing, he gave up all thoughts of proceeding with it. Had he been one who wished to ridicule religion, he should have taken a different course. He should have continued the publication and made money by it, as there was a great demand for it. In that case, he could have afforded to employ a Counsel, and would not have been reduced to the necessity of standing in his present situation before the Court and the jury.

The COURT.—This observation has no relation to the point in question. You cannot be allowed to proceed in reading a profane parody on the Lord's prayer. You may state in general terms, if you please, that there is such a parody existing.

Mr. Hone did not wish to take up the time of the Court unnecessarily, and if the general reference to the parody would be sufficient for his case, he was satisfied. He should in the same way refer to others on the 2d Book of Exodus, the 3d Book of Chronicles and the Book of Daniel. There was also one entitled the Land of Ninevah, written by Sir John Sinclair. Mr. Hone then produced a large sheet of paper divided into several columns in different languages, Latin, Russian, German, English. It was dedicated to the Duke of Wellington, and to the Commanders of the Russian and other allied armies, and began—“*Te Deum* :—

“ Oh, Emperor of France! we curse thee.

“ We acknowledge thee to be a Tyrant.

“ Thou murdering Infidel! all the world detest thee.

“ To thee all nations cry aloud,

“ BONEY, BONEY, BONEY!

“ Thou art universally execrated!” &c. &c.

Mr. Justice ABBOTT.—You have read enough of it.

Mr. Hone.—It is a Ministerial Parody.

Mr. Justice ABBOTT.—I know nothing of Ministerial or Anti-Ministerial Parodies. You have stated enough of that publication for your purpose.

Mr. HONE said he perfectly understood his Lordship, and was aware that the Court paid no regard to the quarter whence the parody came; it was essential to him that the jury should also understand, that had he been a publisher of Ministerial parodies, he should not now be defending himself on the floor of that Court.—It was essential to the friends of justice, that all men should stand equal, when they were brought before the tribunal of the laws. But he denied that he was placed in that situation of equality, when he was singled out by the Attorney-General to be tried for an offence, which, if it had been committed in favour of the Ministerial Party, would not have been noticed. It appeared that this Parody on the *Te Deum* had been translated into various languages—into French, Dutch, German, Russian, and Italian—for the express purpose of being read by the troops on the Continent—and it could not be doubted that it had a most extensive circulation.—He held in his hand another Parody, published many years ago, called “*The Political Creed*,” and a second, denominated “*The Poor Man's Litany*,” neither of which had been prosecuted.

He should now call the attention of the Jury to a *print* which was published at the commencement of the present year—and he did so, not for the purpose of ridiculing the print, or its object, but to shew the way in which many individuals wished to convey certain notions to the minds of those whom they were anxious to reform. In this instance, recourse had evidently been had to parody. The print was called, “*The Spiritual Barometer; or, The Scale and Progress of Sin and Death*.” It was, in fact, a Parody on Dr. Lettsom's Parody of the thermometer before produced, and was to be seen in every

print-shop in the Strand. It pointed out all the gradations of vice, leading to infidelity, and ending in perdition; and the progress of religious influence ending in eternal happiness.

Another Parody, which he adduced as a proof that this style of conveying information, even on sacred subjects, had long been tolerated, he should now read. It was couched in the form of a play-bill, announcing the performance of a grand Drama, entitled the "*Great Assize*," and the performance was, "*By command of the King of Kings*." The publication stated, that "the entrance to the gallery was very narrow, while that to the *pit* was extremely wide—contrary to the custom observed at mundane theatres. Between the acts, the awful air of *The Trumpet shall sound, and the dead shall be raised*. To conclude with the grand procession of saints and martyrs, shouting and exulting. No money to be taken at the door—and none to be admitted, but those sealed by the Holy Ghost." This was printed and published by George Cooke, Tower-street, a member of the Society of Friends.

He held in his hand another composition of the same species; this was a parody on a Recruiting Bill beginning thus:—"Royal Volunteers, now is the time to obtain honour and glory. Wanted, immediately, to serve Jehovah, who will reward them according to their zeal and ability, a vast number of people of all descriptions, who will, on joining the Commanding Officer, receive new clothes, proper accoutrements, and every thing necessary for their appearance at the New Jerusalem."

He next came to "a copy of a letter written by our Lord and Saviour Jesus Christ, and found under a stone, eighteen miles from Judea, now transmitted from the Holy City. Translated from the original copy, now in the possession of the family of the Lady Cuba in Mesopotamia. Blessed are those who find this letter and make it known. Many persons attempted to remove the stone under which it lay—but none could force it from its place, till a young child appeared and wrought the miracle."

THE ATTORNEY-GENERAL.—The misguided or mistaken feelings which can induce such publications by any man, do not form a ground of defence for others. I, therefore, submit, that publications of this kind ought not to be read in Court.

MR. JUSTICE ABBOTT.—It is no use to interrupt the defendant. I have repeatedly stated, that it cannot avail him, as a matter of defence, to quote a variety of profane publications. It is for him to shew that his publication is not profane—and this cannot be done by quoting the example of others.

MR. HONE—The publication which he had last noticed, was a *Christmas Carol*. It had been before the public upwards of thirty years—and he should be very sorry to read it, if it were likely to bring the publisher of it into any danger. He was sure it was far from that individual's intention to do any thing wrong, that person printed various publications of the same nature which went through the country—and, in fact, they were of that description, which the common people had been accustomed to for centuries.

MR. JUSTICE ABBOTT.—I don't care what the common people have had for centuries. If the publication be profane, it ought not to be tolerated.

Mr. Hont—It was most evident that this practice worked its own remedy. Publications of this kind could not have any effect, except amongst persons of the most ignorant description. Millions of these Carols had been sold—and he had never heard that religion was brought into contempt by them.

The Christmas Carol attached to this publication began in the usual way—

God rest you merry gentlemen,
Let nothing you dismay;
Remember Christ our Saviour
Was born on Christmas day.

It contained verses which, to a person of the least cultivated intellect, were ridiculous; but to the lowest class of the community, who purchased these, the lowest species of literary ware, such compositions, and the ideas they conveyed, were familiar, and were not of ludicrous construction. For instance, there was a verse in this very carol which he remembered to have heard sung in the streets every Christmas since he was a child, which described the pleasure of the Virgin Mary in tending on her infant in these homely words:—

The first good joy our Mary had,
It was the joy of one;
To see her own child Jesus
To suck at her breast bone.

And so it went on.—[*The Attorney-General here manifested great uneasiness.*]—The Attorney-General need not be alarmed. It could have no effect even upon the most ignorant, and millions of copies had been circulated long before he came into office.

But he would now call the attention of the jury to a parody differing very much from any of those he had hitherto noticed. He alluded to the celebrated parody of Mr. Canning—yes, of Mr. Canning, who ought, at that moment, to be standing in his place, but who had been raised to the rank of a Cabinet Minister, and was one of those very men who were now persecuting him—for he could not give any milder appellation to the treatment he had received. He was dragged before the Court, from behind his counter—and for what? For doing that which a Cabinet Minister had been suffered to do with impunity. He would assert that the Attorney-General would act wrong—that he would proceed partially and unfairly—if he did not bring Mr. Canning forward. “If I,” said Mr. Hone, “am convicted, he ought to follow me to my cell—if my family is ruined, his family ought to be made to feel a little—if I am injured by this indecent, this unjust prosecution, he ought not to be suffered to escape unpunished.”—This parody, after being first printed in the Anti-Jacobin newspaper, was re-published in a splendid work, which he now held in his hand, entitled *The Poetry of the Anti-Jacobin*; the expense of printing was defrayed by the late Mr. Pitt, by Mr. Canning, nearly all the Cabinet Ministers, and many other persons connected with that party. The parody was also ornamented by a masterly engraving by Mr. Gilray. Was it not enough to have written the parody to which he alluded, without proceeding to have it illustrated by the talents of an artist? Yet it was so illustrated.—*(A number of persons in Court here applauded.)*

Mr. Justice ABBOTT declared, if such indecent interruptions were persisted in, he would order the Court to be cleared—and he directed the officer to bring before him any person he saw misconducting himself.

Mr. HONE.—The parody he alluded to was entitled “*The New Morality; or, The Installation of the High Priest.*” He understood it was levelled at a man named Lepaux, who was well known at the commencement of the Revolution, and was, he understood, an avowed Atheist. Mr. Hone said, his attention was directed to the parody by a speech of Earl Grey’s. His Lordship had noticed this parody in his place in Parliament, and had well observed—“With respect to blasphemous parodies, he thought, in common with others, that such productions should be restrained, but by the ordinary course of justice. But this disposition to profane parodies had been used for certain purposes on former occasions; and improper and profane as they were, they were pretended by some to be made in support of religion. He would recommend the Noble Lord, and the friends who surround him, to consider well the case of sending persons before a magistrate on charges of this nature. He held then in his hand a publication called the *Anti-Jacobin*, which contained a parody of this description, and which he would take the opportunity of reading to their Lordships.” His Lordship then repeated the verses. Thus the jury would see that he was supported in his opinion by Earl Grey, and the report from which he had read the extract might be safely relied on. It was from the reports lately published by Mr. Harding Evans, a most correct, and, in every respect, excellent reporter. Indeed, the authority of his reports was unquestionable. Mr. Hone said, it appeared from Mr. Evans’s volume, which he used in Court, and quoted from, that Earl Grey said, if Lord Sidmouth was determined to suppress the practice of parodying, he should not confine his efforts to the prosecution of Mr. Hone, but should seek out the authors of the *Anti-Jacobin*, *whether in the Cabinet or elsewhere*. Mr. Hone said, his intention being thus pointed to the subject, he soon after saw this same parody in the *Courier* newspaper, with the blanks filled up, and he should read it to the Jury. It was in ridicule of certain persons in this country, who were said by the writer to be followers of Lepaux, one of the men who had made themselves famous in the French Revolution, and who was said to have publicly professed Atheism: such at least, seemed to be the assertion of the parody. It began thus—

Last of the anointed five behold, and least
The directorial Lama, sovereign priest—
Lepaux—whom Atheists worship—at whose nod
Bow their meek heads—the men without a God.

Ere long, perhaps to this astonished isle,
Fresh from the shores of subjugated Nile,
Shall Bonaparte’s victor fleet protect
The genuine Theo-philanthropic sect—
The sect of Marat, Mirabeau, Voltaire,
Led by their pontiff, good La Reveillere.
Rejoic’d our clergs shall greet him, and instai,
The holy hunch-back in thy dome, St. Paul,

While countless votaries thronging in his train
Wave their red caps, and hymn this jocund strain :

“ Couriers and Stars, sedition’s evening host,
“ Thou Morning Chronicle and Morning Post,
“ Whether ye make the Rights of Man your theme,
“ Your country libel, and your God blaspheme,
“ Or dirt on private worth and virtue throw,
“ Still, blasphemous or blackguard, praise Lepaux !

“ And ye five other wandering bards that move
“ In sweet accord of harmony and love,
“ Coleridge and Southey, Lloyd and Lamb, and Co.
“ Tune all your mystic harps to praise Lepaux !

“ Priestley and Wakefield, humble, holy men,
“ Give praises to his name with tongue and pen

“ Thelwall, and ye that lecture as ye go,
“ And for your pains get pelted, praise Lepaux

“ Praise him each Jacobin, or fool, or knave,
“ And your cropp’d heads in sign of worship wave

“ All creeping creatures, venomous and low,
“ Paine, Williams, Godwin, Holcroft, praise Lepaux !

“ And thou Leviathan !* on ocean’s brim
“ Hugest of living things that sleep and swim ;
“ Thou in whose nose, by Burke’s gigantic hand,
“ The hook was fixt to drag thee to the land ;
“ With Coke, Colquhoun, and Anson, in thy train,
“ And Whitbread wallowing in the yeasty main—
“ Still as ye snort, and puff, and spout, and blow,
“ In puffing, and in spouting, praise Lepaux !”

* The Duke of Bedford.

Mr. Justice ABBOTT—Of what use is this to you, as a matter of defence?

Mr. HONE—The Parody was written by Mr. Canning, who has not been molested.

Mr. Justice ABBOTT—How do you know that he is the author of it? It does not appear to be a Parody on any part of the Sacred Writings.

Mr. HONE—I will shew that it was written by Mr. Canning—but I know it is unpleasant that his name should be mentioned here.

Mr. Justice ABBOTT—It is unjust that any persons name should be mentioned otherwise than properly. It is my duty to take care that no man shall be improperly noticed here. Whether a man be Ministerial or Anti-Ministerial has nothing to do with it.

Mr. HONE—It is my duty, though your Lordship says this is not a Parody on the Sacred Writings, to endeavour to shew, with due deference, that it is.

Mr. Justice ABBOTT—As far as you have gone, it does not appear to be a parody on any thing sacred. It seems to be a parody on passages in Milton and Pope. But, if you ask my opinion, I distinctly state, I do not approve of it—nor of any parody on serious works.

Mr. HONE said, he should prove that it was a parody on Scripture ; and there were two lines which that contemptible newspaper The

Courier—the proprietors of which had been abused in that production, the authors of which it now eulogized—had omitted. It was—

“ And—and—with—join'd,
And every other beast after its kind.”

This last line was a parody from the account of the Creation in the book of Genesis; this parody had alluded to Milton, who himself was a parodist on the Scripture; but this by Mr. Canning directly parodied certain parts of Scripture. The passage representing the Leviathan referred to the celebrated passage in the Book of Job. The rest contained the turn of expression and some of the very words of the 148th Psalm, as well as the general turn of the expression of other parts.

“ Praise ye him all his angels; praise ye him all his hosts.

“ Praise ye him, sun and moon; praise ye him all ye stars of light.

“ Beasts and all cattle; creeping things and flying fowl.”—Psalm 148, verses 2, 3, and 10.

This publication was accompanied by a plate by Gilray, a most admirable caricaturist, since dead, who, to the day of his death, enjoyed a pension from his Majesty. In that print, which he held in his hand, the late Duke of Bedford was represented as the Leviathan of Job, with a hook in his nose, and with Mr. Fox and Mr. Tierney on his back. The passage in Job was, ‘ Canst thou draw out Leviathan with an hook; or his tongue with a cord which thou lettest down?—Chap. 41, verse 1. He had been advised to subpoena Mr. Canning as a witness, but he had really abstained from a regard to Mr. Canning’s feelings. He had reflected what an awkward figure Mr. Canning would cut if he were placed in the witness box, to answer questions which he should put to him. He did not wish unnecessarily to hurt any man’s feelings, and he had not thought such a course necessary to his defence. The work which contained this, was, as he said, published by a general subscription of the Ministers of the Pitt and Canning school, and the notoriety of the nature of that publication was sufficient for his purpose. Now it was plain that the object of Mr. Canning’s parody was the same as that of his own: it was political; and it proved that the ridicule which the authors of the parodies attempted to excite, was not always intended to fix on the production parodied.

He had not exhausted the subject, but he was afraid of exhausting the patience of the Jury. He must, however, mention one thing which, in addition to those he had already stated, proved that persons of the most strictly religious character did not regard the mixing up of profane and sacred subjects with the same sort of horror which the Attorney-General appeared to do. Mr. Rowland Hill had remarked in his chapel, that the devil had some great beauties, and had followed up the remark by appropriating secular tunes to hymns: one hymn was sang, at Surry Chapel, to the air of *God save the King*, having an appropriate burden—another was adapted to the tune of *Rule Britannia*, the chorus to which was—

“ Hail Immanuel! Immanuel we adore,
“ And sound his praise from shore to shore.”

He could not recollect all the tunes he had heard there—but one of them, that of “*Lullaby*,” was a peculiar favourite. There was, also a selection of tunes adapted to the Psalms and Hymns of Dr. Watts, and others. These tunes were selected by a respectable Baptist minister, now living, the Rev. John Rippon, Doctor of Divinity. Amongst these was a hymn, commencing—

“There is a land of pure delight,
“Where saints immortal dwell;”

which was set to the tune of

“Drink to me only with thine eyes,
“And I will pledge with mine.”

There was also one to the tune of “*Tell me, babbling Echo, why*,”—another, commencing

“How blest are they whose sins are covered o’er,”

was to a tune in one of Mr. Corri’s operas. There were, indeed, several similar instances in this, and other books of melodies for Divine worship. This book of Hymn Tunes contained “*When war’s alarms called my Willy from me*,” and one hymn was set to “*Bonaparte’s March*.” These different instances proved that those who had the most decided religious feelings might make use of profane or secular means for the purpose, not of bringing religion into contempt, but of supporting it. It was the intention that constituted the libel, and not the mere act of publication. They all knew very well how guarded the Jewish Law was with respect to homicide. If a man committed homicide, he was put on his trial for it—but whether it was justifiable, or unjustifiable, or accidental homicide, depended on the circumstances under which it was committed. If a man striking a blow with an axe at a tree, caused the head of the axe to fly off, and a man was thereby slain, though the circumstance was to be deplored, yet it was but accidental homicide, and the person who committed the deed, not having intended it, would not be punished. But, if a person stabbed another with a knife, designedly, it was murder.—The same distinction should be taken in this case—and he utterly denied that he had the slightest idea of offending or injuring any person when he published the parody. He had thus shown that there was no practice in the annals of literature more common than that of parodies on sacred or devotional writings; that they had been written by the highest and most dignified Members of the Church—by the Father of the Reformation—by the Martyrs of the Church of England—by men to whose motives not a shadow of suspicion could attach—in all times—in all manners—in defence of the Government and the Church itself—that at no time had it been condemned by Courts of Justice—and now for the first time a friendless, and, as his persecutors hoped, a defenceless man, was fixed on to be made a sacrifice for this sin, which had been cherished and applauded for centuries. He was told that these productions of Reformers, of Martyrs, of Dignitaries, of Clergymen, of Ministers, and Pensioners, had been illegal. The Judge told him so. He denied it. What proof did the Judge produce—in what instance had one of those productions which he had read, or of coach loads of others which he might have

read, been condemned or even prosecuted. He should now attempt to prove that he had not that intention which was charged in the indictment, to create impiety and irreligion. From the beginning to the end of the production in question, the subject and the object was political. It was intended to ridicule a certain set of men, whose only religion was blind servility, and who subjected their wills and their understandings to persons who, they thought, would best promote their sinister interest. The principles which he ascribed to these persons were so enumerated as to contrast with the duty which Christianity enjoined; and the Christian principles shone more bright as contrasted with infamous time-servingness. Was it to be supposed that the Ten Commandments, which contained all the great principles of morality, as well as religion, could be debased by a comparison with another set of Commandments, framed in somewhat the same form, but the principles of which were as detestable and noxious as those of the first were respectable and beneficial?—Was the Lord's Prayer to be ridiculed by placing in contrast with it the Prayer of a Ministerial Member? It was evidently impossible that such could have been his intention. As an honest man, speaking before those whose esteem he valued, he declared that it was not his intention. The Political Catechism was charged as an impious and wicked publication, tending to excite irreligion in the minds of his Majesty's subjects. But he would prove to the Jury, that it had not been disseminated with any intent to bring religion into contempt, for it was a matter purely political. If they could find a passage in it, that, in any way, tended to turn any thing sacred into ridicule, he called on them to find him guilty; but, if they could not discover such a passage, he demanded an acquittal at their hands. Let the Jury look to the Catechism. It commenced thus—

Q. What is your name?—A. Lick Spittle.

Q. Who gave you that name?—A. My Sureties to the Ministry, in my Political Change, wherein I was made a Member of the Majority, the Child of Corruption, and a Locust to devour the good things of this Kingdom.

The majority meant those who were always ready at the beck of the Minister—the corruption was that which was known to exist in the House of Commons, and was as notorious as the sun at noon day.

Q. What did your Sureties then for you?—A. They did promise and vow three things in my name. First, that I should renounce the Reformists and all their Works, the pomps and vanity of Popular Favour, and all the sinful lusts of Independence. Secondly, that I should believe all the Articles of the Court Faith. And Thirdly, that I should keep the Minister's sole Will and Commandments, and walk in the same, all the days of my life.

Surely it could not be denied that the friends of the Minister did renounce the Reformists—they could not be his friends else. If Mr. Canning were here he would admit this. Mr. Hone said if he went through the whole of the *Catechism*, it would be found, like the extracts he had quoted, entirely political, and not at all intended to bring religion into contempt. But it was said, that the publication of simi-

far parodies, during two centuries, did not justify the act. It might be so—but it would be a most cruel hardship if he, who, from the long continuance of the system had been induced to adopt it, should be punished for that which his predecessors and contemporaries did with impunity. In his opinion the existence of such publications for so long a time, proved that they were not libellous—for, if they were, they would have been prosecuted. But they had not been prosecuted—not even in times when Judges on the Bench told the Jury that they had only to find the fact of publication, but that they were not to decide the questions of libel or no libel. His Majesty's Secretaries of State, who ought to be the conservators of the public morals, had committed high treason against the peace and happiness of society, if, believing such publications to be libellous, they had suffered them so long to exist unnoticed. They had now, however, selected him for punishment—but, he was sure, the good sense and excellent understanding of Mr. Attorney-General, must have led him to think that the selection was not a just one. Whether he went home to his distressed family, or retired in the custody of Mr. Jones's gentlemen, [Mr. Jones is the Marshal of the King's Bench Prison, was present in Court with his tipstaves] he should leave the Court conscious that he was innocent of any intention to bring the religion of his country into contempt. If suffering the sentence he was sure to receive, should he be found guilty, and he were placed within the walls of a dungeon, with a certainty that he should never see his family again, still he should, to his dying moment, deny that he had ever published those tracts in order to ridicule religion.—[*Loud cheering.*]—The Attorney-General, and every man with whom laws originated, would do well, to render them so clear, that they could be easily understood by all—that no person could be mistaken. Was it to be supposed that he, with a wife and a family of seven children, would, if his mind were ever so depraved, have sat down and written a libel, if he were aware that it was one? None but a *maniac* would act so indiscreetly. There were, however, very few men who understood the law of libel. It was, in fact, a shadow—it was undefinable. His Lordship called this publication a libel—but he would say, with all due deference, that his Lordship was mistaken. That only could be called a libel, which twelve men, sworn well and truly to try the cause, declared to be one. He would not occupy their time much further. It was an important feature of his defence, to shew that parodies might be written, in order to excite certain ideas, without any desire to turn the original production into ridicule. He thought he had already shewn that this was not the case; he thought it was pretty clear that Martin Luther did not mean to ridicule the Psalms; that Dr. Boys, the Dean of Canterbury, did not mean to ridicule the Lord's Prayer; that the Author of the "Visitation Service for a sick Parliament," published by a zealous partizan of Charles I. did not mean to ridicule the service of the Church of England; that Mr. Canning did not mean to ridicule the Scripture nor Milton. Why, then, should it be presumed that he had such an intention? In *The Spirit of the Journals* was to be found the following parody on *Black-eyed Susan*. It was well-known to have been written by Mr. Jekyll, now a Master in

Chancery, and certainly no man could say, that that gentleman meant to turn Gay's beautiful poem into ridicule:—

“ All in the Downs the fleet was moor'd,
The streamers waving in the wind,
When Castlereagh appeared on board,
“ Ah, where shall I my Curtis find!
“ Tell me, ye jovial sailors, tell me true,
“ Does my fat William sail among your crew ?”

William, who high upon the poop —

Mr. Justice ABBOTT—“ You need not go on with that parody. It is no defence for you. How can a parody, ridiculing any person, be material to your defence ?”

Mr. HONE—“ I will prove that it is.”

Mr. Justice ABBOTT—“ Prove that it is, first, and then read it. It is my duty to prevent the reading, in a Court of Justice, of productions ridiculing public or private characters.”

Mr. HONE—“ May I ask your Lordship whether, in your judicial character, you have a right to demand the nature of the defence I mean to make ?”

Mr. Justice ABBOTT—“ Certainly not ; but, when you quote, that which is apparently irrelevant, you are bound, if called on to shew its relevancy.”

Mr. HONE—“ This is a whimsical Parody, and my object is to shew, that the humour of it does not tend to bring the original into contempt. It is a case in point—and no person can suppose Mr. Jekyll intended to ridicule the original.”

Mr. Justice ABBOTT—You have read enough of it for your purpose, which is to shew, that the Parody is not intended to turn the original into ridicule.

Mr. HONE.—Your Lordship and I understand each other, and we have gone on so good humouredly hitherto, that I will not break in upon our harmony by insisting on the reading the remainder of this humorous Parody. He was sorry he had occasion to detain them so long, though for his own part he was not half exhausted. He was, however, obliged to mention some publications which he had before omitted, and which would strongly shew the impunity which publishers of works of a description similar to his own had enjoyed. These were *graphic* Parodies by way of parody on Mr. Fuseli's celebrated picture of *The Night Mare*. The Parody was intended, not to ridicule the work of that celebrated artist, but to create a laugh at the expence of a late very respectable Chief Magistrate of London, whom he would not name, remarkable for his exertions to clear the streets of women of the town. He now called their attention to another caricature, entitled “ *Boney's Meditations in the Island of St. Helena ; or, The Devil addressing the Sun.*” This was a parody on Milton, not turning the passage from that part into ridicule, but meant to ridicule Bonaparte. The Prince Regent was the *Sun*, whom Bonaparte was supposed to address :—

“ To thee I call, but with no friendly mind,
To tell thee, George, Prince Regent, how I hate,
Whence'er I think from what a height I fell.”

He next produced a parody, by Mr. Gilray, entitled, "Would you know Men's Hearts, look in their Faces." In this Mr. Fox was depicted as the arch-fiend—Mr. Sheridan as Judas Iseariot—Sir Francis Burdett as Sixteen-string Jack, &c. &c. In another of those graphic Parodies, Lord Moira was represented endeavouring to blow out a candle, in allusion to a story which he related in the course of his speech on the Watch and Ward Bill, relative to a poor woman who was ill-treated, because, after a certain hour, she continued to keep a candle lighted in order to attend on her sick child. Another of those Parodies was called *The Reconciliation*, the inscription to which was taken from *The New Testament*; and the print itself was a Parody on the parable of the Prodigal Son: "And he rose, and came to his father's servants, and he fell on his father's neck, and kissed him, (who was represented falling on his father's neck) saying, 'I have sinned against Heaven, and am no longer worthy to be called thy son.'" Who was meant by either father or son, he would not say, but the Gentlemen of the Jury might satisfy themselves on that point. It was engraved by Mr. Gilray. He would now advert to another Parody, It was denominated, "*The Impious Feast of Belshazzar.*" It was a complete Parody—but no man could suppose that Mr. Gilray, who engraved it, meant to ridicule the Scriptures: it was designed to ridicule Napoleon. At the time he published it, Mr. Gilray was pensioned by his Majesty's Ministers.

Mr. Justice ABBOTT—"You must not make these assertions."

Mr. HONE—"I can prove it."

Mr. Justice ABBOTT—"But, if you can prove that he, being pensioned, published those things, will that form a defence for you?"

Mr. HONE—"My Lord, I have no pension."

Another of these prints, one of Mr. Gilray's master-pieces, was produced by Mr. Hone, entitled the "*Apotheosis of Hoche,*" the French General of Division, to whom the expedition against Ireland, planned by the Directory, was entrusted. It represented Hoche in tri-coloured robes, with his jack-boots falling from his legs, and with a halter round his head in the form of a wreath, a guillotine in his hand as a harp, on which he seemed to be playing. In this shape he was represented as ascending to heaven; but to what heaven? There was the rainbow, indeed, spoken of in the Revelations; but above, instead of seraphim and cherubim, which are represented as surrounding the throne of justice and mercy, were grotesque figures with red night-caps, and tri-colour cockades, having books before them, on which were inscribed *Ca ira* and the Marseillois Hymn. Instead of angels were Roland and Condorcet, and Marat and Pétion, and many nameless figures with poison, and daggers, and pistols, and the different implements of death. The holy army of martyrs were parodied by headless figures holding palm-branches. But this was not all—the symbol of the mystery of the Trinity—of the Triune Essence of the Divinity was represented by a triangle, with a plummet, in the midst of which was inscribed EQUALITY; and from it, instead of rays of glory, daggers and bayonets were represented diverging. Under this triangle, were the ten commandments, beginning "Thou shalt have no other God but me," meaning "Equa-

lity," which was inscribed above "Upon the thirtieth and fortieth generation shalt thou have no mercy at all."

Mr. Justice ABBOTT—"This is a profane Parody on the Ten Commandments, and I cannot suffer it to be read in this Court. You may state, generally, that a Parody was published, where the Deity alluded to was Equality. It is a wicked publication."

Mr. HONE—"It was on the right side—that made all the difference."

Mr. Justice ABBOTT—"I know nothing of a right or wrong side, in those cases."

Mr. HONE—"It was very well, as it was written for Administration. Mr. Gilray, who published these things to serve the purposes of the Administration, had a pension for his parodies."

The ATTORNEY-GENERAL said it was not before the Court that Mr. Gilray had a pension. They knew nothing of Mr. Gilray. He had no pension.

Mr. HONE said he had his information on this subject from the relations of that Gentleman. He then produced another print by Mr. Gilray, which was a parody on the taking up of Elijah, and the leaving his mantle to Elisha. And who was in the place of Elijah and Elisha in Mr. Gilray's print?—Why, Mr. Pitt was taken up to Heaven, and his mantle was left to his political associates, among whom were the present Ministry—those who instituted this prosecution. While they encouraged these applications of Scripture by their partisans, for it was absurd to suppose that such things would have been done if they were disagreeable to them, by such a man as Mr. Gilray; while they pensioned this Gentleman was it decent to single out one of their political opponents and to persecute him under the guise of a regard for religion? Was it decent to do so in the case of a parody, the whole object and intent of which was political, and that too when they could not produce a single instance in support of their practice? Was it possible to mistake the object of this? Mr. Hone hoped that the Attorney-General would bring Mr. Canning to justice.—(*Cheering.*)—He knew not what power the Learned Judge might have to effect that object—but he knew the Attorney-General had much—and he trusted he would use it to bring his masters to justice.

The ATTORNEY-GENERAL—I have no master but my Sovereign.

Mr. HONE—I beg pardon, it was an awkward expression, and I assure Mr. Attorney General, I meant it in no offensive sense. Mr. Hone said he had already suffered much—he had been long imprisoned—he was then liberated on his recognizances, and he was led to imagine that the prosecution was dropped. It was renewed after a long interval—he had passed nights of anxiety and agony pending these prosecutions, and he was brought to defend himself under all the disadvantages which a poor and unfriended man could labour under. The public had been prejudiced against him. The newspapers throughout the country were filled with false and ignorant charges against him; his character was blasted. Yet, be the result of this trial what it might, he was glad he had had an opportunity of defending himself, and he felt that he had done so to the satisfaction of every honest man—and next to the consciousness of innocence, that was what he

valued most. He now stood clear with those, who, if they had supposed him guilty of blasphemy, would have grinned at him as a monster, and he should rest in peace as to the result. He should bring witnesses to show that as soon as he had found that the Parodies were deemed offensive he had suppressed them; and that one person, previously intimate with him, had renounced his acquaintance, because he would not furnish him with copies. This was long before they were prosecuted, and having done this to satisfy the objections of respectable persons to publications which he considered to be perfectly lawful, he would leave it to the Jury to say whether it was clear from the work itself, and from his actions—having those great examples which he had adduced—whether it was clear that his *intention* was not to ridicule the Ministerial Members, but to produce impiety, and to bring religion into contempt.

Mr. HONE, towards the end of his speech, was much affected. In the course of it there were some tokens of applause in the Court, but they were soon silenced by those who felt the impropriety of such demonstrations. He was also interrupted by Mr. Justice Abbott in some other instances not noticed, but the substance of the Learned Judge's objections to the course adopted by Mr. Hone in his defence has been stated.

EVIDENCE FOR THE DEFENCE.

George Butler, of Castle-street, Southwark, deposed, that he called at the defendant's house about April last, with a view to purchase, for sale again, some copies of Wilkes's Political Catechism, but that the shopman, as well as the defendant himself, refused to let him have any; that this refusal served to interrupt a friendship of twenty years standing which he had had with the defendant; that his discontent at the refusal was aggravated by the circumstance of his being able to purchase copies of the Catechism elsewhere after that refusal took place. To a question from the Judge, witness replied, that he could not say whether the refusal he had mentioned took place before the present prosecution was commenced.

Wm. M'Donnell deposed, that he was the shopman of Mr. Hone, and had immediately succeeded Benjamin Grimsen; that he was never allowed to sell Wilkes's Catechism, although several persons applied to him for it; some of those applicants having tendered half a crown and more for a copy of it, while one offered a pound note. To a question from the Judge, witness answered, that he entered into the defendant's service about the beginning of April last.

Benjamin Grimsen deposed, that he was the defendant's shopman at the time the sale of the parodies was stopped by order of defendant. Witness entered into defendant's service at the beginning of January last, at which time the sale of the parodies was very considerable. They were, indeed, in the highest sale at the time they were stopped. There was a great deal of application for them both by private individuals and by booksellers, after the sale was stopped. To questions from the Judge, witness replied, that the sale of Wilkes's Catechism continued for about five days, and that he could not tell how many copies of it had been disposed of.

Mr. Hitchins deposed, that he applied in vain at the defendant's shop, about the beginning of March last, for copies of the parodies,

including Wilkes's Catechism—that he did not know any thing about those parodies, until he heard of their having been prosecuted, and then from curiosity he became anxious to see them.

The ATTORNEY-GENERAL then rose to reply.—Had the defendant called no witnesses after the speech he had made, it would have been his (the Attorney-General's) duty to have made a few observations to the jury. Many parts of the address of the defendant were wholly irrelevant and required no comment; but there were others which, though scarcely more pertinent, demanded some notice on the part of the Crown. The defendant had expressed his personal obligations to him for what were termed favours. He (the Attorney-General) had done no more than his duty in this respect. The defendant transmitted to him certain questions, framed in a style of great propriety, and the information given in reply was such as every individual in the situation of the defendant might fairly require. He (the Attorney-General) always felt disposed to give assistance to defendants when it was consistent with the observation of the strict line of his duty; he felt no animosity to persons he prosecuted; and when they conducted themselves towards him as Mr. Hone had done, he should always be ready to afford them all reasonable facilities. Observations had been made upon the supposed renewal of this prosecution after the defendant had been permitted to go at large. It had not been renewed; it had been continued in all the regular forms. In striking juries the Master of the Crown-office had nothing to do with making up the book from which he was to select the names; that duty belonged to others; and it had been found that a small book previously used had not been composed in a proper manner. Other lists were accordingly returned to the Crown-office. Under such circumstances as the first, juries appointed for the trial of the defendant had been nominated from the smaller book; it was thought right on the part of the prosecution to abandon them, and procure others to be selected. If there were any error, it was not on the part of Mr. Hone; and although he had been arrested and imprisoned, as the trial could not come on until the present term, he (the Attorney-General) thought it right that he should be discharged on his own recognizance, to appear on a future day. That day had now arrived; and the Jury were called upon to decide, not on any new proceeding, but upon that originally commenced and regularly continued: the delay had not arisen from any intention to abandon the prosecution, but that the whole might be conducted in a manner completely unexceptionable. The defendant had stated that he had suppressed this libel soon after its first appearance: it might be so, but that fact could have no effect upon the verdict: the insertion of it in the affidavits on a future occasion would no doubt have its due weight with the Court, should the defendant appear to receive sentence; the Jury had now only to decide whether the paper had been published, and whether it was a libel. Of all men Mr. Hone seemed the fittest object for prosecution: he was at least the original publisher, if not the author: the title stated, that it was from an original MS. of the late John Wilkes, never before given to the world; and if Mr. Hone had not actually written it with

his own hand, he had been the means of its first and most extensive circulation; if not the author of the tract, he was the author of its publication; the form and price at which it was given out, further pointed out the defendant as the most proper object of a proceeding like the present; he might have stopped the publication as far as concerned himself, but how was it possible for him to prevent its wide dissemination by others? In the course of his defence he had produced a great number of books and prints, some were of high authority; but all men must regret that names so eminent were affixed to publications so unquestionably injurious; and it was certainly the first time any attempt had been made by a person to vindicate himself by showing that others had offended. Was it to be endured that a man should thus vindicate his misconduct—that he should be allowed to show that he had been guilty of no offence, because he had, as it were, a prescription in crime? He, the Attorney-General, would assert most boldly, that all the parodies upon the Holy Scriptures that had been read were in fact libels, and in this class were included the productions of some of the most venerable names; men to whom mankind were indebted, not only for the precepts, but the examples of piety and virtue. If they had profaned the sacred writings, as the defendant had asserted, and by some of his quotations proved, they were so far libellers. One of these was Martin Luther, a name as much known as revered—a strenuous, able, and pious reformer, to whose exertions we were indebted for many important blessings; if he had parodied a text of Scripture he was a libeller, and in his character, as in that of many others of his times and temper, zealous advocates and heated partisans, were marks of intemperate haste which led to the employment of expedients not in themselves to be vindicated: they had fought a glorious battle, and achieved a brilliant victory; but in doing so, their conduct had not been unexceptionable, which, no doubt, in their latter lives they often repented, more especially when the time arrived that they were to settle the account between their consciences and their God.

[Violent coughing, and other marks of disapprobation, on the part of the spectators, here interrupted the Attorney-General. Mr. Justice Abbott declared his determination to order the Court to be cleared if decorum were not observed.]

The ATTORNEY-GENERAL proceeded to observe, that in publishing his work against Zuinglius, and in parodying the Holy Scriptures, Luther had brought odium and contempt upon his cause; the same remark would apply to Dr. Boys, who, in employing the Lord's Prayer as he had done, had been guilty of a libel upon that divine ejaculation. The authority of Lord Somers had also been quoted—a dignified and a pious man; but it not unfrequently happened that individuals of most exemplary lives, at some period or other, wrote what they afterwards most devoutly wished had never proceeded from their pen: officious friends now and then thrust into the world what the author intended for oblivion, but what he had not had the caution to destroy after he had had the imprudence to write. It might be so with Lord Somers; but whether it were or were not, if he had parodied any part of Holy Writ, he had so far injured his own reputation, and brought ridicule upon the most sacred and valuable production. All

parodies upon portions of the Bible were not offensive in the eye of the law: some might be intended to answer the most pious and laudable purposes. They were not impious libels any more than the Hymns of Dr. Watts were, stripped of their beauty or piety, because they were adapted to profane tunes. The defendant had alluded to some of these, but it was astonishing that he did not perceive that they had no application to the question. The translation of the Psalms sung on every sabbath, might, in some sense, be considered a parody; but who would say that it was impious and profane, and calculated to excite irreligion? The distinction was this:—A parody became a libel when its tendency was to excite in the mind ludicrous ideas regarding the thing parodied—when, as in this case, its object is to bring into contempt and ridicule the Sacred Book from which the offices of religion were performed. Mr. Hone had asserted that, if the party, had it not in his contemplation to excite irreligion, it was not a profane parody; but was every man to be regardless of the effect of such productions?—was he to issue to the world his impious works, and to excuse himself from guilt, after all religion and morality had been destroyed, by stating that he had some other design? If that were allowed, what would soon become of that sacred fear, that reverential awe, with which the inspired writings ought to be perused? The pamphlet before the jury was so injurious in its tendency, and so disgusting in its form, that any man, on the first reading, would start (he had almost said) with horror from it; it was like an infecting pestilence, which every man shunned that valued his safety. Mr. Hone had talked much about his family, and he (the Attorney-General) had heard him with astonishment. He might be a Christian; no doubt he was as he had professed; and all men, of whatever persuasion, who worshipped God with purity of heart, were entitled to admiration, to the love of their fellow creatures; but if the defendant were really a Christian, if he were a man who felt an affection for his family and for their future welfare, for their religion and their morals, how was it possible for him to publish this parody? Could he seal hermetically the eyes and ears of his children, that the poison should not enter their minds; or if not, how could he hope for a moment that they would not be infected with that impiety which such writings must inevitably excite? Would children be able to resist that which people of mature years and judgment could not avoid? If men, when repeating the prayer dictated from the mouth of their Saviour, could not expel some tincture of the ludicrous raised by this libel, could it be hoped that infants would escape? Religious awe was the best and strongest impulse to obedience; and what obedience could be expected to the Commandments of God from those who were taught to ridicule and contemn them? It had been asserted by the defendant, that that only was libel which a jury had pronounced to be so. True it was, that the law of England had settled, that the jury should determine upon the question of libel or not libel; but in the very same Act of the Legislature was a clause which enabled, indeed called upon the Judge, to declare his opinion upon the subject; it was not to depend merely upon caprice, or the hasty impression upon the mind of any man. The

question was, however, at last with the jury; and if some consistency were not observed, if some standard were not laid down, no man could be able to decide before publication what was or was not libellous. He entreated the jury to take the libel into their hands, to consider it calmly and dispassionately; and, comparing it with what it was designed to ridicule, to determine whether it were not a wicked, impious, and profane libel; it required no comment, it spoke but too plainly for itself. In thus calling upon the jury, he did not by any means intend to infringe upon the fair and legitimate discussion of doctrinal or mysterious points of religion, but he did intend to call in their aid to suppress what (to borrow a word from the prints exhibited by the defendant) might be fitly termed a caricature of the holy offices of the church. The intention of the party was to be gathered only from his acts; and even though the jury should be of opinion that the primary object of the defendant was not to ridicule and bring into contempt any part of the established forms of Divine worship, if that had been done incidentally, if it had been a secondary purpose and consequence, it would still be their duty to find him guilty.

Mr. Justice ABBOTT commenced his charge, by stating more particularly the form of the information. The offence charged, was the publication of a libel, with design and intent to promote impiety and irreligion: the chief part of the defence had been occupied in an attempt to show that no such design or intent existed; but if they were apparent on the face of the production, if it were obvious on inspection that such was a necessary consequence, the law presumed that the party publishing had it in contemplation at the time of publication. Provided the jury were satisfied that the libel had the tendency charged, its form and cheapness were calculated to accelerate its circulation, and more widely to disseminate its baneful effects. The discontinuance spoken of by the defendant could not alter the fact of publication; and though he might feel an early repentance, and suppress the work a few days after its appearance, the crime was already completed, and the verdict could not be altered, though the sentence of the Court might be affected by any indication of contrition. The proceeding by information was known to the ancient law of the land; it derived its authority as far back as the proceeding by indictment; and whether the one or the other were pursued, could be a matter of no importance to the Jury; in the one and the other the Attorney-General would equally have his right of reply, even though no evidence were called for the defendant. It had been suggested that the Master of the Crown-office ought not to have the nomination of special juries; that he was to possess that power had been settled by an act of the reign of George II. He was furnished by the sheriff with a book or list, and from that he selected, as he was bound, the names of 48 persons, fit to serve on special juries; each side had a right to strike out 12, and the remaining 24 jurors were returned for the trial of the question. In ordinary cases the Sheriff, an officer also named by the Crown, had the duty of returning juries, and the proceedings in the Crown-office was as nearly as possible analogous. His Lordship made these observations in consequence of what had fallen from one

of the jury regarding what had appeared in the public prints; what the nature of those productions were, he did not know; but his Lordship was well assured of this—that one of the greatest evils known in the present day was, that matters to be brought under the view of a jury were previously made the subjects of discussion in the newspapers, so as to produce unfair impressions on the one side or on the other, and to interfere with the impartial discharge of a most important duty. At the same time, his Lordship was persuaded that none of the gentlemen he now addressed had entered the box with any improper bias or predisposition: if the defendant, as he stated, had been vilified and defamed, it was the duty of the Jury not to allow what they had heard out of Court to have any the slightest influence upon them: the verdict was to depend upon a conscientious conviction as to the nature and tendency of the libel. The Attorney-General had said, and truly, that the Christian religion was part of the law of the land, and any offence against it was therefore an offence against the law; the defendant maintained that the application of the libel was purely political, although a religious form had been adopted; but admitting the fact, it did not follow that the tendency of it was not to promote profaneness and irreligion. As an authority against it, and a higher could not be stated, his Lordship should quote one of the very commandments parodied. “Thou shalt not take the name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his name in vain.” Did not this libel take the name of the Almighty in vain? Did it not, allowing it to be political in some degree, apply the sacred appellation of the Creator to light and trivial matters? Was it not an application of the offices of religion and public worship to matters comparatively insignificant? His Lordship then proceeded to read and comment upon the early part of the libel, observing, when he arrived at the parody of the Lord’s Prayer, that it was unnecessary further to shock the ears of the jury; the publication would be handed to them, and they might judge for themselves. It was contended that this was not an offence, because parodies existed on different parts of the sacred writings, and the service of the church; that Luther, Dr. Boys, and others, had written them: if they had, it was a matter of deep regret; their zeal and warmth might have misled their judgment, and induce them to utter or publish what, in calmer moments, they would have repented and condemned. The employment of the style of scripture narrative was in itself a high offence, but not of a complexion so serious as that with which the defendant was charged: even the parody of Psalms made by Milton, could not be approved more than that which the defendant had read, and which, in truth, seemed to be a parody of Milton. None of these instances could, however, furnish the slightest excuse to the defendant. Caricature prints had indeed no relation to the question before the Court: but in as far as they tended to bring religion and its duties into contempt or ridicule, so far as they were offences. The question here was not, what had been done in former times, but what the defendant had done in the present: it was no question whether he were or were not in himself a religiously disposed man; it was to be hoped that he was so; but it could neither increase nor diminish the measure of his criminality. Although it was the business of the jury to determine the questions of libel or no libel, it

was expected of the Judge that he should deliver his opinion upon the nature of the publication: the verdict was, however, to be the verdict of the jury according to their consciences, and the opinion of the Judge was to assist and not to direct them. His Lordship was fully convinced that the production was highly scandalous and irre- ligious, and therefore libellous; but if the jury were of a different sentiment, their verdict would of course be an acquittal. It, how- ever, seemed to admit of no doubt or difficulty; the design and effect were plain upon the face of the libel; and to young and unexperi- enced minds the consequences of a perusal might be most injurious. What but a feeling of impiety, if not of ridicule, could exist on the mind of a child during divine service, if on the Saturday night or Sunday morning this publication had fallen in its way? His Lord- ship then handed the publication to the jury, desiring them to read it attentively, and to make up their minds upon its object and effect.

Mr. HONE requested that the Jury should be furnished, before they retired, with a copy of the information.

His Lordship accordingly handed to the Jury an official copy of the information, and a Prayer-book.

The Jury then withdrew, and returned to the box in less than a quarter of an hour. Their names were called over, and Mr. Law, in the usual manner, inquired whom they had appointed to speak for them as foreman?

It being signified that Mr. Bowring had been directed by his fel- lows to deliver the verdict, Mr. Law asked him whether the Jury found the defendant, William Hone, guilty or not guilty.

Mr. BOWRING replied, in a firm voice,—NOT GUILTY.

The loudest acclamations were instantly heard in all parts of the Court; *Long live the honest Jury, and an honest Jury for ever,* were exclaimed by many voices: the waving of hats, handkerchiefs, and applauses continued for several minutes. When order had been somewhat restored, Mr. Justice ABBOTT interposed; and desired that those who felt inclined to rejoice at the decision, would reserve the expressions of their satisfaction for a fitter place and opportunity. The people accordingly left the Court, and as they proceeded along the streets, the language of joy was most loudly and unequivocally expressed; every one with whom they met, and to whom they com- municated the event, being forward to swell the peal.

The Trial of the Information against Mr. Hone, for a Parody on the Litany, was ordered by the Court to come on the next morning at half-past nine o'clock.

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