

with the prince as to "the immediate steps to be taken upon the demise of the king, more particularly in relation to the Civil List." \* The prince directed the movements of the Opposition through the indefatigable borough-monger who had now the chief direction of his affairs; suggesting, amongst other modes of embarrassing his father's ministers, that the business of Dunkirk "was an opportunity to abuse them." † This system was broken up by the event of the 20th of March. The king felt the premature death of his son rather keenly; and appeared desirous that the remembrance of their differences should pass away. The managers of state ceremonials otherwise interpreted the sovereign's wishes. Frederick was interred without all the usual honours bestowed upon the remains of the first prince of the blood royal. None of his family followed him to the grave; and, except certain lords appointed to hold the pall, the whole tribe of courtiers studiously kept away:—

"No pitying heart, no eye, afford  
A tear to grace his obsequies."

He had bid high for popularity; but even the patriots of the city soon forgot their idol. The public sympathy was directed towards the Princess Dowager and her eight children. She conducted herself with great prudence; refusing to enter into any of the cabals of those called her husband's friends; and throwing herself entirely upon the guidance of the king. George, her eldest son, was created Prince of Wales. The Princess had an adequate revenue assigned to her; and the education of the heir-apparent, now twelve years of age, was provided for by the appointment of a governor and sub-governor, a preceptor and sub-preceptor. A bill of Regency excited great public attention, and produced long and agitating debates in both Houses. The king wished the unpopular duke of Cumberland to be sole regent. The Princess Dowager had the public feeling in favour of her claims. The matter was compromised by the Act of Parliament, which provided that in the event of the demise of the Crown before the Prince of Wales attained the age of eighteen, his mother should be guardian of his person; but as regent of the kingdom, she should act with the advice of a council, composed of the duke of Cumberland and nine principal officers of state.

By the death of Frederick, prince of Wales, the organization of a parliamentary opposition was broken up. But as long as there were places to be filled—as long as there were rivalries in the struggles for office, and jealousies amongst its possessors,—there

\* Doddington's "Diary," Nov. 12.

† *Ibid.*, Feb. 5, 1750.

would be personal contests, which had their interests for their little hour, and may still interest those who believe that, in getting hold of the clue to court and ministerial intrigues they are in the road to historical discovery. There was a partial change of ministry in 1751, when the duke of Newcastle desired to be rid of his brother secretary of state, the duke of Bedford. These great peers, from the very nature of their offices, were not likely to act with perfect union, unless they were warm friends. The one held the seals of the Southern department, the other of the Northern department—a division of labour which involved correspondence of the one Secretary with one half of Europe, and of the other Secretary with the other half. Lord John Russell has described this arrangement somewhat humorously: "It was as if two coachmen were on a box of the mail-coach, one holding the right-hand rein the other the left." \* Newcastle wanted a partner on the box who would only pretend to hold the one rein. Bedford was therefore got rid of, and a very tractable successor appointed in his place, who would make no pretence to the management of the rein or the whip. Those who are curious to know how this change was effected, may find it agreeably told by Horace Walpole. † We turn to more vulgar matters. We advert to those legislative proceedings which were designed to remedy the grosser immoralities, and to check the atrocious crimes, which were as characteristic of this period as the political corruption and the loose examples of the higher orders of society.

In 1752 an Act was passed "for the better preventing thefts and robberies, and for regulating places of public entertainment, and for punishing people keeping disorderly houses." In the same year an Act was also passed, directing that in cases of wilful murder immediate execution should take place after the criminal had been sentenced, and that his body should be given to the surgeons to be dissected and anatomized. The Surgeons' Theatre in the Old Bailey was built for the convenience of this process. Hogarth's print of the Progress of Cruelty shows how the practice was popularly regarded. The real cruelty to society consisted in causing dissection to be viewed as an infamy, when it was essentially necessary, for that instruction in anatomy which was to make skilful surgeons and competent physicians, that some of the dead should thus benefit the living. These views of a more enlightened age repealed the law which was so short-sighted in its aim. The enactments of 1752 appear to have in some degree been consequent upon the publication in 1750 of Henry Fielding's "Inquiry into the Causes

\* Quoted by Lord Mahon from Note in "Bedford Correspondence."

† "Memoirs of George II.," vol. i. pp. 185 to 198.



of the late increase of Robbers." In that treatise the first section is devoted to a view of the consequences "of too frequent and extensive diversions among the lower kind of people." He proposes "to stop the progress of vice by removing the temptation. . . . Now what greater temptation can there be to voluptuousness than a place where every sense and appetite of which it is compounded are fed and delighted; where the eyes are feasted with show, and the ears with music, and where gluttony and drunkenness are allured by every kind of dainty; nay, where the finest women are exposed to view, and where the meanest person who can dress himself clean may in some degree mix with his betters." The places of entertainment, he says, are almost become numberless. There are not only places where the nobleman and his tailor, the lady of quality and her tire-woman, form one common assembly; but others, "where the master of the house, the wells, or gardens, catches only the thoughtless and tasteless rabble." When we see written up on a public-house or garden—"Licensed for music under the Act of 25th George II.," we see the relics of this somewhat inadequate provision for the morality of the people. Experience has shown how limited in their usefulness are such restraints upon vice; how, if they were strictly enforced, they would be positively injurious. If allowed to interfere with harmless recreations, such as the intellectual pleasure of cheap music in public places, the gross sensual gratifications, such as drunkenness, would have a stronger hold upon many who now turn aside from that temptation.

Fielding's second section treats of drunkenness. Against gin he directs his strongest reprobation. "The legislature must once more take the matter into their hands." Of the evils of gin, as the parent of crime, he adduces his experience as a magistrate. "Wretches are often brought before me, charged with theft and robbery, whom I am forced to confine before they are in a condition to be examined; and when they have afterwards become sober, I have plainly perceived, from the state of the case, that the gin alone was the cause of the transgression." The consumption of gin had increased to a frightful extent under the prohibitory Act of 1736, which was impossible to be enforced; and the statute of 1743, which reduced the excessive duty, was in operation when Fielding wrote. In 1751, Mr. Potter, a rising member of parliament, "produced several physicians and masters of workhouses, to prove the fatal consequences of spirituous liquors, which laid waste the meaner parts of the town, and were now spreading into the country."\* He proposed an increase of the duty. Mr. Pel-

\* Walpole—"Memoirs of George II.," vol. i. p. 66.

ham believed no remedy could be found for the evil. Additional duties were imposed from time to time; and the consumption of the liquid fire became gradually diminished, not so much, perhaps, by the operation of the duties, as by the general improvement of all classes of society. Drunkenness, in the time of George II., was the vice of the high as well as of the low. When it became a disgrace for a gentleman to be drunk, it might reasonably be expected that the artisan would see that his own character and his own happiness were compromised by drunkenness. It has been most wisely said, with reference to habits of intoxication, by a magistrate than whom no one has more nobly laboured for the repression of crime by prevention rather than by punishment, "From whatever point of view we regard the subject, we shall see that our hopes of improvement have no solid foundation except in the enlightened sentiment of the people."\*

"Gaming amongst the vulgar" is placed by Fielding as one of the causes of robbery. He honestly touches upon the pestilent example of the great, and recommends a more laudable method of employing their time to "the nobility and gentry." He might well do so, when peers went out of town to Richmond, to play at whist on Saturday and Sunday; and lord Sandwich, a minister of state, when he hunted with the duke of Cumberland, carried dice in his pocket, to throw a main under a tree when the hounds were at fault. † Fielding held that the magistrate was armed with sufficient power to destroy all gaming "among the inferior people." This was the creed of that age with regard to every vice; and was one of the chief causes that the inferior people so stoutly rebelled against the Gin Act of 1736.

The Statutes for the farther prevention of thefts and robberies, and for putting a mark of infamy, in addition to the punishment of death, upon the crime of murder, were preceded in 1750 by a royal proclamation, offering a reward of a hundred pounds for the discovery of any offender who had committed a murder, or a robbery with violence, within London and Westminster, or five miles round. Fielding had said, "I make no doubt but that the streets of this town, and the roads leading to it, will shortly be impassable without the utmost hazard; nor are we threatened with seeing less dangerous gangs of rogues among us than those which the Italians call the banditti." But he in the same page declares, "that there are at this time a great gang of rogues, whose number

\* Charge to the Grand Jury of Birmingham, by the Recorder, Mr. M. D. Hill, Jan. 1855.

† Horace Walpole to Mann.



falls little short of a hundred, who are incorporated in one body, have officers and a treasurer, and have reduced theft and robbery into a regular system." This testimony from a Police Magistrate, who made most unusual exertions for the discovery of offenders, shows how completely the metropolis was without a police; how, when the gallows was the only instrument of repression and the great teacher of honesty, crime flourished to an extent which makes us look back upon the polite days of lord Chesterfield, and the glorious days of the first Pitt, as a period not far removed, in some respects, from barbarism. The folly of the public was quite equal to the atrocity of the robbers. M'Lean, a highwayman, who mixed with genteel society, was sentenced to be hanged. "The first Sunday after his condemnation, three thousand people went to see him; he fainted away twice with the heat of his cell. You can't conceive the ridiculous rage there is of going to Newgate; and the prints that are published of the malefactors, and the memoirs of their lives and deaths set forth with as much parade as—as—Marshal Turenne's—we have no Generals worth making a parallel.\* What could legislation do in such an age for the better preventing thefts and robberies?

The opposition to the measure known as the Jew Bill, and the ultimate fate of this attempt to render some justice to an industrious and thriving portion of the community, is one of the many proofs of the difficulty which attends a government when it is more enlightened than the people it governs. A bill was introduced in the Commons, in the Session of 1753, "which enabled all Jews to prefer bills of naturalization in parliament, without receiving the sacrament, as ordained by statute 7 Jac. I." † It was not a sweeping bill for the naturalization of the whole body of Jews at once. The clamour which arose against this measure was not more illiberal than the arguments by which it was opposed in Parliament. "If the Jews should come," said the city member, sir John Barnard, "to be possessed of a great share of the land of the kingdom, how are we sure that Christianity will continue to be the fashionable religion?" But the worthy merchant delivered a sentiment which would come more home to his fellow-citizens: To put Jews, or any other foreigners, upon an equal footing with natives, would be only to take the bread out of the mouths of our own people, without adding anything to the national commerce. To naturalize Jews, said another member, was to rob Christians of their birthright. To allow Jews, said another, to purchase and

\* Horace Walpole to Mann. Oct. 18, 1750.

† Blackstone—Kerr's edit., vol. i. p. 377.

hold land estates, was to give the lie to all the prophecies of the New Testament: they are to remain without any fixed habitation until they acknowledge Christ to be the Messiah. The Bill was passed in the Commons by a majority of forty-one. In the Lords it was also carried, and received the support of many bishops. The prelates who had thus the courage to advocate this truly Christian measure were libelled by pamphlets and hooted by mobs. The duke of Newcastle was so terrified by this outburst of popular ignorance, that on the opening of the next Session of Parliament he moved for the repeal of the obnoxious Statute. The cowardice of the government resulted from the dread of the effects of an honest perseverance, if the prevailing cry of "No Jews" should be raised against their candidates in the elections for a new Parliament that would take place in 1754.

The Marriage Act of 1753 was almost as unpopular as the Act for Jewish Naturalization. The bill introduced by the chancellor, lord Hardwicke, required that a marriage should be preceded by the publication of banns in a parish church, and that the marriage should be there celebrated; that a licence might be granted for a marriage to take place also in a parish church, but with the consent of parent or guardian if granted to a minor, or minors; that special licences might, as previously, be granted by the archbishop of a diocese. The proposed measure passed the Peers; but in the Commons it was resisted with a violence which is amusing to look back upon. Mr. Fox, who had clandestinely married the daughter of the duke of Richmond, was amongst the most strenuous of its opponents. It was carried, however, by a large majority. Goldsmith, who published his History of England in 1771, sums up, with much gravity, his belief in the injurious consequences to society which this measure had produced: "The poor, by being prevented from making alliances with the rich, have left wealth to flow in its ancient channel, and thus to accumulate, contrary to the interests of the state. It has been found to impede marriage, by clogging it with unnecessary ceremonies. Some have affirmed that lewdness and debauchery have become more frequent since the enactment of this law; and it is believed that the numbers of the people are upon the decline." Goldsmith had no foundation for his assertion that the law had been found to impede marriage. "The number of marriages before the Act of 1753 is not known. Since the Act came into operation the registers of marriage have been preserved in England, and show an increase from 50,972 in the year 1756, to 63,310 in 1764." \* One thriving occupation was

\* "Census Report," 1851, p. lvii.



seriously damaged by the new Marriage Act; and we do not find that any compensation was voted to the sufferers. Mr. Robert Nugent, one of the parliamentary orators against the Act, said, "How fond our people are of private marriages, and of saving a little money, we may be convinced of by the multitude of marriages at Keith's chapel, compared with the number at any parish church." The Reverend Alexander Keith originally officiated in May Fair; but being excommunicated, and committed to the Fleet, he continued to carry on the old trade by the agency of curates. According to Mr. Nugent, "at Keith's chapel there have been six thousand married in a year." Keith published a pamphlet during the progress of the Bill, in which he said that the pure design of the measure was to suppress his chapel—a very worthy design, however Mr. Nugent might approve of the celerity and cheapness of Keith's ceremonials. May Fair was the fashionable "marriage shop;" but the Fleet prison had the advantage of being open to the humblest seekers of conjugal happiness. Keith generously records of this rival establishment, "I have often heard a Fleet parson say, that many have come to be married when they have had but half-a-crown in their pockets, and sixpence to buy a pot of beer, and for which they have pawned some of their clothes." The motto which worthy Mr. Keith affixed to his pamphlet was "Happy is the wooing that is not long a-doing;" and he avers that of the many thousands he had married, the generality had been acquainted not more than a week, some only a day, or half a day.\*

The Marriage Act of 1753 has been justly regarded as the great step in the improvement of the conjugal relations of the people of England, high and low. Marriage was to become a solemn contract, in every case; not to be rushed upon without deliberation; not to be ratified without witnesses and public record. Like every other improvement in manners, the social tendency had preceded the legislative action to some limited extent; and then the legal reform hastened on the social amelioration. To the great change in the family relations of this country, of which the Marriage Act was an exponent as well as a cause, has been attributed the wondrous growth of the population in the short space of one century. A minister of state, gifted with prophetic power, has been imagined thus to address the people of Great Britain, in 1751: "These islands, and Ireland, are occupied by the men of many separate states that are now happily united. After the settlement on the land of tribes, fleets, and armies of Celts, of Saxons, of Danes, and

\* Burn's "Fleet Registers," p. 99.

of Normans, and after centuries of patient culture, its fertile soil sustains *seven millions* of people in its whole length from the Isle of Wight to the Shetland Islands. We cannot—for the mighty power is not given us—say, let there be on the European shores of the Atlantic Ocean *three Great Britains*. But the means exist for creating on this land, in less than a hundred years, two more nations, each in number equal to the existing population, and of distributing them over its fields, in cottages, farms, and towns, by the banks of its rivers, and around its immemorial hills: and they will thus be neither separated by larger roads, nor wider seas, but be neighbours, fellow-workers, and fellow-countrymen on the old territory; wielding by machines the forces of nature, that shall serve them with the strength of thousands of horses, on roads and seas,—in mines, manufactories, and ships. Subsistence shall be as abundant as it is now, and luxuries, which are confined to the few, shall be enjoyed by multitudes. The wealth of the country—its stock and its produce—shall increase in a faster ratio than the people. All this shall be accomplished without any miraculous agency, by the progress of society,—by the diffusion of knowledge and morals,—by improvements,—and improvements chiefly in the institution of marriage—"that true source of human offspring," whence,

"Founded in reason, loyal, just, and pure,  
Relations dear, and all the charities  
Of father, son, and brother, first were known."\*

\* "Census Report," 1851, p. lxiii.