

## The Press and General Review

## THE FOURTH ESTATE.

Contributions towards a History of Newspapers and of the Liberty of the Press. By F. K. Hunt

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In 1740 an attempt was made to prove that the Romans (to whom printing was unknown) were the originators of newspapers, and in support of this proposition, extracts are given from the "Acta diurna," containing notices of public ceremonies, trials, births, deaths, &c., but such records as are to be found in the "Acta diurna" were manifestly rather public proclamations of important occurrences than newspapers. Venetian papers, written during the Turkish wars, and preserved in the library of Florence, have been also pointed out as newspapers of earlier date than the "Weekly Newses." But these, like the "Acta diurna," were public proclamations, and were not circulated, but read to an audience, who paid a small coin, called "gazetta," for admission, hence the word "gazette," as applied to news papers.

The writers of the "Weekly Newses," who, in common with other authors, were under severe censorship, seem not to have dared to meddle with home affairs. They merely gave such foreign intelligence as reached them through travellers, or chance correspondence with other countries.

From the time of Gutenberg to that of the Reformation, the press was under the strict censorship of the Popes, who, from the beginning had claimed the authority over printed books as they had formerly possessed over manuscripts. The Reformation was the cause of the first appearance of a more unshackled literature; for now each side put forth its arguments in spite of the other, and men, being awakened to a hitherto unheard of interest on the subject of Religion, read eagerly the controversial books and pamphlets that appeared; and these of course increased in proportion to the popular demand for them. For more than a century after the invention of printing, the books published were almost exclusively theological, but comparative liberty having been once gained, and a new want having been called into existence among the people, other books gradually appeared; and as the love of reading spread from the higher classes to the poor, and hitherto unlettered, many rose up from among the latter to become in their turn teachers, and to extend the influence of the engine by which they had risen.

Attempts were, however, soon made to curb the liberty which the press had gained so rapidly during the progress of the Reformation.

In Elizabeth's reign, we find men, in various walks of life, running great risks, and enduring heavy penalties, for the sake of the liberty of the press. The Star Chamber was called into play to stop this popular thirst for freedom of printed thought, and fines and imprisonment, with the pillory, the branding-iron, and the hangman's fire in Smithfield, were employed at various times by Star Chamber authority, to torture writers, to terrify readers, and to cast ruin upon unlicensed publications.

Attorney-General Popham, on the trial of Sir R. Knightly and others before the Star Chamber in 1598; referred to the fact, that "Her Majesty Queen Elizabeth, in her great wisdom had issued proclamations that no pamphlets or treatises should be put in print but such as should be first seen and allowed; and further, lest that were not sufficient, she ordained that no printing should be used anywhere but in London, Oxford, or Cambridge. Notwithstanding, all this served not," continues this legal authority, "but they would print in corners, and spread abroad things unprinted; wherefore, Her Majesty set forth a proclamation in anno 25 (of her reign) that all Brownist books, and such other seditious books, should be suppressed and burned." Still the obnoxious publications appeared, and another proclamation was fulminated against "the new seditious and infamous libels spread abroad." That not sufficing, Sir Richard Knightley was selected for prosecution, as an example.

In spite of the efforts made by the Star Chamber to crush the liberty of the press, its strength grew rapidly, and the relish of the people for free publications constantly increased with opposition. The Star Chamber continued to exercise a most tyrannical and barbarous power over the writers of all books, pamphlets, and newspapers, till the year 1641, when King Charles was importuned by his parliament, on occasion of an application for pecuniary aid, to abolish it altogether. The principal instigator of this request was Mr. Prynne, formerly a persecuted author, but now member for Newport. He had lost both his ears, and had undergone many other indignities, on account of his work against actors and acting, which, though it was proved to have been in the press before the Queen Henrietta had taken part in a masque at court, was considered to have been intended to throw discredit on Her Majesty for joining in such amusements. As soon as Prynne obtained political importance, he remembered his persecution, and gladly helped to put down a grievance under which he had suffered so severely. No sooner was the Star Chamber abolished, than the newspapers quitted their old reserve, and dealt freely in English news. The parliament itself published daily reports of its proceedings

under the name of "Diurnal Occurrences in Parliament." These were continued from 1641, till the Restoration, when Charles the Second immediately put a stop to a custom so incompatible with any form of despotism.

From 1640 till the Restoration, nearly 30 000 journals, pamphlets, and papers were published. The press seemed so to delight in its new freedom, that it could not produce fast enough to satisfy itself and its patrons. Mr. Thomasson, who lived during the Parliamentary Wars, collected all these publications. It is well known how Charles the First was to have purchased this collection, but was prevented by his death, that Charles the Second refused to carry out his father's intention, and that after passing through various hands, they were at last bought by George the Third and presented to the British Museum, where they now are.

During the Civil Wars, each army is said to have carried printing apparatus in its baggage, and newspapers, under various names, generally Mercures, were sent forth at every new event. The following are the titles belonging to some of the party papers of these times:—"Mercurius Fumigosus," "Mercurius Veridicus," "Mercurius Pragmaticus," "Mercurius Rusticus," "Mercurius Politicus," and "Mercurius Aulicus."

The Long Parliament had made strenuous but ineffectual efforts to check the rising power of the press, soon after its own published reports had shewn the way to freedom. A committee of the House of Commons was appointed in February, 1640, to consider and examine all abuses of printing, licensing, importing, and suppressing books of all sorts; and in May of the following year, a Committee was formed to consider the printing of speeches. The members of the Long Parliament had been somewhat freely spoken of; and though they were willing to publish their doings, they were ready to take alarm at the first sign of these reports being roughly handled. Sir Edward Dering was expelled from the House of Commons by a vote of that Assembly, for printing his own speeches. His publications were sentenced to be burned in Westminster, Smithfield, and Cheapside, by the common hangman; and Sir Edward was cited to appear at the bar of the Commons, where, kneeling, he received sentence of imprisonment in the tower. Several such instances occur; yet, from time to time, opinions were boldly uttered; and, upon the whole, the press was preparing itself gradually for the great emancipation which was awaiting it. In vain did the House of Commons thunder forth its orders "for preventing the printing and publishing of any scandalous or libellous pamphlets that might reflect upon the King or the kingdom, the Parliament or Scotland; and for suppressing such as had already been printed;" or ordain, "that the book enjoining and tolerating sports on the Lord's day, should be forthwith burnt by the hands of the common hangman, in Cheapside, and other usual places;" the controversial books still appeared, and increased in number: for each one that was crushed, many succeeded. And in the course of a month, another longer and more formal decree was published, in which the authorities complain of private printing-presses sending forth "false, forged, scandalous, libellous, seditious papers, pamphlets, and books;" in such number that "no industry could be sufficient to discover and bring to punishment all the several abounding delinquents." The decree proceeds to give sundry rules for the licensing of speeches, books, pamphlets, &c. But the lawgivers alone were fettered by their law, and their adversaries continued their unlicensed war of words as before. John Milton now took up the defence of the liberty of the press; and it was by his last enactment that the Parliament brought upon themselves this formidable adversary.

In the Areopagitica, Milton exerted all his powers in advocating the side of liberty.

"Books," said he, "are not absolutely dead things, but do contain a progeny of life in them, to be as active as that soul whose progeny they are; nay, they do preserve, as in a vial, the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive as those fabulous dragons' teeth; and being sown up and down, may chance to bring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a book. Who kills a man, kills a reasonable creature—God's image; but he who destroys a good book, destroys reason itself, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth, but a good book is the precious life blood of a master-spirit, embalmed and treasured up on purpose to a life beyond a life. It is true, no age can restore a life; whereof, perhaps, there is no great loss, any revolutions of ages do not oft recover the loss of a rejected truth, for the want of which whole nations fare the worse. We should be wary, therefore, what persecutions we raise against the living labors of public men, how we spill that seasoned life of man, preserved and stored up in books, since we see a kind of homicide may be thus committed, sometimes a martyrdom, and if it extend to the whole impression, a kind of massacre, whereof the execution ends, not in the slaying of an elemental life, but strikes at the ethereal and fifth essence, the breath of reason itself; slays an immortality, rather than a life."

He afterwards speaks of the impracticability of suppressing thought.

"If we think to regulate printing, thereby to rectify manners, we must regulate all recreations and pastimes, all that is delightful to man. No music must be heard, no song be set or sung but what is grave and doric. There must be licensing dancers, that no motion or deportment be taught our youth, but what, by their allowance, shall be thought honest; for such Plato was provided of. It will ask more than the work of twenty licensers to examine all the lutes, the violins, and the guitars in every house, but they must not be suffered to prattle as they do, but be licensed what they may say. And who shall silence all the airs and madrigals that whisper softness in chambers? The windows also and the balconies must be thought on; these are shrewd books and dangerous frontispieces set to sale; who shall prohibit them—shall twenty licensers? The village also must have their visitors to inquire what lectures the bagpipe and the rebeck reaps, even to the balladry and the gamut of every municipal fiddler; for these are the countryman's Arcadia and his Monte Mayors."

Milton then proceeds to point out the inefficacy of the attempts which have already been made to check the publishing of unlicensed works; and a few pages afterwards tells to the Parliament what he saw and thought in Italy.

"And lest some should persuade ye, Lords and Commons, that these arguments, and learned men's discouragement at this your order are mere flourishings, and not real, I could recount what I have seen and heard in other countries, where this kind of inquisition tyrannizes; when I have sat among their learned men (for that honor I had) and been counted happy to be born in a place of such philosophic freedom as England was, while themselves did nothing but bemoan the servile convention into which learning amongst them was brought; that this was it which had damped the glory of Italian wits—that nothing had been there written now these many years but flattery and superstition."

"There it was that I found Galileo, grown old, a prisoner to the Inquisition, for thinking in astronomy otherwise than the Franciscan and Dominican licensers thought. And though I knew that England was then groaning loud under the prelatial yoke, nevertheless I took it as a pledge of future happiness, that other nations were so persuaded of her liberty."

Almost immediately after this address of Milton to the parliament the whole nation was in arms, and the press was left in perfect liberty, while both parties were struggling for the mastery. General Fairfax, on his arrival with his army in London, made an attempt to bring the press into its ancient trammels. He applied to the parliament for assistance in this undertaking. Mr. Mabbot at his request was appointed licenser, and a committee was ordered to sit every day, with a large sum of money at his disposal, for the reward of those who should bring about convictions.

All these measures were of small avail; and the press continued to enjoy practical, if not nominal freedom, during the Protectorate.

Upon the accession of Charles the Second, the liberty of the press was again thrown back. The king resented the first free discussion of public affairs, by putting down the "Mercurius Politicus," and appointing two persons, named Muddiman and Gibbs, to punish news every Monday and Thursday. It was soon afterwards forbidden to publish the proceedings of the parliament; and a law was passed placing all publications under the censorship of a licenser. Another law arranged all subjects for discussion under various heads, and appointed a licenser to superintend each. The Archbishop of Canterbury and Bishop of London superintended all works of theology; the Lord Chancellor, all legal books; the Secretary of State, histories and political writings, &c. Printing-presses were allowed to be established only at London, York, and the seats of the universities; other presses were ordered to be seized, and unlawful writers were made amenable to a court over which the Archbishop of Canterbury and the Bishop of London presided.

Political writings thus shackled, gave place in great measures, to licentious poetry; and all purity seemed to be, for a while, forgotten. It was, however, still found necessary to supply the people with newspapers, and Roger L'Estrange, a fine scholar, who had long been devoted to the Royal cause, was appointed licenser and journalist. L'Estrange had suffered much during the Protectorate, having languished for four years in prison in constant dread of death, and was in a state of great poverty when Charles rewarded his services by appointing him to the conduct of the newspaper. L'Estrange showed himself quite equal to his post, and conducted his Paper, which he called, "The Intelligencer," in a manner that raised the whole style and character of these publications. The first number of "The Intelligencer" appeared on the 1st of August 1663: It was continued till January, the 9th, 1665, when L'Estrange laid it down to commence the "London Gazette," which still exists as the vehicle of the bankrupt lists and official reports. The first number was printed in the following September. In 1679, L'Estrange set up another paper, called the "Observer," which he continued for eight years. His biographer does not give us the

names of all the other papers in which he wrote, though he seems to have been a busy author for several years after the discontinuance of the Observer. He was knighted in James the Second's reign, and died at the age of 87 in 1740.

During the censorship of L'Estrange, occurred the famous trial of Twyn. Mr. Hunt gives us the following account of it:—

"On an October night in 1663, the licenser L'Estrange, having received secret information, set out on a search for illegal publications. He had with him a party of assistants, which included four persons, named Dickinson, Mabb, Wickham, and Storey. These men were called up after midnight, and made their way, by L'Estrange's directions, to Cloth Fair. This had been Milton's hiding place when he had fallen on evil days, and here now lived another heterodox thinker—a printer, named John Twyn, whose press had been betrayed to the authorities as one whence illegal thoughts were spread. When called on afterwards to give evidence as to what had happened, Wickham described how he had met Mr. L'Estrange near Twyn's house, and how they knocked at least half an hour before they got in, and how they listened and heard some papers tumbling down, and heard a rattling above before they went up. The door being opened by its unfortunate owner, Wickham was posted at the back door, whilst another stood in the front, and the rest of the searcher went over the premises. Efforts had been made to destroy the offending sheets; the type had been broken up, and a portion of the publications had been thrown into the next house. Enough, however, was found to support a charge. Twyn's apprentice was put into the witness-box to give evidence against his master, and the judges were ready to coincide with Mr. Sergeant Morton, who appeared for the Crown, and declared Twyn's offence to be treason.—The obnoxious book repeated the arguments often urged during the Commonwealth, that the execution of judgment and justice is as well the people's as the magistrate's duty; and if the magistrates pervert judgment, the people are bound by the law of God to execute judgment without them, and upon them." In his defence, Twyn said, that he had certainly printed the sheets; he thought it was mettle some stuff, but knew no hurt in it, that the copy had been brought to him by one Culvert's maid-servant, and that he had got 40 shillings by printing it. He pleaded, moreover, in excuse, that he was poor, and had a family dependent on his labor for their bread. Such replies were vain, and the jury found him guilty.

"I humbly beg mercy," cried Twyn, when this terrible word was pronounced, "I humbly beg mercy; I am a poor man, and have three small children, I never read a word of it."

"I'll tell you what you shall do," replied the Chief Justice Hyde, to whom this plea for clemency was addressed, "ask mercy of them that can give it, that is of God and the king."

"I humbly beseech you to intercede with his majesty for mercy," piteously exclaimed the condemned printer.

"To him up, executioner," was the only reply; and Hyde proceeded to pronounce sentence. To read this sentence in the record of the trial makes the blood run cold. "I speak it from my soul," said the sycophant Chief Justice, "I think we have the greatest happiness in the world in enjoying what we do, under a good and gracious King. Yet you, Twyn, in the rancour of your heart, thus to abuse him, deserves no mercy! After some further expressions of loyalty, and a declaration that it was high time an example should be made to deter those who would avow killing of kings, he ordered that Twyn should be drawn upon a hurdle to the place of execution; that he be hanged by the neck, and being alive, that he should be cut down, and that his body should be mutilated in a way which decency now forbids the very mention of; that his entrails should afterwards be taken out—and you still living, the same to be burnt before your eyes; your head to be cut off, and your head and quarters to be disposed of at the pleasure of the King's Majesty."

"I humbly beseech your Lordship," again cried Twyn, in his agony, "to remember my condition, and to intercede for me."

"I would not intercede," replied the judge, "for my own father, in this case, were he alive; and the unhappy printer was led back to Newgate, only to leave it for Tyburn, where the son once was; on afterwards carried into effect. His head and the quarters of his body being set up to test and rot on Ludgate, Aldersgate, and the other gates of the city."

Other printers were tried, but escaped, with lighter punishments than the unfortunate Twyn. Among these were Simon Doyer, Thomas Brewster, and Nathan Brook, who were indicted at the Old Bailey, for printing the speeches and prayers of some of those who had promoted the late King's death. These publications had appeared in separate pamphlets. No newspaper now dared to admit such matters.

James the Second, like his brother, was strongly opposed to the existence of a free press. During his short reign, he enacted a law to enslave it; but what he effected among his own subjects, was overturned by the Dutch, who sent (chiefly from the Hague) innumerable pamphlets, in which English politics were freely discussed.

To be Continued.