CASE.

OF

THE REV. RICHARD BLACOW.

INTRODUCTION.

LICENTIOUSNESS OF THE PRESS.—TRIUMPHAL PROCESSION OF THE QUEEN.

Queen Caroline was at all times extremely averse to Prosecutions for Libel. She had early in her life, that is to say, soon after the course of her persecutions commenced, well considered the subject, and became aware of the extremely unsatisfactory state of our law regarding the offences of the press. The result of all her reflexion and observation upon the subject was, that the submitting to slander was the lesser evil, and that legal proceedings only made the injury more severe, by giving the invectives a more extensive circulation. She felt that, by prosecuting a libel, she lent herself to the designs of the slanderer, and suffered so much the more, only that others might be deterred from publishing their calumnies against other individuals, probably against her enemies themselves. Add to this, that she was of a fearless nature, and never doubted that the efforts of malice would fail to affect her general reputation.

This aversion to all penal proceedings was certainly not diminished by the trial before the Lords, if a word usually consecrated to the administration of justice may be prostituted to describe the case of 1820, in which it would be hard to say whether greater violence was done to the forms of justice, or a more entire disregard shewn to its substance. She had been kept for many months in a state of annoyance and vexation, of irritation and suspense, during those shameful proceedings, which, regulated by no principles known in courts of law, were calculated to affright the person most conscious of innocence, and to make every observer feel that the event depended as little upon the real merits of the case as any division in either House of Parliament upon a party
question turns upon the soundness of the arguments advanced in the debate, or the personal qualities of the different speakers. She was compelled to bear with her advisers, while they were discussing the propriety of prosecuting the perjured witnesses, although she felt rather relieved than disappointed when it was found that technical difficulties stood in the way of any such course being taken. But she had a very decided aversion to going before the legal tribunals, and being involved in a lengthened litigation, well knowing how unsatisfactory the result might prove, and how little likely a conviction was to silence the calumniators, who were hired and set on by a Court wholly unscrupulous in using the strong influence which it possessed over the press, and the ample resources of corruption placed at its disposal. After the tempestuous scene through which she had just passed, tranquility was the object of all her wishes; and she felt confident that her conduct would be rightly appreciated by the country at large, how active soever her unprincipled adversaries might be in the dissemination of their slanders. Her wishes accordingly prevailed, and the consequence was, that the press was polluted with a degree of malignity and impurity before wholly unknown. Newspapers that used formerly to maintain some character for liberality towards political adversaries, became the daily and weekly vehicles of personal abuse against all who took the Queen’s part. Journals which had never suffered their pages to be defiled by calumnies against individuals, nor ever had invaded the privacy of domestic life for the unworthy purpose of inflicting pain upon the families of political enemies, devoted their columns to the reception of scandal against men, and even women, who happened to be connected with the Queen’s supporters. As if the publications already established were too few for the slanderer’s purpose, or too scrupulous in lending themselves to his views, new papers were established with the professed object of maintaining a constant war against all who espoused Her Majesty’s cause. Nay, it was enough that any persons, of any age or of either sex, held any intercourse whatever with that illustrious Princess, to make their whole life and conversation the subject of unsparing severity and unmeasured and unmanly vituperation. A single error, far short of fault, once detected, was made the nucleus round which were gathered all the falsehoods which a slanderous and malignant fury could invent; and the defects of the law being well known to those who had studied them in order to evade its sanctions, little fear was entertained of the propagation of those falsehoods being visited
with punishment, as long as any the least imperfection existed in any one's conduct, which could not be denied upon oath. In one respect, the whole thing was so much overdone, that it failed to produce its full effect. Slander like every thing else, may be made so abundant as to lose its value. Fierce and indiscriminate calumnies daily and weekly circulated in journals, and in pamphlets, and in private society, began to lose their relish, and to pall upon the appetite which, by loading it to excess, they ceased to provoke. After a little while people began to care very much less for these attacks; they seemed to be considered as matters of course; and it was found that the Press had lost the greater part of its power as regarded invectives or imputations. Nay, so many things were published, notoriously without the least foundation, that the truths which from time to time became mixed with the falsehoods, shared the same fate, and all were disbelieved alike; nor did persons of indifferent life and doubtful fame fail to feel the comforts of their new position, kept in countenance as they now were by the most respected individuals, whose hitherto unassailed reputation were as much the objects of the prevailing malignant epidemic, as their own more frail reputations. Thus the press not only ceased to have its appropriate effect of encouraging virtue and controlling vice, but it operated as some little annoyance to the good, while it cherished and protected the bad: all men perceiving that the purest life was no kind of security against its assaults, while it confounded the licentious with the blameless, causing its showers to fall alike on the just and the unjust.

To the Queen's resolution against prosecuting her slanderers, her advisers adhered throughout with one remarkable exception. A reverend clergyman of the established church thought fit, in the discharge of his sacred duties, to preach a sermon abounding in the most gross scurrility. The main subject of his attack was her Majesty's going in procession to St. Paul's Cathedral, where she attended divine service in the month of November, to offer up thanks for her providential deliverance from her enemies; and was surrounded by countless thousands of the people, her steady and unflinching supporters. The wonderful spectacle which the great capital of the empire exhibited on that remarkable occasion, has never perhaps been adequately described. But it perhaps may be better understood if we add, that those who witnessed the extraordinary pomp of her present Majesty's visit to the Guildhall Banquet last November, and who also recollect the far more simple and unbought gran-
deur of the former occasion, treat any comparison between the two as altogether ridiculous. When Queen Caroline went to celebrate her triumph, and to thank God for “giving her the victory over all her enemies,” the eye was met by no troops—no body-guards—no vain profusion of wealth—no costly equipages—no gorgeous attire—no heaving up of gold—no pride of heraldry—no pomp of power, except indeed the might that slumbered in the arms of myriads ready to die in her defence. But in place of all this, there was that which the late solemnity wanted—a real occasion. It was the difference between make-believe and reality—between play and work—between representation and business—between the drama and the deed. When the young Queen moved through her subjects, she saw thousands of countenances lit up with hope, and beaming with good-will, and hundreds of thousands of faces animated with mere curiosity. Queen Caroline had been often-times seen by all who then beheld her; she had been long known to them; her whole life had but recently been the subject of relentless scrutiny; hope from her of any kind there was none. All that she was ever likely to do, she had already done; but she had been despitefully used and persecuted; she had faced her enemies and defied their threats, dared them to the combat, and routed them with disgrace. In her person justice had triumphed; the people had stood by her, and had shared in her immortal victory. The solemnity of November 1820, was the celebration of that great event and although they who partook of it had no sordid interests to pursue, no selfish feeling of any kind to gratify; although they were doing an act that instead of winning any smile from royalty, drew down the frowns of power, and were steering counter to the stream of court favour, adown which Englishmen, of all people in the world, are the most delighted to glide; yet the occasion was one of such real feeling, so much the commemoration of a real and a great event, and the display of practical and determined feelings, pointed to a precisely defined and important object, that its excitement baffles all description, and cannot be easily comprehended by those who only witnessed the comparatively tame and unmeaning pageant of November 1837.

In the proportion of its interest to the people at large, was the indignation which this celebrated festival excited at Court; and the time-servers speedily finding that they could not in anything so well recommend themselves to favour in high quarters as by attacking this solemnity in any way, lost no time in opening their batteries of slander. According to
the plan which had been adopted by Her Majesty's advisers, all the ordinary herd of libellers were suffered to exhaust their malice unresented and unprovoked. But a sermon preached to a large congregation, and one of exemplary piety, by a Minister of the Established Church, and one laying claims to extraordinary sanctity of life and fervour of religious feeling, could not be thus passed over. Her Majesty's Attorney-general therefore moved the Court of King's Bench for a Criminal Information against Mr. Blacow the offender; and obtained a Rule to shew cause upon a simple affidavit setting forth the fact of the slander and the publication by preaching, but not denying the matters alleged. It was found upon examining the precedents and the other authorities, that the Queen-Consort had a right to have her Rule without the usual affidavit of denial, and that it would be irregular to make this affidavit. Her Majesty was quite prepared, and indeed she wished, to deny upon oath the whole matter laid to her charge, but her inclination was overruled, on the result of the search for precedents. No cause was shewn by defendant, and the trial coming on at Lancaster, Mr. Brougham who had obtained the Rule while he held the office of Attorney-general to the Queen, led for the prosecution, in opening which, the following speech was delivered. The reverend defendant was his own counsel, and made a long abusive speech, full of every kind of irrelevant matter, and continually interrupted and threatened with punishment by Mr. Justice Holroyd, the learned judge who tried the cause. The jury without hesitation found him guilty.

During the interval between the Information being obtained and tried, an event happened which gave a peculiarly mournful interest to the proceeding—the death of this great Princess, who fell a sacrifice to the unwearied and unrelenting persecution of her enemies. A circumstance well fitted to disarm any malignity merely human seemed only to inspire fresh bitterness and new fury into the breast of the ferocious priest. The indignation and disgust of the country was roused to its highest pitch by the unbridled violence of his defence; and when men regarded the groundlessness of those charges of which it was made up, against all he had occasion to mention, they were forcibly reminded of a remarkable passage in Dr. King's late History of the Rebellion of 1745, a favourite Jacobite production,—"Blacies apud Anglos sunt infames delatores, gigantum filii; quos nati malvolos spes præmii induxit in summum seclus: qui quum castos et integerrimos viros accusare solet omnia con-
fingunt, et non modo perjuria sua vendunt, verum etiam alios impellunt ad pejorandum nomen sumunt a Blacow quodam sacerdote, qui ob nefarias suas delationes donatus est canonicitu Windsoriensi a regni praefecto."

This man was brought up for judgment in the following Michaelmas term, and only sentenced by the Court of King's Bench to three months' imprisonment,—Messrs. Hunt having suffered a confinement of two years, and paid a fine of L. 1000, for a far less slanderous attack on the Regent in 1802; and Mr. Drakard having, as we have seen, been confined eighteen months, for publishing some remarks on military punishments, which a Middlesex jury had just before pronounced to be no libel at all. Three years after Blacow's trial, Mr. D. W. Harvey and his printer were tried in the Court of King's Bench for a libel upon George IV. in a country paper published by them. It represented that sovereign as guilty of almost every crime which a prince can commit, and farther charged him with having rejoiced exceedingly at the death of his wife, his brother, and especially his only child, the Princess Charlotte. It was, perhaps, the worst case of libel ever brought before the court. When the defendants were brought up for judgment, they appeared without any counsel; but just as the sentence was about being pronounced, Mr. Brougham, who with Mr. Denman had defended them at the trial, beckoned to Mr. Harvey, who crossed the court apparently to receive some suggestion for his speech in mitigation of punishment. He then addressed the court, and on his concluding, was again beckoned to by his counsel, as if he had still omitted something. The court complained of this interference, as Mr. Brougham was not then retained for either of the defendants. Where-upon he stated that the reason why he had made Mr. Harvey cross the court was to suggest, what he now took leave to do as amicus curiae, that Mr. Blacow for his scandalous sermon against the late Queen, had only been sentenced to three months' imprisonment, and that of course more could not be given in the present case. Their lordships expressed much displeasure at this interference, seeming not to set a high value upon the 'amicitia curiae,' which had been testified; but after a short consultation, they sentenced Mr. Harvey and his co-defendant to the same period of confinement with Mr. Blacow.
SPEECH

IN THE

COURT OF COMMON PLEAS AT LANCASTER,

ON OPENING THE PROSECUTION

AGAINST

RICHARD BLACOW, CLERK.

September 1821.

MAY IT PLEASE YOUR LORDSHIP,—GENTLEMEN OF THE JURY,—It is my painful duty to bring before you the particulars of this case; it is yours to try it; and my part shall be performed in a very short time indeed; for I have little, if any thing, more to do, than merely to read what I will not characterize by words of my own, but I will leave to you, and may leave to every man whose judgment is not perverted and whose heart is not corrupt, to affix the proper description to the writing, and his fitting character to the author. I will read to you what the defendant composed and printed; and I need do no more. You have heard from my learned friend,—and if you still have any doubt, it will soon be removed,—to whom the following passage applies. Of the late Queen it is that this passage is written, and published.

"The term ‘cowardly’ which they have now laid to my charge, I think you will do me the justice to say, does not belong to me; that feeling was never an inmate of my bosom; neither when the Jacobins raged around us with all their fury, nor in the present days of radical uproar and delusion. The latter, indeed, it must be allowed, have one feature about them even more hideous and disgusting than the Jacobins themselves. They fell down and worshipped the goddess of reason, a most respectable and decent sort of being."

—And you know, gentlemen, that she was a common prostitute, taken from the stews of Paris. "A most respectable and decent sort of being compared with that which the radicals have set up as the idol of their worship. They have elevated the goddess of lust on the pedestal of shame; an
LIBEL ON THE QUEEN.

object of all others the most congenial to their taste, the most deserving of their homage, the most worthy of their adoration. After exhibiting her claims to their favour in two distinct quarters of the globe; after compassing sea and land with her guilty paramour, to gratify to the full her impure desires, and even polluting the Holy Sepulchre itself with her presence,—to which she was carried in mock majesty astride upon an ass,—she returned to this hallowed soil so hardened in sin,—so bronzed with infamy,—so callous to every feeling of decency or shame, as to go on Sunday last”—here, gentlemen, the reverend preacher alluded, not to the public procession to St. Pauls,—where her late Majesty returned thanks for her delivery,—or to other processions which might, partly at least, be considered as political, but to her humble, unaffected, pious devotion in the Church of Hammersmith,—“to go on Sunday last clothed in the mantle of adultery, to kneel down at the altar of that God who is ‘of purer eyes than to behold iniquity,’ when she ought rather to have stood barefooted in the aisle, covered with a shirt as white as ‘unsunned snow,’ doing penance for her sins. Till this had been done, I would never have defiled my hands by placing the sacred symbols in hers; and this she would have been compelled to do in those good old days when Church discipline was in pristine vigour and activity.”

Gentlemen, the author of this scandalous, this infamous libel, is a minister of the Gospel. The libel is a sermon—the act of publication was preaching it—the place was his church—the day was the Sabbath—the audience was his flock. Far be it from me to treat lightly that office of which he wears the outward vestments, and which he by his conduct profanes. A pious, humble, inoffensive, charitable minister of the gospel of peace, is truly entitled to the tribute of affection and respect which is ever cheerfully bestowed. But I know no title to our love or our veneration which is possessed by a meddling, intriguing, unquiet, turbulent priest, even when he chooses to separate his sacred office from his profane acts; far less when he mixes up both together—when he refrains not from polluting the sanctuary itself with calumny—when he not only invades the sacred circle of domestic life with the weapons of malicious scandal, but enters the hallowed threshold of the temple with the torch of slander in his hand, and casts it flaming on the altar; poisons with rank calumnies the air which he especially is bound to preserve holy and pure—making the worship of God the means of injuring his neighbour; and defiling by his foul
slanders the ears, and by his false doctrines perverting the
minds, and by his wicked example tainting the lives of the
flock committed by Christ to his care!

Of the defendant's motives I say nothing. I care not
what they were; for innocent they could not be. I care not
whether he was paying court to some patron, or looking up
with a general aspect of sycophancy to the bounty of power,
or whether it was mere mischief and wickedness, or whether
the outrage proceeds from sordid and malignant feelings
combined, and was the base offspring of an union not unnatu-
ral however illegitimate, between interest and spite. But
be his motives of a darker or lighter shade, innocent they
could not have been: and unless the passage I have read
proceeded from innocency, it would be a libel on you to
doubt that you will find it a libel.

Of the illustrious and ill-fated individual who was the
object of this unprovoked attack, I forbear to speak. She
is now removed from such low strife, and there is an end,
I cannot say of her chequered life, for her existence was
one continued scene of suffering—of disquiet—of torment
from injustice, oppression, and animosity—by all who either
held or looked up to emolument or aggrandisement—all who
either possessed or courted them—but the grave has closed
over her unrelenting persecutions. Unrelenting I may well
call them, for they have not spared her ashes. The evil
passions which beset her steps in life, have not ceased to
pursue her memory, with a resentment more relentless, more
implacable than death. But it is yours to vindicate the
broken laws of your country. If your verdict shall have no
effect on the defendant,—if he still go on unrepenting and
unabashed,—it will at least teach others, or it will warn them
and deter them from violating the decency of private life,
betraying sacred public duties, and insulting the majesty
of the Law.