

S P E E C H

OF

HENRY, LORD BROUGHAM,

ON THE

STAMP DUTIES ON NEWSPAPERS,

*IN THE HOUSE OF LORDS,*

ON MONDAY, THE 23RD OF MARCH, 1835.

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LONDON :

CHARLES KNIGHT, 22, LUDGATE STREET.

1835.

LONDON :  
WILLIAM CLOWES AND SONS,  
Duke-street, Lambeth.

# S P E E C H,

&c.

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MY LORDS,

I HAVE a Petition to present to your Lordships, to which I must beg the particular attention of the House. It contains no charge against any individual, but is directed against a system of bad policy ; it states no facts which are not within the knowledge of us all ; but it does state opinions, in which I take leave to say I fully concur, and for holding which, I will add, I am willing to take my full share of responsibility. I shall, therefore, open at large to your Lordships the matter of this Petition. It is signed by a large number of most respectable individuals resident in the city of London, and among the names, I find those of my friends, Dr. Southwood Smith, Dr. Birkbeck, and Mr. Grote, one of the representatives of the City in Parliament ; I also observe those of other persons of high respectability in that City. The Petitioners call the attention of your Lordships to the Stamp Duties which are at present imposed upon Newspapers of all descriptions. Upon the subject of the law which imposes this Stamp, a notion has gone abroad extremely groundless : that law is said to be unequally executed—some publications being suffered to escape the penalties of unstamped papers, to which others are made liable. This is a mistake ; the law is equally executed ; indeed, the common informer, on whom this depends, is not likely to spare one paper more than another. There is a plain distinction between a publication which, though in its outward form it bears the appearance of a Newspaper, gives none of that daily intelligence which we term “*news*,” and which those publications, properly called Newspapers, and subjected to the Stamp duty, all contain. A paper, though of a small price, and on a single sheet, and

published periodically at short intervals, if it has no statements of occurrences, is not a Newspaper within the meaning of the Stamp Acts, and is not subject to the duty.

That Stamp to which newspapers are subject is of a large amount; it is, next to the salt-tax (now happily repealed), the very largest, in proportion to the value of the article taxed, with which we are acquainted. The Newspaper, the article taxed, is sold to the consumer, the reader, for 3*d.* beyond the duty; but it is sold by the grower to the middle-man—by the writer or publisher of the paper to the newsman—for 2*d.* The whole paper is therefore produced at an expense of 2*d.*, and on that a duty of 4*d.* is imposed, from which there is a little drawback, but against that set-off there is a cost which brings it up again to the amount I have mentioned, and more,—namely, the necessity of the person who advances such a sum being, like every person who deals in a taxed article, repaid rather more than the money he advances for the tax; so that this is, in fact, a tax of more than 200 per cent. upon the value or prime cost of the commodity. Of these publications in general I never will, and I never have, said anything disrespectful or disparaging, and I never have suffered them to be indiscriminately attacked without defending them. They are most useful publications for persons who wish to inform themselves of what is passing in Parliament, of the proceedings in courts of justice and police, and of the political events of the day at home and abroad. Publications of such a description ought, therefore, to be given to the people at the cheapest possible rate. Upon this matter—the value of Newspapers—I will cite a very high and a grave authority. Archdeacon Paley lays it down that the purchase of a Newspaper is the most agreeable and one of the most useful ways in which a man can bestow the money it costs. He says he does not know any way in which he can spend his time or his money with greater entertainment or instruction. Nevertheless the great bulk of the people with us are prevented from enjoying this advantage; because sevenpence, the price of a daily newspaper, is so high a charge, that a poor man, or

indeed a man not in comparatively easy circumstances, cannot afford it. The consequence is, that the amusement, instruction, and information contained in the Newspapers are confined to a small class of the community. To prove this, I have only to state that the number of copies of papers for which stamps are supplied, in the kingdom, in the whole year (including town and country papers), amounts to 30,000,000, or not more than six papers yearly to every grown up person, which is in the proportion, in reference to our population, of one-fifth or one-sixth of the number sold in America, where the habits of the people, and their feelings, may be supposed similar to those of our countrymen; and it is reasonable to suppose that this great difference is owing to their being sold in the United States without a stamp. Take also the example of the Norman Islands in the Channel—Guernsey, Jersey, and Alderney—and you will find that fifteen times more Newspapers are sold there, in proportion to the population, than in the Island of Great Britain, though, assuredly, the wealth of the inhabitants is far from being greater than ours. This is a sufficient proof of the effects of the tax, in preventing the consumption and production of the commodity. If we look to France, where Newspapers are subjected to a very small stamp duty, it will be found that between 1815 and 1829, or, in other words, between the restoration and the revolution of July, 1830, a period of only fifteen years, an increase had taken place in the sale of Newspapers, in the proportion of twenty-eight to fifty-seven, or more than double, although the habits of the people are less favourable to reading than in this country.

Not only does this tax occasion a great loss to many of those who are engaged in the trade, but it also inflicts a severe privation on those who have a right to enjoy the indulgence derived from this particular kind of reading; but they are not the only parties who suffer. I will say, that nothing can be more beneficial to the Government of the country—nothing can be better for those who entertain praiseworthy and con-

stitutional designs—nothing can tend more to secure the stability of our institutions, and gain for them the people's confidence—than to have constantly placed before the eyes of the people whatever is transacted by their rulers—nothing can be better for the country—nothing better for the Government itself—nothing of a more truly Conservative nature—(I use the word in its good, not in its offensive sense)—nothing, I say, can be more effectually Conservative, than the circulating through all classes of the people a perfect knowledge of what is doing, as well by the Government as by the Legislature. The people ought to see, from day to day, whatever is transacted in both Houses of Parliament—to be acquainted with whatever is said and done by their representatives—with whatever is said and done in your Lordships' House. All this they ought to see, constantly, and cheaply, and easily. Such publicity would be found one of the best means that could be devised for carrying the people along with the Government. It is, moreover, the duty, and one of the highest and most imperative duties, of the Rulers of this country, to acquaint the people with the nature of the laws which are made for their government; and not only to let them know what these laws are, in order that they may have an opportunity of considering them, and appreciating the reasons for enacting them, but also to disseminate the earliest intelligence of those laws, when they have received the sanction of the Legislature. Surely, when we make two hundred and eighty laws in a year—a species of wholesale legislation—when new laws are passed by the gross rather than by the score—when we are daily altering laws which have been, for four hundred or five hundred years, the rule of our conduct—when new laws are constantly made of all kinds, and all degrees of magnitude—laws affecting the constitution of the country—new-moulding the criminal code—making that severely punishable which before was not an offence at all—making that no longer capital which before was visited with death—when, descending from those high and important subjects, the Legislature comes down to the

most minute details of men's dealings, prescribing the shape of a pan—nay, in the great thirst for small legislation, enacting that the two sides of a parallelogram shall be equal as well as parallel—a law, the existence of which I recollect to have only succeeded in making the House of Commons believe by producing the Statute where, it being mathematically impossible that the parallel sides should be unequal, the wisdom of Parliament had thought proper to guard against that impossibility still further, by imposing a penalty of 5*l*.\*—have I not a right to say, that a Government occupied continually in such various legislative operations as these, should take some little pains to make the people acquainted with the multifarious laws thus made to regulate their conduct, so that men may know what they are forbidden, and what they are allowed to do, by rules which are so constantly varying, and which yet they are bound to obey, and which, if they know not, they shall in vain plead ignorance in their defence? But what means can there be so effectual, and yet so simple for this purpose, as letting the people see, through the medium of the public prints, from day to day, what passes in the Legislature? If you affixed the law on the wall, men would not stop to read it; but the Newspapers are now to be read by all—and yet you tax them 200 per cent.; which is like those who made bad laws, and put them so high that they were out of the reach of readers, who nevertheless were punished if in their ignorance they disobeyed.

Next in importance to the people and to the Government, is what passes in our Courts of Justice, which most immediately interests and affords matter of contemplation to all classes of people in the country. This is a subject upon which the people are so far from being averse to receiving information, that there is no species of intelligence by which they are more universally or more strongly attracted. It is the duty, in my opinion, of the Government, with reference to the morals of the people, to make as fully known as possible to them all examples that are exhibited of the punishment of

\* This occurs in the Excise Acts.

those that have broken the laws ; for the effect, real or supposed, of such an example, is the only justification of punishment. Yet, I must say, nothing is less attended to than this duty. What, for instance, is the use of hanging persons in the corner of a court-yard, in Lancaster, in the presence of some hundreds of the neighbouring inhabitants, and perhaps forty or fifty of the peasantry of Westmoreland, when the crimes for which the parties suffer were committed, generally speaking, near Manchester or Liverpool? Is it useful to make such an exhibition in the eyes of the Westmoreland shepherds, for the purpose of deterring the Oldham weavers? Can anything be more absurd than this, except the error of a cognate kind, which prevents the people at large from seeing all the details (through the medium of the Newspapers) of transactions in which they are so deeply interested? The law deters not merely by the exhibition of the punishments which it sanctions, but still more by the display of its own administration in Courts of Justice. The greater the number of persons that can be admitted to witness all trials, the more will the law operate to deter evil doers, and to comfort those who do well. Every possible accommodation should be given to the public, therefore, in Courts of Justice ; and these should be holden, not in remote corners, like Lancaster and York, but in the heart of the manufacturing districts of the West-Riding and South Lancashire, and near the traffic of Liverpool and of Hull. Yet, after all you can do in letting the people view the trials, many must still be excluded ; but then the Newspapers afford ample means of acquainting the public with all that occurs in proceedings as well criminal as civil. For the hundreds you can receive into Courts, hundreds of thousands can be made present by reading the accounts. Through this channel all the King's subjects may be put in possession of everything of importance that may be transacted in all the Courts of Justice, though comparatively few are able to be personally present. If this were allowed—if Newspapers were suffered to pass freely, and at a cheap rate, throughout the country—it would have the effect of civilizing some parts



of the population which are still rude, of enlightening many yet in darkness, and, if I may use the expression, of humanizing other parts of the country which are still rough and wild. The people at large, and of all classes, would soon learn on what principles the laws are framed; with what justice and care, with what scruple and mercy they are administered; and this knowledge would reconcile them to many a rule which at present they think capricious or unreasonable, and many a proceeding which they now regard as harsh and austere. An attachment might thus be expected to grow up towards the system of policy under which they live, and which the more it was improved—the more it was rendered worthy of the people's affection and respect—would become the better loved and the more revered. That such would be the effect produced upon the people by constantly reading the proceedings in Courts of Justice, no man who has turned his attention to the subject can, I conceive, entertain the least doubt: to say nothing of the prodigious assistance which the Police all over the country must derive from an universal and searching publicity given to every case of offence where the wrong-doer has escaped. It is, therefore, of the last importance that the means of conveying such information should be cheap.

There is another point which, I conceive, forms an important argument for the remission of taxes of this nature. There are many zealous individuals—among whom I profess myself the least in importance, though not less zealous than my coadjutors—who have employed themselves for the last thirty years in endeavouring to improve the Education of the People of this country: first, by furnishing them with the elementary branches of education; and afterwards by supplying them with what is almost as necessary—cheap, innocent, and useful publications, for their instruction and entertainment. Now, in this latter and essential branch of our labours, up to a certain point we found we could go, but not beyond it. In those places where the people are, so to speak, gregarious, as in the large commercial towns, there is no

difficulty in introducing cheap publications of a moral and instructive, or of an entertaining but wholesome character. But there is one part of the community, which forms nearly one-half of the whole, whom I begin to give over in despair. Amongst them, all our attempts to introduce useful information, even relating to their own calling, have been unsuccessful, and yet they need Education more than all the rest of the community—I allude to the peasantry of this country. They live apart from the world—insulated—dwelling in small hamlets, or, it may be, in solitary cottages. They do not come in contact with persons better informed—persons of more cultivated minds, of more general information,—nay, they have not even the benefit of communicating with others who, though not more knowing than themselves, yet have a different kind of intelligence and different habits—a contact always of an improving tendency. The consequence is, that those who are occupied in extending Education have found themselves paralyzed in all attempts to push it in this direction. Let them make the publications to which I have referred as cheap as possible—they were not purchased by the peasantry, or even the farmers; and, if distributed, they were not read. In the manufacturing districts it is quite otherwise; cheap books find their way into the town-labourer's cottage; but across the farmer's or the peasant's threshold they do not pass. The remark applies chiefly to the rural population; but it also applies in a great degree to individuals in the smaller towns, who are not strictly peasants. Now all those individuals, whether in the country or in small towns, would read Newspapers. The Newspaper—particularly the local Newspaper—would certainly get into the farm-house and penetrate the labourer's cottage; but it is prevented from entering, because the Chancellor of the Exchequer keeps his hand on the latch; a fourpenny stamp-duty effectually keeps the door shut against it. An almanack possibly may get admittance; but until very recently, as your Lordships are aware, no less a duty than 1s. 3d. was imposed upon those useful publications, even on such as cost a penny. That is

now removed, and the people may now have a yearly almanack. They may also, once a month, get some small magazine, or once in three months a larger one, neither of which they will read; but a Newspaper, which they would greedily devour, they cannot obtain. If they could get Newspapers cheap, they would not only read the judicial, the legislative, and the ordinary intelligence, regularly—they would also have their understandings enlightened in some matters, which at present lead them much astray. Their prejudices on the score of particular taxes, to which they now object, from the want of information as to how they are really affected by them, and their equal prejudices on some other questions of deep interest to the country, would assuredly vanish before full information. Now, can any rational man doubt that the political instruction of the people has become inevitable, whether you like it or not, and *must* be made as complete as possible, in order to make it safe? But they would acquire, besides this political knowledge, a taste for general reading, which is never abandoned when once it has become familiar to the mind. Together with the news of the day, a variety of useful knowledge would be conveyed among the mass of the people. That the free access of the people in every class to all knowledge, political as well as general, could ever do harm, may be placed among those exploded notions which, if any man still entertain, no man is hardy enough to avow. But whether it be hurtful or not is no longer a question: instructed the whole people *must* be; that matter has been decided; and you have only to take your choice whether they shall be ill or well taught—well informed, in a way to improve them, or half-informed, in a way to hurt them.

There are two objections urged, as I have observed, against the measure I recommend of repealing the Stamp. Of course, I reckon for nothing the objections of the Great Newspapers,—I think not of their interests in this question,—I look to the interests of the consumer, not of the grower. It is much to be lamented if any class should, even for a season, be injured; but the bulk of the community is to be

regarded first. I am of opinion, and, indeed, I sincerely hope, that those great papers would not suffer in the way they apprehend. They are in possession of the field, and would have a preference, *cæteris paribus*, over new competitors. But the Legislature can have no interest to look to but that of the People, where any particular trade or employment may have a conflicting interest. Any objections of this kind, then, ought no more to be regarded than the opposition of the great tanners to the reduction of the duty on leather, which I recollect I had to encounter in 1812 when attacking that tax. But the objections against the removal of the Newspaper Stamp, which *do* merit our attention, are of a two-fold nature:—the one, that it will affect the revenue seriously; the other, that it will be the means of encouraging a vast number of noxious publications—of seditious, immoral, and blasphemous papers.

Now, with regard to the former objection, I am perfectly persuaded, looking to the probable increased receipts of the Post Office, to the Excise upon paper, and, above all, to the vast increase of advertisements which might be expected under the altered system, that the revenue of the country would be no loser at all by the removal of this obnoxious tax. The calculations which I have seen appear to prove a considerable increase instead of any falling off. Those details were laid before my Noble Friend, the Chancellor of the Exchequer (Lord Althorp), in the course of last summer, and I really do think, after carefully examining them, that they shewed a material increase of receipt under the three heads which I have mentioned, especially the last—the advertisement duty,—and made it, at least, quite certain that the revenue would not suffer.

The other objection (and certainly, if well founded, a most powerful one) is, that if the duty were removed, it would encourage the growth of noxious publications. Never, however, was there a greater mistake in argument than this; for, it must be observed, that those very immoral, seditious, and blasphemous publications which are so much and so

justly complained of, are now sold to the public without any stamps at all; and I will give your Lordships a proof of it.

The late Attorney-General came to me a few years ago, for the purpose of consulting together on the subject—I allude to the present Chief Justice, Lord Denman; and my Learned Friend shewed me a list of no less than 163 Newspapers, every one of which was published without any stamp at all, and the great bulk of them were of the worst possible description. Some, indeed, were only marked by excessive political violence, but others recommended assassination, and preached blasphemy in direct terms. The reason of this is obvious. When a man is determined to break the law—when he thinks fit to advocate arson, by shewing how haystacks may be set on fire, and the incendiary safely escape—when he preaches the duty of assassination in his paper—it does not require any great additional courage to brave the Stamp Acts and the Stamp Commissioners. Thus he sells a cheap as well as a bad article; he can dispose of his papers at 1*d.* each, and he sells a very great number at that low price; when, if the charge were 6*d.* or 7*d.*, by the stamp being paid, he could not get a hundred of them off his hands. The tax, instead of putting such publishers as these down, actually sets them up. It is the most direct encouragement to their bad calling. It gives to the producer of this noxious article—whom I may call the contraband dealer—a decided advantage over the fair trader, who pays the duty, and sells a wholesome food for the mind. The obscene, immoral, and seditious publication goes out untaxed, while the respectable publication is loaded with a duty of 200 per cent. on its prime cost. Not a farthing is paid by the vender of blasphemy and obscenity; but 200 per cent. is levied on the dealer in a good, and innocent, and useful commodity, sent forth by the respectable publishers of journals which suffer nothing that is vile to stain their columns. Am I, then, wrong in saying that this is a monopoly in favour of blasphemy, obscenity, and sedition? Suppose a person smuggles

into this country—I will not say a poisonous, but merely a deleterious spirit of some sort—will any man say that it would be a very hopeful method of discouraging the speculation, to lay a heavy tax on the wholesome home-distilled beverage? It is quite clear that the true way to correct the evil would be, letting the good article into the market at as cheap a price as possible; and, therefore, lowering the duty, which causes the desire to smuggle, and gives a monopoly to the contraband produce, is the course that any man of sense would recommend.

Among the number of unstamped papers at the period I have alluded to, some were harmless enough, no doubt, and owed their clandestine production and sale, by hucksters in the country, and by boys at the corner of our streets in town, to the pressure of the heavy duty; but the bulk were of an evil description, and their number is greatly diminished. That was a time of discontent and distress, and those publications were then at their height. It was about the period when incendiary fires, as they were called, prevailed. The more quiet aspect of the present day has lessened the number of these publications; but their diminution is not to be attributed so much to the want of that encouragement for them, which the tax affords, as to the great exertions which have been made to bring other cheap publications into competition with them. I have the satisfaction of stating a fact to your Lordships in reference to this part of the subject. About a year after the first putting forth of one of the cheap and useful publications which I am about to mention, I caused inquiry to be made as to the relative sales of the noxious and the moral and instructive periodical publications. Two of the most considerable newsvenders were asked to supply information on this subject. Most of these publications appeared to be weekly, generally Sunday papers, and the result was, that of the bad class one sold to the extent of 15 or 16, another of 25 or 30, a third of only 5 or 6, but altogether they sold under 120; I think there were ten or a dozen in the list; while of the *Saturday Magazine*, an excellent pub-

lication, very entertaining, and illustrated with good cuts, —a work brought out under the auspices of a branch of the Society for promoting Christian Knowledge—of that publication, which had only been in existence for eight months, those newsvenders sold no less a number than 750, being six or seven times more than they sold of all the noxious publications together ; while of the *Penny Magazine*, published by the Society for the Diffusion of Useful Knowledge, and which, at the period I refer to, had been about a year in existence, the number sold was 1850 ; and thus I hope and trust that the bringing of such excellent works into the market at a cheap rate has greatly contributed to drive some of the noxious ones out of the field. The fact I have stated shows how well disposed the people are to purchase good journals if they can afford it ; but the great class of readers which require a newspaper must continue to buy and to read the cheap, that is, the unstamped and bad papers, or to have none at all. Shall we continue this encouragement of the class which sets the law at defiance ? Shall we persist in keeping the people from access to such papers as not only furnish harmless reading, innocent and pleasing recreation, but give them the knowledge of what is doing by their representatives and their rulers, the ministers of justice, and the magistrates of the country,—papers which convey the best intelligence upon all those subjects which it most imports them to understand,—subjects which it is their duty, as well as their interest, to comprehend,—and upon which, while we remain a free nation, every one member of the community has not merely an unquestionable right, but an imperative duty to reflect and to form an opinion ? But, above all, can we rest the refusal to repeal the mischievous tax which excludes the people from this useful reading, upon the fear of encouraging bad works and dangerous reading—when it is as clear as the light of day, that this Stamp gives those bad works a monopoly, and forces the people to peruse them ?

My Lords, these groundless objections have influenced so many, from want of reflection, that I deemed it my duty to

state the real nature of the question. I do trust, that when they consider the matter maturely—when they see plainly all the advantages which must result from the repeal of the duty—they will in the first place be convinced that the removal of the tax, instead of creating a loss, will produce a gain to the revenue; and in the second, that the existing system encourages, rather than checks the evils arising from the circulation of unstamped publications. I most heartily hope that this subject will undergo due consideration, in order to improve the condition of those who stand so much in want of such assistance; and a more safe and constitutional means cannot be devised for augmenting the security of our free institutions, by planting them in the affections of an intelligent people, thereby improving the people's intelligence, and supplying them with information, political as well as general, which the tax upon newspapers now prevents them from obtaining.