

17.
TAXES ON KNOWLEDGE.

STAMPS ON NEWSPAPERS.

EXTRACTS FROM THE EVIDENCE

OF THE

RIGHT HONOURABLE BARON BROUGHAM AND VAUX,

LORD HIGH CHANCELLOR OF ENGLAND,

BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS,

ON LIBEL LAW,

IN JUNE 1834;

IN WHICH THE EVIL TO SOCIETY FROM THE STAMP DUTY ON NEWSPAPERS, THE IMPOLICY OF THE GOVERNMENT IN ITS CONTINUANCE, AND ITS IMPEDIMENT TO THE SPREAD OF USEFUL INFORMATION AND KNOWLEDGE AMONGST THE MASS OF THE PEOPLE ARE CLEARLY SHOWN.

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RIGHT HON. BARON BROUGHAM AND VAUX,

LORD HIGH CHANCELLOR OF ENGLAND.

4th June, 1834.

WHAT is your Lordship's opinion upon stamps on newspapers, with reference to libel law?—My opinion is decidedly against stamps on newspapers; but that is a very large and important subject; I consider it intimately connected with the subject of libel. The worst libels are, generally speaking, not in books and pamphlets, but in newspapers, and I consider that the stamps on newspapers are one very great cause of the worst of libellous publications, both public and private.

5th June.

The Right Hon. The Lord High Chancellor made the following statement:

When the Committee broke up yesterday, I had stated that I entertained a very strong opinion upon the bad effects of stamps on newspapers as connected with the subject of the Committee's inquiry, the Law of Libel. I consider, in the first place, that when men talk of the abuses of the press and of libels through the press, though the expression is general and applies to all publications, books and pamphlets, as well as others, that yet, practically and substantially speaking, it relates chiefly to newspapers, inasmuch as these are infinitely more numerous, and a vastly greater number of them are purchased, and a still greater proportion of those purchased are read than of any other works; so that when you talk of libels, and of the press as connected with libels, you really mean the newspapers rather than all the rest of the press's productions put together. Now let us only, in the next place, consider what the effects of those stamps are. If any thing can be a better security than another against the abuses of the power the press and the newspapers possess, it appears to be the security afforded by the respectability of those in whose hands those newspapers are. Therefore I hold it to be quite clear that every thing which tends to lower the character of the persons who write and publish newspapers, tends in just the same proportion to diminish the purity of those publications, and to lessen the security which the community has against the abuse of the press. For this reason I have always considered that the laws made to restrain the press, though intended to check libel, have a very obvious tendency to lessen the security against libel. Whatever makes the trade of a newspaper precarious; whatever exposes those who conduct it to greater hardships, to more oppressions than the rest of their countrymen endure; whatever singles them out from the rest of the community as a suspected and slighted or a maltreated class, a class for whom there is one law, one rule of conduct—there being another for the rest of the community—tends, *pro tanto*, to lessen the respectability of those who resort to that profession. Whatever makes them dependent more upon the caprice of prosecutors, whether public or private; whatever exposes them more than the rest of their fellow-subjects to penal visitations of courts and magistrates in general; has a direct tendency to lessen the respectability of the profession and of those who engage in it. In my time there have been two remarkable instances of injurious proceedings in this respect, the one by the law, the other by the practice of judges. I allude, first, to the making a conviction for a second offence (which was one of the six Acts of 1819) punishable by banishment, though that has never been put in force; and I allude, next, to the tendency which has been observed on the part of several judges, (I am sorry to say it, but I am bound to give my opinion,) a tendency to consider that the editors of newspapers are not entitled to protection when they complain of injuries to their character in the same measure in which the rest of the community are entitled.

I cannot conceive any course more effectual to destroy the respectability of a class of men than that a judge, when summing up to a jury on the trial of a cause in which the individuals of that profession complain of injury to their character by libel or slander, should treat them as though they were persons who had no right to complain of slander, who had no character to lose, and should direct the jury not to regard the character of those individuals as the subject of judicial redress. When I was at the bar, I remember a case of the editor of a newspaper prosecuting another editor for one of the foulest libels I ever read, and the learned judge who tried the cause, and who is now no more, said it was only the editor of a newspaper who had been libelled, and therefore he did not think it a case for conviction, though it would have been quite an undefended cause, and the conviction a matter of course, if any other person had been prosecutor. There was an acquittal accordingly; just as if a newspaper editor may be with impunity slandered by any one who chooses. I cannot imagine any principle more directly tending to lower the character of those in whose hands the press is, (meaning by the press the newspaper press,) and to throw that press into the hands of persons disreputable and capable of abusing its power by dealing in libel, either for lucre of gain, or to gratify private malice.

There is another thing which many persons think has a similar tendency; I mean the law which is peculiar to conductors of newspapers, and forces them to furnish evidence against themselves, whereas in all other cases the party proceeding against any defendant must find the evidence as he can to convict him. As to this, however, I doubt whether the tendency is of the same kind to lower the caste. I consider it a law which rather tends to curb the licentiousness of the press, than to lower the character of those conducting it; and when I consider the immense power it possesses, and the extreme difficulty of discovering the persons publishing slanders, I am disposed to think that the Act of 39 Geo. 3, so far as it has been acted on, is justified by principle, and does not tend to degrade the editors of newspapers. I incline to think that the public has a right to some such security, and that the press has no right to complain of it. If, indeed, the Act in question were put in force to the full extent of its provisions, I should think it intolerable; for the worst part of it, that which gives a right to file a bill in equity for discovering the author of any paragraph, is a matter on which I hardly dare trust myself to speak; I consider it as a part of the law which I am bound to respect as long as it remains unrepealed; else I should consider it contrary to all principle and to all justice; but it has never been in any instance put in force; indeed I believe its existence is known to but few.

I have said that I considered the provisions which require the proprietors and printers to register their names at the Stamp Office, is on the whole justifiable; but the case of stamps stands on very different ground; their effect is to depress the legal and to benefit the contraband trader. The worst libels do not appear in respectable newspapers. Those of the most malignant description and profligate character appear in the unstamped publications. I will venture to say any one of them contains more atrocious matter in any one number, than all the respectable daily papers of London contain in a year. The number of those unstamped papers at one time was very great. The Attorney General of the day once showed me a list of, I think, 163, not one of which was stamped, and every one of which vied with every other in all manner of atrocious libel. Not content with slandering authorities from the King downwards; not content with slandering individuals in public stations, and with publishing personal slander as well as political, they contained blasphemy in very great abundance, obscenity in considerable store, every species of ribaldry, personal, political, and irreligious—those worthless men entering into a sort of profligate competition one with the other, bidding on the one hand under each other, and all of them under the respectable prints in point of price, and over one another in the malignity and ferocity of their writings. Where one charged public characters with all offences, another recommended their extirpation; where one maintained the lawfulness of rebellion, another maintained the propriety of assassination. Where one held forth the King and his ministers to the fury of the mob, another recommended a more sure and expeditious mode of dealing with these nuisances, (for they reckoned all Governments nuisances, and all governors as the executors of nuisances,) suggesting

the quicker and a more effectual mode of cutting them off in detail ; while others, not content with single murder, showed how easily and safely that crime might be perpetrated which always involves the risk at least of wholesale murder, namely, arson. Now all these publications were unstamped, and they broke the law in another respect, for they were without the name of the printer. There is a defect in the Act which requires a printer's name to be printed under a penalty, for I believe it does not prevent the printer or his servant, or newsman, from cutting off the name after it has been put on. Thus all these publications were absolutely untraceable, except those of one or two which appeared to invite prosecution for the sake of increasing their sale. The others were not only all unstamped, but were without the printer's name.

It appears quite obvious, that in these circumstances there are but two ways of meeting this great evil ; the one is, having recourse to the ordinary principle in all such cases, namely, taking away the impediments from the fair dealer, from the respectable publisher, and thus removing the advantage which the law now gives the unfair dealer. The fair dealer is now liable to a stamp of 3*d.* or 4*d.*, which the other escapes. The latter not only highly seasons the food he prepares for the perverted taste of the people with highly flavoured ingredients, but he has also a more effectual advantage ; he undersells the fair dealer by 300 per cent. The consequence is, that the fair trader has no sort of chance in such a competition. It is quite clear, if you remove the stamps, you apply the common principle of destroying the smuggler, by lowering the duties. This has been found quite effectual in other branches of legislation. I cannot see why it should not be made equally effectual in this. The only other mode of meeting this great mischief, is by providing more wholesome food for the reading portion of the people, and that happily has been attempted, and attempted with great success. I believe I speak in the presence of some colleagues of mine of the Society of Useful Knowledge, who could inform the Committee more in detail ; but I think the Penny Magazine destroyed a great number of those wicked publications, some of the most obnoxious of them, in three or four weeks after it was begun ; the most obnoxious of all, perhaps, were not put down, for the same profligate class of readers do not find harmless matter equally palatable ; but the great bulk of readers prefer this publication, circulating a couple of hundred thousand sold for a penny, containing articles of great value (for, regard being had to its value, it is about one-fourth part the price of the common penny unstamped paper). If these two means were adopted together, that is, increasing the number and variety of innocent and useful publications, and taking off the tax which prevents competition, and thus provide more good, cheap papers for the bulk of the community, I have no doubt the public would no longer have any reason to fear the worst kind of libel. I beg to add, that though the Penny Magazine has been enabled to be sold so cheap, in consequence of its immense numbers, and still increasing sale, that is a price which could not be afforded by any private individual ; a society can afford it ; and a sale of tens and hundreds of thousands can afford it ; but a great many things would be very proper to be published, for which there is not a demand of above 500 or 1,000 ; and this is quite impossible, unless at a higher price. But the public require papers of less value than the Penny Magazine, and will buy them, though of less value, and therefore not so cheap, provided they be sold for a penny, or two-pence, and also contain news. The people wish to read the news, in which they take an interest, and in which it is fit they should take an interest. In public affairs they are nearly concerned, and it is both their right and their duty to attend much to public affairs. I am of opinion that a sound system of government requires the people to read and inform themselves upon political subjects, else they are the prey of every quack, every impostor, and every agitator, who may practise his trade in the country. If they do not read, if they do not learn, if they do not digest, by discussion and reflection, what they have read and learnt, if they do not thus qualify themselves to form opinions for themselves, other men will form opinions for them, not according to truth and to the interests of the people, but according to their own individual and selfish interests, which may, and most probably will, be contrary to that of the people at large. The best security for a Government like this, for the Legislature, for the Crown, and generally for the public peace and public morals, is, that the whole community

should be well informed upon its political as well as its other interests: and it can be well informed only by having access to wholesome, sound, and impartial publications. Therefore they will and ought to read the news of the day, political discussions, political events, the debates of their representatives in Parliament, and of the other House of Parliament; and on not one of these heads can any paper be published daily or weekly, without coming under the stamp law; consequently the people at large are excluded, by the dear form in which alone the respectable publishers can afford it, while they pay the duty. They can only have it in a cheap form by purchasing of publishers of another description, who break the revenue law by paying for no stamps, and also break all other laws by the matter they publish. If, instead of newspapers being sold for sixpence or a shilling, they could be sold for a penny, I have no manner of doubt there would immediately follow the greatest possible improvement in the tone and temper of the political information of the people, and therefore of the political character and conduct of the people. It is my decided and deliberate opinion, from very long and anxious consideration, that the danger is not of the people learning too much, but knowing too little. It is no longer a question whether they shall read or not; it is no longer a question whether they shall be instructed or not; it is no longer a question whether they shall be politicians, and take part in the discussions of their own interests or not; that is decided long and long ago. The only question to answer and the only problem to solve is, how they shall read in the best manner; how they shall be instructed politically, and have political habits formed the most safe for the constitution of the country, and the best for their own interests. I can devise no other means than making that accessible at a cheap rate, which at present they must have at a rate they cannot afford, without having it bad as well as cheap. I wish to give it them both cheap and wholesome.

Would, in your Lordship's opinion, increasing the severity of the law against unstamped periodical works have a tendency to suppress them?—I think, if it had a tendency at all, it would be a contrary tendency; I think it would be *brutum fulmen* if it were made a capital felony, as I have seen it not very wisely proposed in some quarters; no jury would convict at all. *You* cannot discover them, and *they* will never convict them.

Has it fallen under your Lordship's observation whether taking off the stamps from newspapers would seriously injure the revenue?—That is undoubtedly the great difficulty, and I have reason to think that is one of the two only difficulties which prevent the measure from being adopted; the other is the apprehension that when this impediment is removed, there will spring up an unlimited increase of penny publications of a profligate description, on political and religious subjects. My opinion decidedly is, that no such consequence would ensue; a great number would spring up, and a great number would speedily fall. An established newspaper has a great advantage over the new comer; the *Morning Chronicle* or the *Times*, the *Morning Herald* or the *Morning Post*, coming down to three-pence, would have infinite advantages over any other; they have possession of the field; the proprietors are men of credit, and I am sure they are actuated by a feeling too liberal to wish to put forward their claims to any thing like monopoly. But in the next place, though a great number of new papers would arise, I cannot conceive that more libellous, blasphemous, or obscene publications would or could arise than exist at present; for those publications have already been established, and the tendency of the change could only be to raise a competition against those publications, that is, the competition of respectable writers. At present I should say, those publications have a better chance than they could under a law abolishing the stamp; for at present they have the means of excluding by their lawless habits respectable men from all competition with them; they have therefore the benefit of the stamp; the others do not wish to run the risk of a breach of the revenue laws, and therefore abstain from that competition; so that the stamp operates to narrow the competition, and so give the lawless trader a monopoly in the market of blasphemy, treason, and ribaldry. I hold it to be as clear a proposition as any in finance, that if you abolish the stamp on newspapers, instead of increasing the facility to set up libellous publications, you greatly lessen it by increasing the number of good publications, and by destroying the monopoly in the hands of reckless men, who neither mind the old

law of the land nor a breach of the stamp laws. Then the other observation to which my attention is directed is a very material one. I cannot give so decided an answer to that, namely, the injury to the revenue; but after much attention my opinion is, that there would be no very material injury to the revenue. In the first place, there would be a great increase of publications, that must of course increase the amount of the excise on paper; but that which is at present a great injury to commerce, the expense of advertisements, would be greatly diminished; for the increased number of papers would tend beyond all question to diminish the price of advertising. No newspaper at present can avoid exacting, and according to the amount of circulation of these great London publications they do exact, large sums for inserting advertisements. The stamp is now only 1s. 6d.; it is not, consequently, this tax which obstructs advertisers; but if you take a paragraph to a well-circulated newspaper, they make their own bargain; they take a couple of guineas for an advertisement of one size, and a guinea or half-a-guinea for a very small advertisement. No doubt taking away the stamp may perhaps not be very beneficial to those great newspapers, but I think they would gain in other ways as much as they lost in this; and at any rate I must look to the interest of the consumer, and not of the grower. In America, where no stamp exists, the proportion of newspapers to the population is twenty or thirty to one more than in this country; and in the Norman islands in this Channel, where they have no stamp, it is fifteen to one. We should have papers in something of that proportion; I think that it would tend to diminish the expense of advertisements, and therefore greatly increase the revenue derived from thence; nobody will grudge the 1s. 6d. expense to Government.

Have not those persons who have had the monopoly of the newspaper circulation, who have circulated their papers without stamps, all failed, while those who have circulated their papers with stamps have almost all succeeded?—I believe so; and I am happy to think that is the case. I found that of the great number I have referred to, in six months there were not more than a very few; but then I must say this in fairness, that where one goes down another rises up; for the thing which prevents such a newspaper going on is the Stamp Office account, which is heavy, being a ready money account, and they are not able to meet it. So far as the carrying it on depends upon their own exertions they can get on, but the Stamp Office exacts ready money most rigorously. They have no doubt a ready money trade to meet that; but then they buy a greater number of stamps than they can sell; they may buy 500 stamps and sell 250 papers, and that is a dead loss; therefore those persons are constantly starting new papers who have no stamps to burthen them. I have seen a great number of these papers officially; as I have sometimes been asked whether they ought not to be proceeded against; and the first thing I look at is the number, whether it is number 50 or number 10,000; but they seldom come to 100; they are generally under 50; and hence it follows, as they are weekly publications, that they have not often lasted out the year.

There is a disregard of property by these persons, who are in the nature of smugglers?—They are persons almost as reckless of their own interests as of the rights of others.

Your Lordship has had some experience of the state of mind of the labouring classes of the people of England. Supposing good matter, wholesome matter, put before the people, and at the same price, and no lower and no higher than bad matter, blasphemy, obscenity, and so forth, does your Lordship's knowledge of the education and state of mind of the people enable you to say which they would prefer?—I have not a doubt about it. It is in vain to say that some persons would prefer obscene matter, and some ribaldry, and some blasphemy; but it would be an insignificant portion of the whole country. The bulk, who are innocently and morally disposed, are more or less respectable, and would be ashamed to bring this trash to their cottages where their wives and children are; nay, I believe that they would not desire to read it themselves. I have had much intercourse with the people of all ranks, from the lowest to the middle ranks; I never entertained the least fear of them, even when most excited; I never have known things in a state in which I had any fear of the people, either of their morals, or their loyalty, or their peaceable disposition, which is natural to Englishmen; and those only can be

afraid of them who, unfortunately for both parties, are exceedingly ignorant of the people. Those who know them as well as I do must know they are very much the reverse of an object of dread, or distrust, or suspicion; that they are generally morally and peaceably disposed, and I should say very much disposed to respect and submit to those above them. Even the trades' unions do not offer to my mind any material exception; for I believe they have in many cases had grievances to complain of, and that they have erred in not taking the right way to get redress, by trusting to selfish, dishonest leaders, and by being imperfectly informed upon their own interests. I state my opinion as the result of a large practical experience, having had an intimate knowledge of the people in every way, and the more I have known, the less apprehension I have had about them. I have therefore not a doubt in answering the question in the affirmative. I must also add, that I am quite certain if the stamp were taken away, where we circulate useful information to the extent of thousands, we could circulate useful information to the extent of millions; for we have been trying to get useful publications not only into parts of the country where men are gregarious, the manufacturing districts, in which they naturally and easily read; but into farm-houses and cottages, where the case is different. The great difficulty is to get the peasants to read; first, because they do not work together; and next, because people working in the open air are sleepy when they come home; but in long winter nights, when they are not so hard worked and have much more spare time, it is particularly desirable that they should not have recourse to beer shops or to bad publications. It would be of great advantage if we could furnish them with publications that have a tendency to make men good members of society, rather than those which are now propagated and are read by great numbers, teaching them that the most infamous of characters, a man for instance who is about to be executed for the foulest murder, from the moment he becomes converted to some particular spiritual doctrine, is safe from retribution in another world. I cannot conceive a more pernicious doctrine, and all which is said about absolution in the Catholic Church is not one whit worse even in its abuse, and I know it is very much abused. Those publications which are in farm-houses, to my knowledge, for want of better, teach that if a man commits murder, and will only afterwards become a fanatic, he is in acceptance with Heaven, and his murder forgiven him. If a man can have in his cottage, at a cheap rate, accounts of the debates, which they look to with great interest, and which it is their duty as well as their interest to read; the proceedings in courts of justice, which they also are delighted with reading; if in addition to these departments, commonly called the news of the day, we could circulate four pages more, which could all be done for a penny without this pernicious stamp duty, we might give the cottager for one penny a newspaper with wholesome general information, which might be of use to him in various ways, beside giving him all the intelligence of the week. I am quite certain that this would be the effect of repealing the stamp.

What is your Lordship's opinion of the effect of the stamp on newspapers, as to whether it is calculated to check the introduction of personal abuse or other demoralizing matters into newspapers?—According to my information, most certainly not. I should say just the reverse, and that the stamp has had an effect of the contrary description. It has undoubtedly an effect of the contrary tendency, if it gives a monopoly, or a partial monopoly, to one class of men, and those the least respectable. The writers in these newspapers, and the persons editing or publishing them, clearly would not have the same scope for effecting their malignant or sordid purpose, if they had a competition to maintain on equal terms with respectable writers who would not pollute their pages with such trash. At present the bad Journals are protected from the competition of the good; and there is, *pro tanto*, a tendency in bad Journals to rise and keep down the good. By far the greatest violence I have seen in opinions, and in general abuse of institutions, rather than of individuals, is in unstamped publications. If I were to say that the greatest number of libels, or the greatest amount of slanders on private characters, is to be found in those unstamped publications, I should not be stating the result of my experience; but as far as regards ribaldry against religion—against the institutions of the country—against the Sovereign, and against men in public stations—the greatest amount is to be found in those publications.

Does not your Lordship think that that is attributable to the class for which they write?—To a great degree, I have no doubt, this is attributable to the diseased appetites of those for whom they write; but we ought to increase the supply, and at a cheap rate, of that kind of matter which will give the public a better taste.

Does not your Lordship think that the stamp duty tends to give a monopoly to those of the worst character?—It gives them a sort of monopoly no doubt.

If a man more instructed and more able were to come into fair competition with them and furnish a better article, your Lordship is of opinion he would undoubtedly drive that class out?—Yes, that he would drive that class out, and that there would remain none of those ribaldrous and blasphemous publications, except just sufficient to satisfy the pampered appetite of the very few, for I believe those to be very few who would prefer such matter. Thus, in like manner, there is, at all times, a certain amount of most gross and obscene books; and they will be published because there is that diseased appetite in a certain number of persons which is sufficient to furnish a demand for such works; but it is confined to them, and is very limited.

Even supposing the stamp laws could be carried into full effect, are there not stamped newspapers which do address themselves to that line of personal abuse and obscenity; and supposing we could carry into effect the laws against those publications, would the stamp have the full effect of preventing it?—I certainly do not read many such publications; for I read but one paper, and not that every day; but I have at times had occasion to see, chiefly professionally, publications of the grossest nature, regular stamped newspapers, containing the grossest libels, and which appear to me to carry on a trade in personal slander, not unmixed with obscenity. There has sprung up a class of publications within the last fourteen years which I believe did not exist before; but in one particular they appear to have operated beneficially, for they seem to have formed a sort of drain for the other newspapers to carry off their worst trash; for I do not think so much slander is to be found in the daily papers of late years. Since those weekly papers have been carried on the respectable papers have become ashamed of it, and have not dealt much in it.

It has been supposed by some persons that the lower classes are desirous of that sort of reading; has your Lordship found that writers of that kind address themselves to the lower classes exclusively?—My experience is very little in those papers; as I am generally the object of pretty copious abuse in them, I do not feel bound to read them, and still less to pay for them. I do not go out of my way to avoid them, but I certainly do not go out of my way to read them. I have seen them occasionally, and my experience would lead me to say, not only that they are not adapted to the working classes, but that those classes have no taste at all for what they deal chiefly in. Every writer who publishes for the discontented part of the common people abuses the institutions of the country and all public men; but I do not think such writers abuse men's private character; they do not care to be personal, and to attack men's wives and daughters, and mothers and sisters; their readers, generally speaking, do not care for seeing private slander about individuals; that they do not trouble their heads about. On the contrary, I think that the appetite for such vile and often indecent trash belongs to the higher classes of the community, extending down to the middling classes. There are some people among the latter who like to read the gossiping stories put in the newspapers. They say, "Let us see what Lady so and so is doing with Lord so and so." Also men milliners, ladies' maids, and upper servants are, I believe, great patrons of these sort of publications; and I have been told by many gentlemen and ladies that they have found them in their servants' halls and upper servants' rooms very much. But no doubt it is the drawing-room that furnishes the effective demand for such writings; and the upper classes are very unjust in blaming the press and its licentiousness, as they are so prone to do on all occasions, seeing that they themselves afford the market for the worst sort of scurrility.