

THE
POOR MAN'S FRIEND ;

OR,

ESSAYS ON THE RIGHTS AND DUTIES

OF THE POOR.

By WM. COBBETT.

LONDON:
PRINTED AND PUBLISHED BY W. COBBETT,
183, FLEET-STREET.

1829.

No. I.

**COBBETT'S
POOR MAN'S FRIEND:**

(R,)

Useful Information and Advice for the Working Classes;
in a Series of Letters, addressed to the Working Classes
of Preston.

LONDON:

Printed and Published by W. COBBETT, No. 183, Fleet-Street.

PRICE TWO-PENCE.

LETTER I.

TO THE
WORKING CLASSES OF PRESTON.

Kensington, 1st August, 1826.

MY EXCELLENT FRIENDS,

1. DURING one of those many speeches, which you have so recently done me the honour to listen to, I promised to communicate, in the form of a little book, such information and advice as I thought might, in the present state of things, be useful to you. I am now about to fulfil this promise. The recollection of the misery in which I found so many of you; those melancholy effects of poverty produced by taxation, that I had the sorrow to witness amongst a people so industrious and so virtuous; the remembrance of these will not suffer me to be silent on the subject of the means necessary to the restoration of your happiness, especially when I think of the boundless kindness which I received at your hands, and which will live in my memory as long as memory shall live in me.

2. We are in a very ticklish state of things: the most sluggish and torpid of men seem to be convinced, that there must now, at last, be *some great change*. Then, observe,

the *manufacturing concern* is, in some sort, approaching *its end*: a total change in its *very nature* is about to take place: the demand for *food* and *raiment* must now address itself *to the land*: the *rights*, therefore, of the working man ought now to be clearly understood by him, and especially his *right to food and raiment*; a right guaranteed by the laws. Upon this and many other important subjects, the working man ought, in this awful state of things, to be made fully acquainted with *his rights*, and *his duties*, in order to guard him against the consequences of erroneous opinions. There are projectors, some of whom recommended an issue of *assignats*, and others a *mulcting* of all those who lent the King and Lords and Gentlemen and Parsons money, or, in other words, who lent the Government and Parliament, or nation, as it is called, money to carry on the late wars with, and to pay pensions and salaries and barrack-establishments and sinecures with. There is one SIR JAMES GRAHAM OF NETHERBY in Yorkshire, who in a large pamphlet, recommends this sort of *mulcting*. But, I shall tell you more about this in another Number. It is, however, an affair that *you must clearly understand soon*; for, you are all deeply concerned in the proposed *mulcting*. If that were to take place *with impunity*, all but the aristocracy and parsons would become the basest of slaves: we should all be mere beasts of burden to those two sets of men. If this impudent aristocrat's project could be *quietly carried into effect*, the people of England would deserve to be lashed to death.

3. The subjects on which I have to submit my thoughts to you are many, and every one of great importance. In the present state of things, when *starvation stalks forth in the midst of plenty*, it behoves us to look well into the *nature and origin of property*, and into the *conditions* on which it is held. Men are not to *lie down like dogs and die for want*: God never made them for that, and the laws of England positively command the contrary. This, therefore, is now become a great subject; and we must rightly

understand it in all its branches. But, indeed, the subjects on which I wish to address you are *many*; and as I wish to make this little work as convenient and as useful to you as possible, I intend to publish it in SIX OR EIGHT NUMBERS, one Number on the first day of each Month, until December or February next. Each Number will be sold to other people for TWO-PENCE, by the single copy; but, according to my promise, I will cause, as far as I am able, every working family in *Preston*, to have delivered at their dwelling one copy of *each Number*, as a gift from me, and as a mark of my gratitude for their great kindness towards me. There will be some difficulty attending this delivery; but that which is done without any difficulty is seldom much worth.

4. I shall endeavour to make this little work *really useful* to the *working classes in all the manufacturing districts*. I shall, from time to time, give them *my best advice* on matters of great importance to them; I shall make every effort in my power to give them clear notions of their *rights* and *duties*; I shall do every thing in my power to guide them safely through the perilous times that are approaching; I shall neglect nothing that I can lawfully do in order to rescue them from the miserable state, into which they, without any fault of their own, have now been plunged; and, above all things, I shall endeavour to show them, to *prove* to them, that the *fault will be in themselves*, if they *lie down like dogs* and die with hunger; for, as I shall show them, the humane laws of their country have provided ample succour for every one that is in want, and that, if succour be not obtained, there must be neglect to appeal to, or daring violation of, the laws.

5. This is a subject of so much importance; it is so vitally interesting at this moment, that I should enter on it in preference to all others were it not necessary for me, first of all, to address you on the subject of the LATE ELECTION, and to offer you something in the way of *caution* as to the NEXT ELECTION. When I have done this, I shall treat of other matters; and I hope to make these six or eight

Numbers form, when put together, a book worthy of the title that I have given it.

6. The history of the late election for Preston is, at present, fresh in your minds; but it ought, nevertheless, to be recorded in print: it is due to you and to me, that we put in black and white a statement of the facts and circumstances which led to the return of WOOD, whom none of you cared a straw about, and to the exclusion of me, for whose return nineteen-twentieths of you were anxious beyond description. At Preston the right of election amounts very nearly to *universal suffrage*. Every man, who has attained the age of twenty-one years, and who has *inhabited* the town for the *last six months*, without receiving *parochial relief*, has a vote. Even this is an unjust limitation; for, according to the Charter of the Borough, the right of voting is in "*the inhabitants at large*," without any limit as to time of residence; and there is no more law for limiting it to a residence of six months than for limiting it to a residence of ten years. The exclusion on account of *parochial relief* is also arbitrary, and it is cruelly unjust. A man in want has a *right* to relief; it is a right which he possesses in exchange for other and greater rights which he has given up; and is he, because he has *need to use this right*, to have his right of voting taken from him?

7. However, we shall have to discuss this matter more fully by-and-by, when we come to talk of the means which you ought to make use of effectually to prevent yourselves and your children from starving, during the dreadful times that are approaching. The right of voting extends, in practice, to *four fifths, at any rate, of the working men*; and as almost the whole of these working men were decidedly and openly for me, while a large part of the shopkeepers and others anxiously *wished* me success, it is necessary that we clearly see and well remember the means by which these wishes and hopes were defeated, in order that we may effectually guard against any such means in future.

8. All Lancashire, and, indeed, all England, knows, that Stanley and Wood canvassed the town early in May; that I entered Preston for the first time on the 15th of May; that I remained there only three days, and then returned to London; that my reception was that of an old and beloved friend rather than that of a stranger; that I returned to Preston on the 29th of May, and was received amidst the acclamations, not only of the people of Preston but of those of the country all round about, who had been drawn together by the news of my intended arrival, many of them coming from a great distance, and forming, all together, an assemblage, from first to last, of, perhaps, forty thousand people; that, on my canvass, I was voluntarily promised more than half the real good votes in the town; that, during the month that I was in Preston, I never appeared in the streets but amidst huzzas and blessings; that, upon no occasion did any one person ever, in public, and before my face, openly and aloud express disapprobation of me, or of any thing that I said or did; that STANLEY (a grandson of the Earl of Derby), having caused an expensive procession to be prepared to do honour to his entrance into Preston, was hissed, hooted, and spitten upon by the people; that WOOD (a son of an old cotton manufacturer) prudently crept into the town unseen; that BARRIE (a Captain in the Navy and a Commissioner in Canada), the moment he showed his face, was pursued and pelted, and was actually compelled to flee from the hustings the first day he appeared upon them; that, even after the election was over, all the marks of popular attachment to me remained; that I came out of the town amidst all those demonstrations of respect and admiration which had marked my entrance into it; and that the like demonstrations accompanied me even beyond the boundaries of the county.

9. These facts are well known; and it is also known that I had a majority of, perhaps, twenty to one on the *show of hands*. It is also well known to you, that, on the actual canvass, I had promised me more than three times as many

votes as WOOD, and many more than STANLEY. It is, therefore, necessary to state the means by which my exclusion and the return of Stanley and Wood were effected. These objects were accomplished principally by the use of *deal boards* and other *deal timber*. A model is now making of these curious contrivances of NICHOLAS GRIMSHAW; and I think it likely that this model will finally be deposited in the Town-Hall of Preston, and there kept to the immortal honour of the engineer. The history of the deal boards is very well known to you; and, as the whole nation will hear enough of them, before next winter be over; as there will be both a model and a copper-plate picture of this set of most curious contrivances, it is unnecessary for me to say more of them here, than to state their effects. They enabled the Mayor to keep me, from the outset, at the *bottom of the poll*, though I had three times as many votes as WOOD, and more than either of the other two, and though my voters were waiting in hundreds to be polled. These deal boards and timbers enabled him to know *whom every man was going to vote for, before the man was examined, and before the validity of his vote was decided on*. They enabled him to cause the polling to be quick, or slow, just as he pleased; accordingly, he kept ten of my voters more than *two hours* under examination, in the early part of the election; and, in the latter part, when I had ceased to bring up men to vote, he frequently polled at the rate of *a man in half a minute*. During the *three* first days he polled only two hundred and eight men; and, in one of the latter days, he polled 610 men. In short, these deal boards and timbers enabled him to put into the seats those whom he chose to put into them, except in case of such an accident as that which, on this occasion, put in Wood, and an account of which we shall presently see.

10. The *tally-scheme*, by which you have been *jostled* out of your rights for half a century, having, on the third day, been put an end to at my demand, and at the demand of some of my voters, the Mayor then took the votes *by fours*, for a day,

and after that by *ones*; but he still kept the *ditches*, which accomplished two things: namely, they enabled him to know *whom every man was going to poll for BEFORE the goodness or badness of the vote was decided on*; and they enabled him to prevent my voters from coming on faster than those of any other candidate; or, in other words, as the Tallies had put me at the bottom of the poll so this polling, through ditches and by *turns*, must necessarily keep me there.

11. Seeing him resolved to pursue this course, having evidence that *terror* was at work amongst the voters, and that some had already been thrown out of bread for having voted for me; seeing also, that much more than enough had been done to set aside the election, and I, at the end of the ninth day, declared my intention *not to bring up any more voters*, and I gave notice, that, next morning, I should *throw my ditch open to all parties!* Here was a pretty scene! Here had I the absolute power of causing Wood, or Barrie, just which I pleased, to be elected. I could *give* my ditch, or *sell* it, to which I pleased; and he would, thereby, have *two votes to the other's one*. And this they call a *free election!* I neither gave nor sold my ditch, but flung it open for the use of all parties. Now, then, as it was become next to impossible to poll all the voters, it was clear that whoever (of Barrie and Wood) got the command of this ditch, got the election. Here, then, there was something to *fight* for: and accordingly the fight began the next morning!

12. The great object with my friends was to *keep out Barrie*. I was *now* out of the question myself, and they cared nothing for Wood; but they *abhorred* Barrie, as the tool of those who had kept them down for so many years. Wood had *green* colours; *green* was the people's colour; *the green*, it is positively asserted, had been *tied under the hoofs of the horses*, ridden in the chairings, by the HORNBIES and HORROCKSES! The people were, therefore, bent upon the defeat of Barrie; they were re-

solved, at all hazards, that *the green* should not, this time, be trampled under the hoofs of the horses of the insolent tyrants. Wood had, at this time (when I opened my ditch) only fourteen votes more than Barrie; Barrie had, for several days, been fast gaining upon him; only about *a third* of the voters had polled; and Wood would have been driven off in two days, had it not been for the poor fellows, some of whom HE, WHILE HE SAT QUIETLY, *saw hand-cuffed and taken to gaol by dragoons*, after they, and *they alone*, had given him his majority; and by dragoons, too, of the bringing in and the employing of whom *he had expressed his approbation!*

13. These good fellows had, for the most part, voted for me plumpers. They still carried my colours, *green and white*. They took the green and white staves (about six feet long), which my people had used, and had laid by. These they carried to Wood's Committee Room, where each staff was cut into *three bludgeons*; and as there were seventy-two staves, here were arms for two hundred and sixteen men. Other bludgeons were got; and, at last, there were, I believe, about two hundred and fifty men thus armed. Their object was *to keep out of my ditch* all but those who were about to vote for me, or for me *and Wood*; or in other words, their object was *to defeat Barrie*, or, still more correctly, to defeat those who had trampled on them for so many years.

14. Barrie could muster no force to resist this; his voters were driven back from my ditch; and, as mine now split between me and Wood, Barrie must, it was clear, be beaten, unless this bludgeon force could be put down; and, unless Stanley and Barrie *instantly coalesced*, and Stanley, by ceasing to split occasionally with Wood, shut him out. On the 21st of June, therefore, after a vain attempt, on the part of Barrie's people, to get into my ditch; after, in short, they had been beaten and kicked away from the place, what does the Mayor do but *adjourn the court to the next day!* It is very curious, that Stanley, *with some of his committee*, had,

just before this adjournment, set off to LORD DERBY'S, whence they returned the next day. It was said, that their business was, *to consult on a proposition which Stanley had received for forming a coalition with Barrie*, like the old one between the Stanleys and the Horrockses. It was also said, that this proposition was *rejected*; and, indeed, the cold and shabby and even sneering reception, given to LORD STANLEY, by the *Tories* and even by the *Whigs*, when he came in at the *race-time*, seems to warrant this report. Be all this as it may, the polling began again on the 22d in the morning, and continued throughout the day, the green and white bludgeon-men having the absolute command of my ditch, and shutting out all those who were not about to vote for me, or for me *and Wood*. Thus was Wood, by these good, honest fellows, whom he (*sitting perfectly quiet*, alongside of Dr. Crompton,) saw hand-cuffed and taken off to gaol *under the sabre*; aye, under the sabres which he himself had approved of bringing in; thus was Wood placed above Barrie on the poll; and Barrie, seeing that there was to be no coalition with Stanley sufficient to take Stanley's splits from Wood; Barrie, seeing this, now, on Thursday morning, the 22d June, delivered to the Mayor *a protest against the proceedings!*

15. Nevertheless the polling kept on throughout the day, Barrie's people being strictly excluded from my ditch; but, the next day (the 23d June), at about eleven o'clock, in came *the dragoons*, some galloping in amongst the people in *front of the hustings*, others posting themselves at the entrance of my ditch, while others, dismounted, rushed into the ditch, sword in hand, and seized many of the bludgeon-men, who were actually hand-cuffed, and taken directly from the hustings to the goal, under the naked sword! Three of the dragoons were then posted at the entrance of my ditch; they sat there, on their horses, with their swords drawn, during the remainder of the polling time of that day, and during the whole of the polling time of the next day. So that we were, nearly two whole days, actually poli-

ing under the naked sabre! At this rate, we shall soon see Captains and Serjeants taking the poll! If we were not under "*military government*" at Preston, I should like to know what "*military government*" means. All this is positively forbidden by *the law*; and, it remains for us to see, whether the electors and town of Preston be *out-lawed*.

16. There now remained but one day to come, Monday, 26th June. It came, and the Mayor declared Stanley and Wood *duly elected*. The number of votes, according to the Mayor's account, were thus: STANLEY 2923, WOOD 1993, BARRIE 1653, COBBETT 995. Nothing can be more deceptious than the appearances here; for, of *plumpers*, Stanley had 36, Wood 92, Barrie 71, Cobbett 451. So that, if we reckon by *half votes*, Stanley had 2959, Wood 2064, Barrie 1728, Cobbett 1446; and, observe, that, on the 9th day I left off bringing up, and desired no more of my voters to come, unless it were to please themselves; and, observe also, that, at this time, only about *a third* of the voters had polled. But the curious thing is to observe, *how Wood got in*. He had only 736 votes *of his own*, he got more than 700 from Stanley, and he got 446 from me! Take my 446 from him, and he is 110 *under Barrie*. And these 446 he got merely because my friends wished *to keep out Barrie*. Those who gave Wood these votes disliked him. "D—n Wood," said one of them, when he gave his vote; "but," said he, looking at Barrie, "I vote for him *to keep thee out*." Wood had far less of real votes *for him* than Barrie had; and, observe, Stanley's *great majority* is all a deception. He got about 700 splits from Wood, and about 800 splits from Barrie; so that he *brought up*, after all, only about 1400 men, and there *came up* for me 995 men, because all mine would have been plumpers, if it had not been that 446 gave Wood splits, in order to keep out Barrie. It is very material to bear this in mind; for it shows, that neither Stanley nor Wood has any real weight on their side in the borough. Stanley was supported by many of those,

both high and low, who would not look at him another time; and, as for Wood, I should think that the horse on which he rode round the town, would be as likely to be chosen as he.

17. Other opportunities will offer for speaking to you of the family of Stanley, and of the *benefits* you are likely to derive from them; other occasions will offer for asking you whether you will again suffer yourselves to be cajoled by ten or a dozen of poor fowls being set a fighting, and three or four horses set a galloping, by the family of Stanley; other occasions will offer for expressing a hope, that you are no longer to be thus *amused*, as the Romans were, after they became the slaves of haughty and insolent nobles, who, while they fed them, like dogs, on offal and on garbage, instituted shows and games to amuse them; other occasions will offer for speaking to you on the subject of the Stanleys; and, as to Wood, I should not have said a word (it being impossible that he should ever trouble us again), had not the transactions connected with his name been such as to give us a true idea of the fellows who set up for *gentlemen*, on the ground of pretending to be *duellers*.

18. To say that Wood was first a cotton-broker, then a sugar-baker, then in training for an Unitarian Parson, and then a God-knows-what; to say this is nothing; thousands have been members of parliament with no fairer pretensions to *gentlemanship*. It may have been a joke to say (as was said at Preston), that, when he went on his canvass, he carried *lolly pop* in his pocket to please the electors' children with, but who can behold the man's *look*, hear the sound of that *voice* of his, and see (when he is speaking) the movement of that seamstress-like *arm and elbow* of his; who can see and hear these, and reject as incredible the amiable gentlemanship of the lolly-pop appeal to the paternal feelings of the electors?

19. It was not, however, till he came to be placed in open hostility with Barrie and his *men of war*, that the *gentlemanship* of Wood became so very conspicuous. He had three antagonists; and we shall now see how he dealt with

them. I shall relate the facts as they are stated in the MANCHESTER GUARDIAN of 1st July, because this paper is owned and edited by one TAYLOR, who was, as he tells us, Wood's negociator in these "affairs of honour." Wood had three antagonists; first CAPT. COLQUITT, next CAPT. BARRIE, and, third, the red-coated Captain, whose name was POLHILL. As to the first, he, on the hustings, and to Wood's face accused him of "*cowardice and treachery*." Wood took *no notice* of this at the time. It was *published* in the PRESTON PILOT the next day (Saturday morning), and then this TAYLOR, this newspaper-man of Manchester, was set to work to try to get Capt. Colquitt to "*explain* the offensive words," in order to "*save the honour*," as it is called, of Wood. Taylor sent somebody (whom he does not name) to Colquitt; but, observe, with how *gentle a message!* It was this: to ask whether, "on receiving from "Mr. Wood, an assurance, *on his word and honour*, that "he had not been accessory, directly or indirectly, to the "*employing of bludgeon-men*, Capt. Colquitt *might not "feel it right* to make *some explanation* of the offensive "words he had used;" that is to say, whether, *after* Wood had protested his *innocence*, Colquitt might not consent to unsay the charge of "*treachery and cowardice*." Colquitt positively refused to do this: he, in the most manly manner, said, that he had accused Wood of *treachery* and *cowardice*, and that he would give *no explanation at all*, and would *retract nothing*; that is to say, that he would abide by what he had said; namely, that Wood had been guilty of "*treachery and cowardice*."

20. Now, then, to be sure, there must be *a fight*, especially as the "*man of honour*," Taylor, the newspaper-man from Manchester, had the "*honour*," of Wood in his keeping. It was impossible for Wood to avoid fighting, unless he, at once, gave up all pretensions to being a "*man of honour*." Here was a man who had called him "*traitor and coward*," and who stood to his words. So that he must, according to the law of "*honour*," *fight* the accuser, or

pass for a "*traitor and a coward*"! Hard choice! Sad hobble! And now you shall see how your Member of Parliament got out of it with *a whole skin* at any rate.

21. Colquitt's disdainful refusal was conveyed to Wood's "*man of honour and gentleman*" (as the fellow *calls himself*), about *noon* on the Saturday. Nothing was done! No challenge sent to Colquitt. It was, however, necessary for Wood *to do something*, or to give up, at once, all pretensions to the character "*of a gentleman and a man of honour*," as the great fool, Taylor, calls it. Well, now, what was done; what did these "*men of honour*" do? Did they determine to *fight*, or did they determine to confess that they *would rather not*? They did neither of these. They did that which one almost blushes to think of as the act of human beings. I told Wood, at the hustings, that my feeling towards him was that of *contempt*: let the world hear the following facts, as related by this Taylor himself, and then say, whether this feeling of mine was not just and proper.

22. There was, at the election, a Dr. CROMPTON, who was so constantly with Wood, on the hustings and every where else, that he was called "*Wood's dry-nurse*;" but the people, when they gave the Doctor this name, could hardly be aware how very apt it would finally appear to be. It is the business of a dry-nurse to keep the child from harm, from harm of all sorts, and especially from *bodily* harm. The Doctor, therefore, at *midnight*, on the Saturday, taking one CHARLES HOWARD (*another companion of Wood*) along with him, went to the Mayor's house; and, having called him up, brought forward HOWARD, who SWORE, that "*he believed* that a duel was about to take place between Mr. Wood and Capt. Colquitt." Then Dr. Crompton *demandd from the Mayor* a WARRANT for the taking of Wood and Colquitt into custody, in order that they might be *bound* to keep the peace: that is to say, *bound not to fight!* This was done accordingly; Wood entered into a bond of 2,000*l.* to keep the peace for *two*

years, with two sureties in 1,000*l.* each; but, it is curious to observe, that the Capt. was (as this Taylor acknowledges) suffered to go at large upon *his word*, without being bound at all, though he, on the Saturday, had (as this Taylor says) actually sent Wood a threatening message on another subject.

23. This newspaper-man, Taylor, would have his readers believe, that neither he nor Wood *knew* that the good and kind and watchful DRY-NURSE was going to the Mayor. He would have us believe, that the Doctor went to the Mayor and got Wood taken up and bound over in 2,000*l.* for *two years*; and all this *sorely against the will* of Wood, who was (Taylor would have us believe) as *eager for fight* as one of Lord Derby's cocks! Ah! "gentleman" Taylor, the newspaper-man, you cannot gull us in this way; for, if the DRY-NURSE had acted *contrary to Wood's wishes*, how came Wood, the next morning, to have the said DRY-NURSE for one of HIS BAIL? And, how came he to be, on the day after, sitting, at the hustings, under the wing of the DRY-NURSE, like a frightened chicken under the protection of an old hen? Oh! no, "gentleman" Taylor, the newspaper-man of Manchester, we are not to be induced to swallow this. What! Did Dr. CROMPTON go to the Mayor *without Wood's knowledge*? Did he go, and *inform against Wood*; and get a warrant to take him up; and then get him *bound over for two years*, in the sum of 2000 pounds: did the doctor do all this *against Wood's wish*; and was Wood *not angry* with the Doctor! And, *if he were angry* with the Doctor, how came he, on the Sunday, to have the Doctor for one of his bail, and, on the Monday, to be again sitting *cuddled up under his wing* at the hustings? What! DOCTOR CROMPTON go and *inform against a man*, get a warrant to take the man up, cause the man to be seized by a constable and led prisoner before a magistrate; the Doctor do all this, and then *go with the prisoner*, and BE HIS BAIL! Why, my friends of Preston, if Charles Howard, Dr. Crompton, Newspaper Taylor

(though, as he says, "a gentleman"), and Wood himself; if they were all to make their several voices into one, and if with that one voice, they were to *take an oath*, that the DRY-NURSE and HOWARD did not go to the Mayor and get the warrant *with Wood's knowledge and wish*; if they were all to swear this, till they were hoarse, is there one single man of you that would believe it?

24. But, whatever we may think of this affair, it is nothing, when compared with the affairs with BARRIE and POLHILL. COLQUITT finding, on the Saturday afternoon, that his charge of "*treachery and cowardice*" produced *no effect*, sent a real challenge to Wood. "Gentleman" Taylor the newspaper-man, gives this challenge (of which Capt. M'QUHAE was the bearer) in the following words: "Captain M'Quhae is instructed by Captain Colquitt to demand from Mr. Wood *immediate satisfaction* for having stated, in one of his speeches from Croft's Inn, that the British colours were disgraced by being followed by such a man as Captain Barrie; Mr. Wood's communication to be full and in writing.—Saturday, 24th June, 1826." Now, "*immediate satisfaction*" means *unsaying what you said*, or fighting the party. You will observe that COLQUITT does not *ask for explanation*, as Wood did; but that he "*demand satisfaction*," and "*immediate*" satisfaction too!

25. Now mark. This TAYLOR, the "gentleman" newspaper-man, says, upon this, "that he, finding, from conversation with WOOD, that WOOD had *never made use of any such language about BARRIE*; and, being himself quite sure, that WOOD never had made use of any such language about BARRIE," he, the gentleman newspaper-man, being *quite sure* that WOOD had never made use of any such language, said that there could be "*no objection to an explicit disavowal of it*." And this was the answer that a "*man of honour*," that a fighting gentleman newspaper-man gave to so peremptory, and, indeed, so insolent a demand as that of COLQUITT! But,

the gentleman newspaper-man went a great deal further than this; for he gave Colquitt's messenger the following written certificate:—"Mr. Taylor is requested, on the part of Mr. Wood, in reply to Captain M'Quhae's note, explicitly to state, that he has never, at any time during this election, asserted that 'the British colours were disgraced by being followed by such a man as Captain Barrie,' or made use of any words to that effect.—Red Lion, Preston, June 24th, 1826, eleven o'clock, p. m."

26. The men of war finding that all these efforts had failed, Capt. BARRIE, himself, tried his hand upon WOOD, on the Monday, upon the hustings, by sending a message to him to know, whether he, WOOD, had made use of the following words, which words had appeared in the Preston Chronicle of the Saturday: "Let him (Captain Barrie) bear the national flag against the foe if he will: but if he were here I would tell him this, that the *national flag was never more disgraced then it is by being borne in a procession of men, who are brought up to vote against their consciences by the price of bribery.*"—WOOD, after consulting, as man-of-honour TAYLOR tells us, wrote and sent to Captain BARRIE the following words: "I am not answerable for newspaper reports, but I have no hesitation in saying, that the report of my speech is inaccurate in many important points, and *that I did not utter the words as above quoted by the Chronicle*; and I have further no hesitation in saying, *that I never said, or meant to imply, that Captain Barrie had in any way whatever disgraced the national flag; or that he (Captain Barrie) had brought up his men to vote against their consciences, by the price of bribery,*—JOHN WOOD."

27. This is gentleman TAYLOR's account of this transaction; but it was a great deal more humiliating to WOOD than this; for BARRIE read the offensive passage in the Preston Chronicle to WOOD upon the hustings; and then, turning to Wood, he said, looking fiercely at him, at the

same time, "*is that true?*" To which Wood, to the astonishment of his own people, answered, "NO: IT IS NOT." Still BARRIE was unsatisfied; and, still looking fiercely at Wood, said, "*I must have that in writing.*" Upon this WOOD immediately left his box, and went out to the hall at the back of the hustings, where he, and the gentleman newspaper-man, got up the purgation note which I have inserted at the close of the last paragraph.

28. Poor fellow! What a hunting they gave him! It is notorious that he did say these words, or words to this effect. This is known to hundreds and hundreds of persons at Preston. The Reporter of the Morning Herald still insists that he heard the words. The Editors of the Preston papers say as much for themselves. Could all these people be deceived? After I left Preston, I read, with great surprise, the above account in the Manchester Guardian. Several people at Preston had told me that WOOD had, in his speeches at the inn, accused Barrie of bribery; I, therefore, wrote back to my son, who was still at Preston, to make strict inquiries into the matter; and to send me such evidence as would enable me to speak positively upon the subject. My son found that there were many of our own friends who heard WOOD utter the words: but, in choosing a person to give evidence on the subject, he thought it best to take one of WOOD's own friends, great numbers of whom had heard the words uttered, had approved of the words, and had felt most indignant at WOOD, for having, in so shocking a manner, eaten those words. My son, therefore, inquired for some friend of WOOD who had heard these words; and he found THOMAS LEE, who had, observe, *voted a plumper for WOOD*, and who made the following affidavit:—

Thomas Lee, of No 3, High-street, in the parish of Preston, in the county of Lancaster, Weaver, maketh oath and saith, that on Monday the 19th day of June last, after the close of the poll on that day, he attended with a great number of other persons to hear Mr. Wood speak from the window of his inn; that this deponent

stood on the edge of the pavement, at about four yards distant from the house and nearly directly under the window from which Mr. Wood spoke; that he, so situated, heard the whole of Mr. Wood's speech very distinctly; that he has a clear recollection of all that Mr. Wood said, so that if the report of Mr. Wood's speech were read to him, he could, if any word were stated in such report which had not been delivered by Mr. Wood on the occasion aforesaid, immediately point it out; he further saith that the report, which appeared in the Preston Chronicle, of the 24th of June last, being a report of the said speech of Mr. Wood, has been read to him, this deponent; and he further saith, that with respect to the words following, to wit.—“Let him (meaning Captain Barrie) bear them (meaning the national colours) against the foe if he will, but if he were here I would tell him this, that the national flag was never more disgraced than it is by being borne in a procession of men who are brought up to vote against their consciences by the price of bribery;” that with respect to these words he did distinctly hear them, or words to the same effect, uttered by Mr. Wood in the course of his speech aforesaid; and this deponent moreover saith, that when these words were uttered there was great applause from the persons assembled, in which applause he believes that no one joined more heartily than himself.

Sworn before me, at my office in } The mark of
Preston, this sixth day of July, in } +
the year our of Lord one thousand } THOMAS LEE.
eight hundred and twenty-six.

EWD. RISHTON,
a Master Extraordinary in Chancery.

29. There needs no other remark upon this, than that, even this is not more than we might reasonably expect from the man who could bring forward, and appear to believe in, the BOOK OF WONDERS.

30. We now come to the third antagonist; namely, little Captain POLHILL. This Captain was the Commander of the horse soldiers that were brought into the town, during the election. He had, it seems, been attacked, by hooting, or in some such way, by people, as he asserted, *wearing green ribbons*. And he took it into his head, that WOOD should *make an apology for this to him*; though it was not done in Wood's presence, nor within half a mile of the spot where Wood was at the time. The fact is, as I heard,

and as I believe, that these marks of hatred bestowed upon the little Captain, were bestowed upon him by good fellows, who were wearing *my* colours, and not WOOD's, and who had been *disarmed* by the soldiers on the Friday. Nevertheless, the little Captain, wishing to have an apology from *somebody*, and thinking it not very likely that he should get one from me, was resolved to have one from poor WOOD! Accordingly when WOOD had concluded his last speech, at the hustings, this POLHILL, who was standing in the Mayor's box, called out to WOOD, in an authoritative tone, to make the acknowledgment; that is to say, to disclaim the men, who, as he, POLHILL, asserted, had insulted him! Monstrously impudent as this was, coming from a *paid soldier*, to a man who was now a *Member of Parliament*; monstrously impudent as this was, the poor thing, WOOD, with the “man-of-honour”-newspaper-man on one side of him, and with the dry-nurse, Doctor CROMPTON, on the other side of him, first wanted to be *allowed* to make the disclaimer from the window of his inn; but the noble Captain *insisted upon his doing it on the spot!* He submitted; and, he was proceeding to say, that, “the gentleman who was insulted, was an officer in the *King's Guards*”; but here he was interrupted by POLHILL (who is not half so big as himself), crying out, “The *King's Dragoon Guards!*” and WOOD, just like a boy, standing before his master at school, resumed: “the *King's Dragoon Guards.*” After this he went on to disclaim all connexion and acquaintanceship with, all friendship for, all mercy towards, those who had been so dreadfully wicked as to insult this great little Captain! Is there a man, or a boy? no, nor a woman, nor a girl, amongst the radicals of Preston, who would have done such a thing as this!

31. So much for the election that we have had: now, for that which we shall have next spring. BARRIE said that he would petition. I do not believe that he will do it. I think that those whom he will listen to, will bid him *be quiet*; will tell him, that *they like Wood and Stanley very well*;

that these are two men that will *do no harm*; that Cobbett has been *kept out*; and that, the holes being both shut now against Cobbett, it would not be *wise to open them again*. I dare say, that, if the Captain really have set his heart upon a seat, he will find some good-natured gentleman to give him one, rather than see him upon the holes again at Preston. Therefore I do not think that Barrie will petition; but, *I know that I shall*; and that, unless all law and all justice, and even all pretence to law and justice, be abandoned, I shall *set aside the election*. WOOD, I hear, comforts himself with the hope, that I shall not venture to encounter the *great expense* of a petition. The same thoughts are, I dare say, passing in the mind of the spitten-upon STANLEY. To their mortification be it known, that this expense, whatever it may be, will be borne by others and not by me, who, however, will take special care that it shall amount to but very little. Not so will it be on their part. They have not the knowledge, the talent, the zeal, the labour, for such an undertaking. They must BUY them all. Every thing must be bought by them. Hardly any thing need be bought by me; and there is one thing, that we shall have the eyes of the whole country upon the Preston Election Committee. In Lancashire you are prone to think (and God knows with but too much reason), that there is no justice for any body that the Government does not like. However, there are, except in Lancashire, certain *bounds* to be thought of in matters of this sort. The mode of forming the Committee, or Court, for trying an Election, is perfectly fair. The members are all upon their oaths; the witnesses are upon their oaths; the evidence is taken down in short-hand; the trial is *open*; the parties are heard by themselves or counsel; I shall plead my own cause; I shall examine my own witnesses; I shall cross-examine the witnesses of WOOD and STANLEY; I shall draw up my own petition; I shall frame my own charges; and I have no scruple to say, that, seeing the great interest that will be excited by the trial, and seeing that the eyes of

the whole country will be fixed upon this Committee; I have no scruple to say, that there must be something very much like an end of all law and of all government, before fifteen members of the House can be found to declare *upon their oaths*, that the election ought not to be set aside.

32. This being the case, you may confidently look forward to another election in the course of about eight or nine months; and if I be *alive* at the time, I will be a candidate. I make, observe, *life* the only condition. If I be ill, I will send somebody to canvass and to speak for me. I may possibly be elected for some other place, before that time; but that shall not prevent me from standing for Preston. In short, there is nothing but death itself that shall prevent my being a candidate at the next election for Preston. We shall have one thing, at least, quite new, at another election; that is to say, we shall see no more TALLY TRAPS. There will be a model of our late traps exhibited to the Committee of the House of Commons; and you may be well assured that even your children's children will never see another TALLY TRAP. I think, too, that the Master Manufacturers will, before the next election, have found out *quite sufficient reasons*, for not attempting to bribe, to bias, or to sway their men; and, in short, for not doing any of those things, which many of them have heretofore done, in order to induce their men to vote contrary to their inclinations, or to withhold their votes contrary to their inclinations. I am very much of the opinion that these masters will never play, nor attempt to play, these tricks again.

33. I am decidedly of opinion, that things are now so working together as to cause the next Election for Preston to be something like *free*. In the meanwhile, let me advise you all to promise nobody your votes until you see all the candidates before you. You cannot know what will happen before the election takes place; and therefore it will be best to promise nobody, and then nobody can complain of breach of promise; this complaint was, in the last instance, at once most impudent and most ridiculous. However, it is as well

to make no promise, and then no such complaint can be hatched up.

34. Having now said what is necessary relative to the Election, I should proceed, if I had room, to give you my best advice, with respect to the line of conduct which you ought to pursue amidst the troubles and the sufferings that now exist in the country, and amidst those greater troubles and greater sufferings that are at hand. When I had the honour to address you, for the first time, I told you that these sufferings were but *beginning*. You have found them increase daily and hourly; and I give it you as my decided opinion, that they will continue to increase; and that there will be no efficient relief until there be a *Reform of the Parliament*. But, in the meanwhile, the people must not starve: it is no man's duty to *lie down and die with hunger*. This is what no Government has a right to demand of any man. The law of Nature, the law of God, and the law of England, say that no man shall starve while there is food in the land. In countries, on the Continent, where there are no *Poor-rates*, it is *not theft* to TAKE food, if it be necessary to preserve life, whether of a man's self, his wife, or his children. Men are held to have a *right* to preserve life by taking food belonging to others, unless there be an Overseer, or Magistrate, or somebody to cause sufficient relief to be given to the person who is in danger of perishing of hunger. According to the laws of nature, *all things belong to all men*. Men possess things *in common*. There is, according to the law of nature, no private property. My loaf is as much your loaf as it is mine, and it is more yours than it is mine, if you want it more than I do. This is the law of nature. When men entered into civil society, they gave up this law, and they established the law of *rights*, or of *private property*. My loaf is now, therefore, *exclusively mine*, and you have no *right* to have even a slice of it. Thus, one man becomes rich, while other men remain poor; distinctions, of which the law of nature knows nothing. But (and

now I beg you to *mark well* what I say), if civil society get, no matter by what means, into such a state, that men cannot, by their labour, provide themselves and families with a sufficiency of food and of raiment; if, at the same time, there be no Magistrate, or other person, having authority to take from the rich and to give to the suffering poor, a sufficiency to preserve them against the natural effects of hunger and of cold: if (mark well what I say) civil society get into this state, then *the law of nature, as far as regards the destitute person, returns in its full force*. My loaf is no longer exclusively mine: it is yours, as much as it is mine; and you, if you be amongst the destitute persons, are held to have a *right* to take as much of my loaf as you want to relieve yourself, so that you do not expose me to suffer from want.

35. Now, my kind and good friends of Preston, while I most earnestly pray God that our country may never witness a state of things that shall make this doctrine of practical application; and while I most anxiously and earnestly hope that you and your families will be preserved from this scourge; while these are my prayers and my hopes, such are my fears with regard to the evils which this system is calculated to bring upon the kingdom, that I think it my bounden duty to discuss the doctrine contained in the foregoing paragraph. However that doctrine may appear to hardened ruffians, who can talk so calmly about the "*thinning of the population*," I repeat, that if civil society get into such a state that men cannot, by their labour, provide themselves and families with a bare sufficiency of food and of raiment; and if, at the same time, there be no Magistrate, or other person, to supply the destitute with a sufficiency to preserve them against the natural effects of hunger and of cold; then I say, that it is our duty to inquire, whether, according to the law of nature and the law of God, and according to the civil law and the law of England; according to all these, whether it be THEFT for destitute persons to TAKE,

THE POOR MAN'S FRIEND.

without payment and without leave, food and raiment, which are the property of other people; provided they do not take more than enough to relieve their necessities; and, provided also, they do not, by their taking, leave in want those persons from whom they take.

36. As long as our humane and excellent *Poor-laws* shall be duly executed, we never can be exposed to this dreadful alternative; but, to hear what the law says on the subject, and to discuss that subject; these are necessary, in order to show the excellence of our own *Poor-laws*, to induce the people to appeal to and rely upon them, and to induce the Overseers and the Magistrates promptly to obey them, in order that, in the perilous times that are apparently approaching, we may, at any rate, avoid those violences, which must add to the misery already existing. This duty I shall, therefore, endeavour to perform in my next Number.

I am

Your faithful friend and most obedient servant,

W. M. COBBETT.

N^o. II.

COBBETT'S
POOR MAN'S FRIEND:

OR,

Useful Information and Advice for the Working Classes
in a Series of Letters, addressed to the Working Classes
of Preston.

LONDON:

Printed and Published by W. COBBETT, No. 183, Fleet-Street.

PRICE TWO-PENCE.

LETTER II.

TO THE

WORKING CLASSES OF PRESTON.

Burghclere, Hampshire, 22nd August, 1823.

MY EXCELLENT FRIENDS,

37. AMONGST all the new, the strange, the unnatural, the monstrous things that mark the present times, or, rather, that have grown out of the present system of governing this country, there is, in my opinion, hardly any thing more monstrous, or even so monstrous, as the language that is now become fashionable, relative to the condition and the treatment of that part of the community, which are usually denominated the POOR; by which word I mean to designate the persons who, from age, infirmity, helplessness, or from want of the means of gaining any thing by labour, become destitute of a sufficiency of food, or of raiment, and are in danger of perishing if they be not relieved. Such are the persons that we mean, when we talk of THE POOR; and, I repeat, that, amongst all the monstrous things of these monstrous days, nothing is, in my opinion, so monstrous, as

the language which we now constantly hear, relative to the condition and treatment of this part of the community.

38. Nothing can be more common than to read, in the newspapers, descriptions the most horrible of the sufferings of *the Poor*, in various parts of England, but particularly in the North. It is related of them, that they eat horse-flesh, grains, and have been detected in eating out of pig-troughs. In short, they are represented as being far worse fed and worse lodged, than the greater part of the pigs. These statements of the *newspapers* may be false, or, at least, only partially true; but, at a public meeting of rate-payers, at Manchester, on the 17th of August, Mr. BAXTER, the Chairman, said, that some of the POOR had been *starved to death*, and that *tens of thousands were upon the point of starving*; and, at the same meeting, Mr. POTTER gave a detail, which showed, that Mr. BAXTER's general description was true. Other accounts, very nearly official, and, at any rate, being of unquestionable authenticity, concur so fully with the statements made at the Manchester Meeting, that it is impossible not to believe, that a great number of thousands of persons are now on the point of perishing for want of food, and *that many have actually perished from that cause*; and that this has taken place, and is taking place, IN ENGLAND.

39. There is, then, no doubt of the existence of the disgraceful and horrid facts; but, that which is as horrid as are the facts themselves, and even more horrid than those facts, is the cool and *unresentful* language and manner, in which the facts are usually spoken of. Those who write about the misery and starvation, in Lancashire and Yorkshire, never appear to think *that any body is to blame*, even when the poor die with hunger. The Ministers ascribe the calamity to "*over-trading*"; the cotton and cloth and

other master-manufacturers ascribe it to "*a want of paper-money*," or, to the *Corn-Bill*; others ascribe the calamity to the *taxes*. These last are right; but, what have these things to do with the treatment of the poor? What have these things to do with the horrid facts relative to the condition and starvation of English people? It is very true, that the enormous taxes which we pay on account of loans made to carry on the late unjust wars, on account of a great standing army in time of peace, on account of pensions, sinecures and grants, and on account of a *Church*, which, besides, swallows up so large a part of the produce of the land and the labour; it is very true, that these enormous taxes, co-operating with the paper-money and its innumerable monopolies; it is very true, that *these enormous taxes*, thus associated, have produced the ruin in trade, manufactures and commerce, and have, of course, produced the *low wages* and the *want of employment*: this is very true; but, it is not less true, that, be wages or employment as they may, the poor are not to perish with hunger, or with cold, while the rest of the community have food and raiment more than the latter want for their own sustenance. The LAW OF ENGLAND says, that there shall be no person to suffer from want of food and raiment. It has placed *officers* in every parish to see that no person suffer from this sort of want; and, lest these officers should not do their duty, it *commands all the magistrates* to hear the complaints of the poor, and to compel the officers to do their duty. The LAW OF ENGLAND has provided ample means of relief for the poor; for, it has authorized the officers, or overseers, to get from the rich inhabitants of the parish as much money as *is wanted* for the purpose, without any limit as to amount; and, in order, that the overseers may have no excuse of inability to make people pay, the law has armed

them with powers of a nature the most efficacious and the most efficient and most prompt in their operation. In short, the language of the LAW, to the overseer, is this: "Take care that no person suffer from hunger, or from cold; and, that you may be sure not to fail of the means of obeying this my command, I give you, as far as shall be necessary for this purpose, full power over all the lands, all the houses, all the goods, and all the cattle, in your parish." To the Justices of the Peace the LAW says: "Lest the overseer should neglect his duty; lest, in spite of my command to him, any one should suffer from hunger or cold, I command you to be ready to hear the complaint of every sufferer from such neglect; I command you to summon the offending overseer, and to compel him to do his duty."

40. Such being the language of the LAW, is it not a monstrous state of things, when we hear it commonly and coolly stated, that many thousands of persons, in England, are upon the point of starvation; that thousands will die of hunger and cold next winter; that many have already died of hunger; and, when we hear all this, unaccompanied with one word of complaint against any overseer, or any justice of the peace! Is not this state of things perfectly monstrous? A state of things, in which it appears to be taken for granted, that the LAW is nothing, when it is intended to operate as a protection to the poor! Law is always law: if one part of the law may be, with impunity, set at defiance, why not another and every other part of the law? If the law, which provides for the succour of the poor, for the preservation of their lives, may be, with impunity, set at defiance, why should there not be impunity for setting at defiance the law, which provides for the security of the property and the lives of the rich? If you, in Lancashire, were to read, in an account of a meeting in Hampshire, that, here, the farmers and gentlemen were constantly and openly robbed; that the poor were daily breaking into their houses, and knocking their brains out; and that it was expected, that great part of them would be killed very soon: if you, in Lancashire, were to hear this said of the state of

Hampshire, what would you say? Say! Why, you would say, to be sure, "Where is the LAW; where are the constables, the justices, the juries, the judges, the sheriffs and the hangmen? Where can that Hampshire be? It, surely, never can be in Old England! It must be some savage country, where such enormities can be committed, and where even those, who talk of and who lament the evils, never utter one word in the way of blame of the perpetrators." And, if you were called upon to pay taxes, or to make subscriptions in money, to furnish the means of protection to the unfortunate rich people in Hampshire, would you not say, and with good reason, "No: what should we do this for? The people of Hampshire have the SAME LAW that we have; they are under the same Government; let them duly enforce that law; and, then, they will stand in no need of money from us to provide for their protection."

41. This is what common sense says would be your language in such a case; and, does not common sense say, that the people of Hampshire, and of every other part of England, will thus think, when they are told of the sufferings, and the starvation, in Lancashire and Yorkshire? The report of the Manchester ley-payers, which took place on the 17th of August, reached me in a friend's house, in this little village; and, when another friend, who was present, read, in the speeches of Mr. BAXTER and Mr. POTTER, that tens of thousands of Lancashire people were on the point of starvation, and that many had already actually died from starvation; and when he perceived, that even those gentlemen uttered not a word of complaint against either overseer or justices of the peace, he exclaimed: "What! are there no poor-laws in Lancashire! Where, amidst all this starvation, is the overseer? Where is the justice of the peace? Surely that Lancashire can never be in England!"

42. The observations of this gentleman are those which occur to every man of sense; when he hears the horrid accounts of the sufferings in the manufacturing districts; for, though we are all well aware, that the burden of the

poor-rates presses, at this time, with peculiar weight on the landowners and occupiers, and on owners and occupiers of other real property, in those districts, we are equally well aware, that those owners and occupiers *have derived great benefits* from that vast population that now presses upon them. There is *land*, in the parish in which I am now writing, and belonging to the farm in the house of which I am, which land would not let for 20s. a statute acre; while land, not so good, would let, in any part of Lancashire, near to the manufactories, at 60s. or 80s. a statute acre. The same may be said with regard to *houses*. And, pray, are the owners and occupiers, who have gained so largely by the manufacturing works being near their lands and houses; are they, *now*, to complain, if the vicinage of these same works causes a charge of rates *there*, heavier than exists *here*? Are the owners and occupiers of Lancashire to enjoy *an age of advantages* from the labours of the spinners and the weavers; and are they, when a reverse comes, *to bear none of the disadvantages*? Are they to make no sacrifices, in order to save from perishing those industrious and ever-toiling creatures, by the labours of whom their land and houses have been augmented in value, three, five, or perhaps, tenfold? None but the most unjust of mankind can answer these questions in the affirmative.

43. But, as *greediness* is never at a loss for excuses for the hard-heartedness that it is always ready to practise, it is said, that *the whole of the rents* of the land and the houses would not suffice for the purpose; that is to say, that if the poor-rates were to be made so high as to leave the tenant no means of paying rent, even then, some of the poor must go without a sufficiency of food. I have no doubt that, in particular instances, this would be the case. But for cases like this the LAW has amply provided; for, in every case of this sort, *adjoining parishes* may be made to *assist* the hard-pressed parish; and if the pressure become severe on these adjoining parishes, those *next adjoining them* may be made to assist: and thus the call upon adjoining parishes may be extended till it reach *all over the county*. So good, so benignant, so wise, so foreseeing, and

so effectual, is this, the very best of all our good old laws! This law, or rather code of laws, distinguishes England from all the other countries in the world, *except the United States of America*, where, while hundreds of other English statutes have been abolished, this law has always remained in full force, this great law of mercy and humanity, which says, that *no human being that treads English ground shall perish for want of food and raiment*. For such poor persons as are *unable to work* the law provides food and clothing; and it commands that *work* shall be provided for such as are able to work, and *cannot otherwise get employment*. This law was passed more than *two hundred years* ago. Many attempts have been made to *chip it away*, and some have been made to destroy it altogether; but it still exists, and every man who does not wish to see general desolation take place, will do his best to cause it to be duly and conscientiously executed.

44. Having now, my friends of Preston, stated what the law is, and also the reasons for its honest enforcement in the particular case immediately before us, I will next endeavour to show you that it is founded in the law of nature, and that, were it not for the provisions of this law, people would, according to the opinions of the greatest lawyers, have a *right to take* food and raiment sufficient to preserve them from perishing; and that *such taking* would be neither *felony* nor *larceny*. This is a matter of the greatest importance; it is a most momentous question; for if it be settled in the affirmative—if it be settled that it is *not felony, nor larceny*, to take other men's goods without their assent, and even against their will, when such taking is absolutely necessary to the preservation of life, how great, how imperative, is the duty of affording, if possible, *that relief which will prevent such necessity!* In other words, how imperative it is on all overseers and justices to obey the law with alacrity; and how weak are those persons who look to "*grants*" and "*subscriptions*," to supply the place of the execution of this, the most important of all the laws that constitute the basis of English society! And if this question be settled in the affirmative; if we find the most learned of lawyers and most

wise of men, maintaining the affirmative of this proposition; if we find them maintaining, that it is neither *felony* nor *larceny* to take food, in case of *extreme necessity*, though without the assent, and even against the will of the owner, what are we to think of those, (and they are not few in number, nor weak in power), who, animated with the savage soul of the Scotch *feelosophers*, would wholly abolish the poor-laws, or, at least, render them of little effect, and thereby constantly keep thousands exposed to this dire necessity!

45. In order to do justice to this great subject: in order to treat it with perfect fairness, and in a manner becoming of me and of you, I must take the authorities *on both sides*. There are some great lawyers who have contended that the starving man is still guilty of felony or larceny, if he take food to satisfy his hunger; but there are a great number of other, and still greater, lawyers, who maintain the contrary. The general doctrine of those who maintain the right to take, is founded on the law of nature; and it is a saying as old as the hills; a saying in every language in the world; that "*self-preservation* is the *first law* of nature." The law of nature teaches every creature to prefer the preservation of its own life to all other things. But, in order to have a fair view of the matter before us, we ought to inquire how it came to pass, that laws were ever made to punish men as criminals, for taking the victuals, drink, or clothing, that they might stand in need of. We must recollect, then, that there was a time when no such laws existed; when men, like the wild animals in the fields, took what they were able to take, if they wanted it. In this state of things, all the land and all the produce belonged to all the people *in common*. Thus were men situated when they lived under what is called the *law of nature*; when every one provided, as he could, for his self-preservation.

46. At length this state of things became changed: men entered into society; they made laws to restrain individuals from following, in certain cases, the dictates of their own will; they protected the weak against the strong; the laws secured men in possession of lands, houses, and goods, that

were called *THEIRS*; the words *MINE* and *THINE*, which mean *my own* and *thy own*, were invented to designate what we now call a *property* in things. The law necessarily made it criminal in one man to take away, or to injure, the property of another man. It was, you will observe, even in this state of nature, always a *crime* to do certain things against our neighbour. To kill him, to wound him, to slander him, to expose him to suffer from the want of food, or raiment, or shelter. These, and many others, were crimes in the eye of the law of nature; but, to take share of a man's victuals or clothing; to go and insist upon sharing a part of any of the good things that he happened to have in his possession, could be *no crime*, because there was *no property* in any thing, except in man's body itself. Now, civil society was formed for the *benefit* of the whole. The whole gave up their natural rights, in order that every one might, for the future, enjoy his life in greater security. This civil society was intended to change the state of man *for the better*. Before this state of civil society, the starving, the hungry, the naked man, had a right to go and provide himself with necessaries wherever he could find them. There would be sure to be some such necessitous persons in a state of civil society. Therefore, when civil society was established, it is impossible to believe that it *had not in view some provision for these destitute persons*. It would be monstrous to suppose the contrary. The contrary supposition would argue, that fraud was committed upon the mass of the people in forming this civil society; for, as the sparks fly upwards, so will there always be destitute persons, to some extent or other, in *every community*, and such there are now to a considerable extent, even in the UNITED STATES OF AMERICA; therefore, the formation of the civil society must have been fraudulent or tyrannical upon any other supposition than that it made provision, in some way or other, for destitute persons; that is to say, for persons unable, from some cause or other, to provide for themselves the food and raiment sufficient to preserve them from perishing. Indeed, a provision for the destitute seems *essential to the lawfulness* of civil society; and this ap-

pears to have been the opinion of BLACKSTONE, when, in the first Book and first Chapter of his Commentaries on the Laws of England, he says, "the law not only regards *life* and *member*, and protects every man in the enjoyment of them, but also *furnishes him with every thing necessary for their support*. For there is no man so indigent or wretched, but he may *demand* a supply *sufficient for all the necessaries of life* from the more opulent part of the community, by means of the several statutes enacted for the relief of the poor; a humane provision *dictated by the principles of society*."

47. No man will contend, that the main body of the people, in any country upon earth, and, of course, in England, would have consented to abandon the rights of nature; to give up their right to enjoy all things in common; no man will believe, that the main body of the people would ever have given their assent to the establishing of a state of things which should make all the lands, and all the trees, and all the goods and cattle of every sort, private property; which should have shut out a large part of the people from having such property, and which should, at the same time, not have provided the means of preventing those of them, who might fall into indigence, from being *actually starved to death!* It is impossible to believe this. Men never gave their assent to enter into society on terms like these. One part of the condition upon which men entered into society was, that care should be taken that no human being should perish from want. When they agreed to enter into that state of things, which would necessarily cause some men to be rich and some men to be poor; when they gave up that right, which God had given them, to live as well as they could, and to take the means wherever they found them, the condition clearly was; the "*principle of society*" clearly was, as Blackstone defines it, that the indigent and wretched should have a right to "*demand* from the rich a supply *sufficient for all the necessities of life*."

48. If the society did not take care to act upon this principle; if it neglected to secure the legal means of preserving the life of the indigent and wretched; then the

society itself, in so far as that wretched person was concerned, ceased to have a legal existence. It had, as far as related to him, forfeited its character of legality. It had no longer any claim to his submission to its laws. His rights of nature returned: as far as related to him, the law of nature revived in all its force: that state of things, in which all men enjoyed all things *in common*, was revived with regard to him; and he took, and he had a right to take, food and raiment, or, as Blackstone expresses it, "a supply sufficient for all the necessities of life." For, if it be true, as laid down by this English lawyer, that the *principles of society*; if it be true, that the very principles, or *foundations* of society dictate, that the destitute person shall have a legal demand for a supply from the rich, sufficient for all the necessities of life; if this be true, and true it certainly is, it follows of course that the principles, that is, the base, or *foundation*, of society, is subverted, is gone; and that society is, in fact, no longer what it was intended to be, when the indigent, when the person in a state of extreme necessity, cannot, at once, obtain from the rich such sufficient supply: in short, we need go no further than this passage of BLACKSTONE, to show, that civil society is subverted, and that there is, in fact, nothing legitimate in it, when the destitute and wretched have no certain and legal resource.

49. But, this is so important a matter, and there have been such monstrous doctrines and projects put forth by MALTHUS, by the EDINBURGH REVIEWERS, by LAWYER SCARLETT, by LAWYER NOLAN, by STURGES BOURNE, and by an innumerable swarm of persons, who have been giving before the House of Commons what they call "*evidence*": there have been such monstrous doctrines and projects, put forward by these and other persons; and there seems to be such a lurking desire to carry the hostility to the working classes still further, that I think it necessary, in order to show that these English poor-laws, which have been so much calumniated by so many greedy proprietors of land; I think it necessary to show, that these poor-laws are the things which men of property, above all others, *ought to wish to see maintained*, seeing, that, according

to the opinions of the greatest and the wisest of men, they must suffer most in consequence of the abolition of those laws; because, by the abolition of those laws, the right given by the laws of nature would revive, and the destitute would *take*, where they now simply *demand* (as BLACKSTONE expresses it) in the name of the law. There has been some difference of opinion as to the question, whether it be *theft*, or *no theft*; or, rather, whether it be a *criminal act*, or *not a criminal act*, for a person, in a case of extreme necessity from want of food, to take food without the assent, and even against the will, of the owner. We have, amongst our great lawyers, SIR MATTHEW HALE and SIR WILLIAM BLACKSTONE, who contend (though, as we shall see, with much feebleness, hesitation, and reservation,) that it is *theft*, notwithstanding the extremity of the want; but, there are many, and much higher authorities, foreign as well as English, on the other side. Before, however, I proceed to the hearing of these authorities, let me take a short view of *the origin of the poor-laws in England*; for that view will convince us, that, though the present law was passed but a little more than two hundred years ago, there had been something to effect the same purpose, ever since England had been called England.

50. According to the Common Law of England, as recorded in the MIRROR OF JUSTICES, a book which was written before the Norman Conquest; a book in as high reputation, as a law-book, as any one in England; according to this book, CHAPTER 1st. SECTION 3d., which treats of the "First constitutions made by the antient kings"; according to this work, provision was made for the sustenance of the poor. The words are these: "It was ordained, that the poor should be sustained by *parsons*, by *rectors* of the church, and by the *parishioners*, so that none of them die for want of sustenance." Several hundred years later, the canons of the church show, that, when the church had become rich, it took upon itself the whole of the care and expense attending the relieving of the poor. These canons, in setting forth the manner in which the tithes should be disposed of, say, "Let the priests set apart

"the first share for the building and ornaments of the church; let them distribute the *second to the poor and strangers, with their own hands, in mercy and humility*; and let them reserve the third part for themselves." This passage is taken from the canons of ELFRIC, canon 24th. At a later period, when the tithes had, in some places, been appropriated to convents, acts of Parliament were past, compelling the impropiators to leave, in the hands of their vicar, a sufficiency for the maintenance of the poor. There were two or three acts of this sort passed, one particularly in the twelfth year of RICHARD the Second, chapter 7th. So that, here we have the most ancient book on the Common Law; we have the canons of the church at a later period; we have acts of Parliament at a time when the power and glory of England were at their very highest point; we have all these to tell us, that in England, from the very time that the country took the name, *there was always a legal and secure provision for the poor, so that no person, however aged, infirm, unfortunate, or destitute, should suffer from want.*

51. But, my friends, a time came when the provision made by the Common Law, by the Canons of the Church, and by the Acts of the Parliament coming in aid of those canons; a time arrived, when all these were rendered null by what is called the PROTESTANT REFORMATION. This "Reformation," as it is called, swept away the convents, gave a large part of the tithes to greedy courtiers, put parsons with wives and children into the livings, and, left the poor without any resource whatsoever. This terrible event which deprived England of the last of her possessions on the continent of Europe, reduced the people of England to the most horrible misery; from the happiest and best fed and best clad people in the world, it made them the most miserable, the most wretched and ragged of creatures. At last, it was seen, that, in spite of the most horrible tyranny that ever was exercised in the world, in spite of the racks and the gibbets and the martial law of QUEEN ELIZABETH, those who had amassed to themselves that property out of which the poor had been formerly fed, were compelled to

pass a law to raise money, by way of tax, for relieving the necessities of the poor. They had passed many acts before the FORTY-THIRD year of the reign of this Queen Elizabeth; but these acts were all found to be ineffectual, till at last, in the forty-third year of the reign of this tyrannical Queen, and in the year of our Lord 1601, that famous act was passed, which has been in force until this day; and which, as I said before, is still in force, notwithstanding all the various attempts of folly and cruelty to get rid of it.

52. Thus, then, the present poor-laws, are *no new thing*. They are no *gift* to the working people. You hear the greedy landowners everlastingly complaining against this law of QUEEN ELIZABETH. They pretend that it was an *unfortunate* law. They affect to regard it as a great INNOVATION, seeing that no such law existed before; but, as I have shown, a better law existed before, having the same object in view. I have shown, that the "Reformation," as it is called, had swept away that which had been secured to the poor by the Common Law, by the Canons of the Church, and by ancient Acts of Parliament. There was *nothing new*, then, in the way of benevolence towards the people, in this celebrated Act of Parliament of the reign of QUEEN ELIZABETH; and, the landowners would act wisely by holding their tongues upon the subject; or, if they be too noisy, one may look into their GRANTS, and see if we cannot find something THERE to keep out the present parochial assessments.

53. Having now seen *the origin* of the present poor-laws, and the justice of their due execution, let us return to those authorities, of which I was speaking but now, and, an examination into which will show the extreme danger of listening to those projectors who would abolish the poor-laws; that is to say, who would sweep away that provision, which was established in the reign of QUEEN ELIZABETH, from a conviction that it was absolutely necessary to preserve the peace of the country and the lives of the people. I observed before, that there has been some difference of opinion amongst lawyers, as to the question, whether it be

or be not, *theft*, to take, without his consent and against his will, the victuals of another, in order to prevent the taker from starving. SIR MATTHEW HALE and SIR WILLIAM BLACKSTONE say that it is *theft*. I am now going to quote the several authorities on both sides, and it will be necessary for me to indicate the works which I quote from by the words, letters, and figures which are usually made use of in quoting from these works. Some part of what I shall quote will be in Latin; but I shall put nothing in that language of which I will not give you the translation. I beg you to read these quotations with the greatest attention; for, you will find, at the end of your reading, that you have obtained great knowledge upon the subject, and knowledge, too, which will not soon depart from your minds.

54. I begin with SIR MATTHEW HALE (a Chief Justice of the Court of King's Bench in the reign of Charles the Second) who, in his PLEAS OF THE CROWN, CHAP. IX., has the following passage, which I put in distinct paragraphs, and mark A, B, and C.

55. A. "Some of the casuists, and particularly COVAR-
"RUVIUS, Tom. I. *De furti et rapina restitutione*,
"§ 3, 4, p. 473. and GROTIUS, *de jure belli ac pacis*,
"lib. II. cap. 2. § 6, tell us, that in case of extreme neces-
"sity, either of hunger or clothing, the *civil distributions*
"of property cease, and by a kind of tacit condition the
"first community doth return, and upon this those com-
"mon assertions are grounded: '*Quicquid necessitas*
"cogit, defendit.' [Whatever necessity calls for, it jus-
"tifies.] '*Necessitas est lex temporis et loci.*' [Neces-
"sity is the law of time and place.] '*In casu extremæ*
"necessitatis omnia sunt communia.' [In case of extreme
"necessity, all things are *in common*]; and, therefore, in
"such case *theft is no theft*, or at least not punishable as
"theft; and some even of our own lawyers have asserted
"the same; and very bad use hath been made of this
"concession by some of the *Jesuitical* casuists of France,
"who have thereupon advised apprentices and servants, to
"rob their masters, where they have been indeed them-

“ selves in want of necessaries, of clothes or victuals ;
 “ whereof, they tell them, they themselves are the competent
 “ judges ; and by this means let loose, as much as they
 “ can, by their doctrine of probability, all the ligaments of
 “ property and civil society.”

56. B. “ I do, therefore, *take it*, that, where persons live
 “ under the same civil government, *as here in England*,
 “ that rule, at least by the laws of *England*, is false ; and,
 “ therefore, if a person being *under necessity for want of*
 “ *victuals*, or clothes, shall, upon that account, clandestinely,
 “ and ‘ *animo furandi*,’ [with intent to steal,] steal
 “ another man’s goods, it is felony, and a crime by the laws of
 “ *England*, punishable with death ; although the judge before
 “ whom the trial is, in this case (as in other cases of extremity)
 “ be by the laws of *England* intrusted with a power to relieve
 “ the offender, before or after judgment in order to the obtaining
 “ the King’s mercy. For, 1st, men’s properties would be under
 “ a strange insecurity, being laid open to other men’s necessities,
 “ whereof no man can possibly judge, but the party himself. And,
 “ 2d, Because by the laws of this kingdom [here he refers to the
 “ 43 Eliz. cap. 2.] sufficient provision is made for the supply of
 “ such necessities by collections for the poor, and by the power of
 “ the civil Magistrate. Consonant hereunto seems to be the law
 “ even among the Jews ; if we may believe the wisest of kings.
 “ Proverbs vi. 30, 31. ‘ *Men do not despise a thief, if he steal
 “ to satisfy his soul when he is hungry ; but if he be found, he
 “ shall restore seven-fold, he shall give all the substance of his
 “ house.*’ It is true, death among them was not the penalty
 “ of theft, yet his necessity gave him *no exception* from the ordinary
 “ punishment inflicted by their law upon that offence.”

57. C. “ Indeed this rule, ‘ *in casu extremæ necessitatis omnia
 “ sunt communia*,’ does hold, in some measure, in some particular
 “ cases, where, by the tacit consent of nations, or of some particular
 “ countries or societies, it hath obtained. First, among the
 “ *Jews*, it was lawful in case of hunger to pull ears of standing
 “ corn, and eat, Matt. xii. 1. and for one to pass through a vineyard,
 “ or olive-

“ yard, to gather and eat without carrying away. Deut. xxiii. 24, 25.
 “ SECOND, By the *Rhodian* law, and the common maritime custom,
 “ if the common provision for the ship’s company fail, the master
 “ may, under certain temperaments, *break open the private chests
 “ of the mariners or passengers*, and make a distribution of that
 “ particular and private provision for the *preservation of the ship’s
 “ company*.” Vide CONSOLATO DEL MARÉ, cap. 256. LE CUSTOMES
 “ DE LA MERE. p. 77.

58. SIR WILLIAM BLACKSTONE agrees, in substance with HALE ;
 “ but he is, as we shall presently see, much more eager to establish
 “ his doctrine ; and, we shall see besides, that he has not scrupled
 “ to be guilty of misquoting, and of very shamefully *garbling*,
 “ the *Scripture*, in order to establish his point. We shall find
 “ him flatly contradicting the laws of England ; but, he might
 “ have spared the Holy Scriptures, which, however, he has not done.

59. To return to HALE, you see he is compelled to begin with
 “ acknowledging that there are great authorities against him ;
 “ and he could not say that GROTIUS was not one of the most
 “ virtuous as well as one of the most learned of mankind. HALE
 “ does not know very well what to do with those old sayings
 “ about the justification which hard necessity gives : he does not
 “ know what to do with the maxim, that “ *in case of extreme
 “ necessity all things are owned in common*.” He is exceedingly
 “ puzzled with these ancient authorities, and flies off into
 “ prattle rather than argument, and tells us a story about
 “ “ *jesuitical*” casuists in France, who advised apprentices
 “ and servants to rob their masters, and that they thus “ *let
 “ loose the ligaments of property and civil society*.” I fancy
 “ that it would require a pretty large portion of that sort of
 “ faith which induced this Protestant judge to send witches
 “ and wizards to the gallows ; a pretty large portion of this
 “ sort of faith, to make us believe, that the “ *casuists of
 “ France*,” who, doubtless, *had servants of their own*, would
 “ teach servants to rob their masters ! In short, this prattle
 “ of the judge seems to have been nothing more than one of
 “ those Protestant effusions, which were too much in fashion
 “ at the time when he wrote.

60. He begins his second paragraph, or paragraph B., by saying, that he "*takes it*" to be so and so; and then comes another qualified expression; he talks of civil government "*as here in England.*" Then he says, that the rule of GROTIUS and others, against which he has been contending, "he takes to be false, at least," says he, "*by the laws of England.*" After he has made all these qualifications, he then proceeds to say that *such taking is theft*; that it is *felony*; that it is a crime which the laws of England punish with *death*! But, as if stricken with remorse at putting the frightful words upon paper; as if feeling shame for the law and for England itself, he instantly begins to tell us, that the judge who presides at the trial is intrusted, "*by the laws of England,*" with power to *repeive* the offender, in order to the obtaining of the *King's mercy*! Thus he softens it down. He will have it to be LAW to put a man to death in such a case; but he is ashamed to leave his readers to believe, that an English judge and an English king WOULD OBEY THIS LAW!

61. Let us now hear the reasons which he gives for this which he pretends to be law. His first reason is, that there would be no security for property, if it were laid open to the necessities of the indigent, of which necessities *no man but the takers themselves could be the judge*. He talks of a "strange insecurity;" but, upon my word, no insecurity could be half so strange as this assertion of his own. BLACKSTONE has just the same argument. "Nobody," says he, "would be a judge of the wants of the taker, but the taker himself"; and BLACKSTONE, copying the very words of HALE, talks of the "strange insecurity" arising from this cause. Now, then, suppose a man to come into my house, and to take away a bit of bacon. Suppose me to pursue him and seize him. He would tell me that he was starving for want of food. I hope that the bare statement would induce me, or any man in the world that I do call or ever have called my friend, to let him go without farther inquiry; but, if I chose to push the matter further, there would be *the magistrate*. If he chose to commit the man, would there not be a *jury* and a *judge* to receive evidence,

and to ascertain *whether the extreme necessity existed or not*?

62. Aye, says Judge HALE; but I have another reason, a devilish deal better than this, "and that is, the act of the 43d year of the reign of QUEEN ELIZABETH!" Aye, my old boy, that is a thumping reason! "*Sufficient provisions* is made for the supply of such necessities by *collections for the poor*, and by the *power of the civil magistrate*." Aye, aye! that is the reason; and, Mr. SIR MATTHEW HALE, there is *no other reason*, say what you will about the matter. There stand the overseer and the civil magistrate to take care that such necessities be provided for; and if they did not stand there for that purpose, the law of nature would be revived in behalf of the suffering creature.

63. HALE, not content, however, with this act of QUEEN ELIZABETH, and still hankering after this hard doctrine, furbishes up a bit of Scripture, and calls Solomon the *wisest of kings* on account of these two verses which he has taken. HALE observes, indeed, that the Jews did not put thieves to *death*; but, to restore seven-fold was the *ordinary punishment*, inflicted by their law, for theft; and here, says he, we see, that the extreme necessity *gave no exemption*. This was a piece of such flagrant sophistry on the part of HALE, that he could not find in his heart to send it forth to the world without a qualifying observation; but, even this qualifying observation left the sophistry still so shameful, that his editor, Mr. EMLYN, who published the work under authority of the House of Commons, did not think it consistent with his reputation to suffer this passage to go forth unaccompanied with the following remark: "but, their (the Jews') ordinary punishment being entirely "*pecuniary*, could affect him, *only when he was found in a condition to answer it*; and therefore, the same reasons, which would justify that, can, by no means, be extended to a *corporal*, much less to a *capital* punishment." Certainly: and this is the fair interpretation of these two verses of the Proverbs. PUFFENDORF, one of the greatest authorities that the world knows any thing of, observes,

upon the argument built upon this text of Scripture, "It may be objected, that, in Proverbs, chap. vi. verses 30, 31, he is called a *thief*, and pronounced obnoxious to the penalty of theft, who steals to satisfy his hunger; but whoever closely views and considers that text will find that the thief, there censured, is neither in such *extreme necessity*, as we are now supposing, nor seems to have fallen into his needy condition merely by ill fortune, without his own idleness or default: for the context implies, that he had a *house and goods sufficient* to make seven-fold restitution; which he might have either sold or pawned; a chapman or creditor being easily to be met with in times of plenty and peace; for we have no grounds to think, that the fact there mentioned is supposed to be committed, either in the time of war, or upon account of the extraordinary price of provisions."

64. Besides this, I think it is clear, that these two verses of the Proverbs do not apply to *one and the same person*; for, in the first verse it is said, that men *do not despise* a thief, if he steal to satisfy his soul when he is hungry. How, then, are we to reconcile this with *morality*? Are we not to despise a *thief*? It is clear that the word *thief* does not apply to the first case; but to the second case only; and that the distinction was here made for the express purpose of preventing the man who took food to relieve his hunger *from being confounded with the thief*. Upon any other interpretation, it makes the passage contain nonsense and immorality; and, indeed, GROTIUS says that the latter text does not apply to the person mentioned in the former. The latter text could not mean a man taking food from necessity. It is *impossible* that it can mean that; because the man who was starving for want of food *could not have* sevenfold; *could not have* any substance in his house. But, what are we to think of JUDGE BLACKSTONE, who, in his Book IV. chap. 2., really *garbles* these texts of Scripture. He clearly saw the effect of the expression, "MEN DO NOT DESPISE;" he saw what an awkward figure these words made, coming before the words "A THIEF;" he saw that, with these words in

the text, he could never succeed in making his readers believe that a man ought to be *hanged* for taking food to save his life. He clearly saw that he could not make men believe that *God had said this*, unless he could, some how or other, get rid of those words about NOT DESPISING the thief that took victuals when he was hungry. Being, therefore, very much pestered and annoyed by these words about NOT DESPISING, what does he do but fairly *leave them out!* And not only leave them out, but leave out a part of both the verses, keeping in that part of each that suited him, and no more; nay, further, leaving out one word, and putting in another, giving a sense to the whole which he knew well never was intended. He states the passage to be this: "if a thief steal to satisfy his soul when he is hungry, *he shall restore seven-fold, and shall give all the substance of his house.*" No broom-stick that ever was handled would have been too heavy or too rough for the shoulders of this dirty-souled man. HALE, with all his desire to make out a case in favour of severity, has given us the words fairly: but this shuffling fellow; this smooth-spoken and mean wretch, who is himself *thief* enough, God knows, if stealing other men's thoughts and words constitute theft; this intolerably mean reptile has, in the first place, left out the words "*men do not despise:*" then he has left out the words at the beginning of the next text, "*but if he be found.*" Then, in place of the "*he,*" which comes before the words "*shall give,*" he puts the word "*and;*" and thus he makes the whole apply to the poor creature that takes to satisfy his soul when he is hungry! He leaves out every mitigating word of the Scripture; and, in his reference, he represents the passage to be in *one* verse! Perhaps, even in the history of the conduct of crown-lawyers, there is not to be found mention of an act so coolly bloody-minded as this. It has often been said of this BLACKSTONE, that he not only *lied* himself, but *made others lie*: he has here made, as far as he was able, a liar of King Solomon himself: he has wilfully garbled the Holy Scripture; and that, too, for the manifest purpose of justifying cruelty in courts and judges; for the manifest purpose of justifying the most savage oppression of the poor.

65. After all, HALE has not the courage to send forth this doctrine of his, without allowing that the case of extreme necessity does, "in some measure," and "in particular cases," and, "by the tacit or silent consent of nations," *hold good!* What a crowd of qualifications are here! With what reluctance he confesses that which all the world knows to be true, that the disciples of JESUS CHRIST pulled off, without leave, the ears of standing corn, and ate them "being an hungred." And here are two things to observe upon. In the first place this *corn* was not what we call *corn* here in England, or else it would have been very droll sort of stuff to crop off *and eat*. It was what the Americans call *Indian corn*, what the French call *Turkish corn*, and what is called *corn* (as being far surpassing all other in excellence) in the Eastern countries, where the Scriptures were written. About four or five ears of this *corn*, of which you strip all the husk off in a minute, are enough for a man's breakfast or dinner; and by about the middle of August this corn is just as wholesome and as efficient as bread. So that, this was *something* to take and eat without the owner's leave; it was something of value; and observe, that the Pharisees, though so strongly disposed to find fault with every thing that was done by Jesus Christ and his disciples, did not find fault of their *taking* the corn to eat; did not call them *thieves*; did not propose to punish them for *theft*; but found fault of them only for having *plucked the corn on the Sabbath day!* To pluck the corn was *to do work*, and these severe critics found fault of this working on the Sabbath day. Then, out comes another fact, which HALE might have noticed if he had chosen it; namely, that our Saviour reminds the Pharisees that "DAVID and his companions, *being an hungred*, entered "into the House of God, and did eat the shew-bread, to eat "which was unlawful in any body but the priests." Thus, that which would have been *sacrilege*, under any other circumstances; that which would have been one of the most *horrible of crimes against the law of God*, became no crime at all when committed by a person *pressed by hunger*.

66. Nor has Judge HALE fairly interpreted the two verses

of DEUTERONOMY. He represents the matter thus: that, if you be *passing through* a vineyard or an olive-yard you may gather and eat, without being deemed a thief. This interpretation would make an Englishman believe, that the Scripture allowed of this taking and eating, only where there was a *lawful foot-way* through the vineyard. This is a very gross misrepresentation of the matter; for, if you look at the two texts, you will find, that they say that, "when thou *comest into*;" that is to say, when thou *enterest*, or *goest into*, "thy neighbour's vineyard, then "thou mayest eat grapes thy fill at thine own pleasure, but "thou shalt not put any in thy vessel;" that is to say, that you should not go and make wine in his vineyard and carry it away. Then in case of the corn, precisely the same law is laid down. You may pluck with your *hand*; but not use the *hook* or a *sickle*. Nothing can be plainer than this: no distinction can be wiser, nor more just. HALE saw the force of it; and therefore, as these texts made very strongly against him, he does not give them at full length, but gives us a misrepresenting abbreviation.

67. He had, however, too much regard for his reputation to conclude without acknowledging the right of seizing on the provisions of others *at sea*. He allows that private chests may be *broken open* to prevent men from dying with hunger at sea. He does not stop to tell us, why men's lives are *more precious* on sea than on land. He does not attempt to reconcile these liberties given by the Scripture, and by the maritime laws, with his own hard doctrine. In short, he brings us to this at last: that he will *not acknowledge*, that it is *not theft* to take another man's goods, without his consent, under any circumstances; but, while he will not acknowledge this, he plainly leaves us to conclude, that no English judge and no English king will *ever punish* a poor creature that takes victuals to save himself from perishing; and, he plainly leaves us to conclude, that it is the *poor laws* of England; that it is their existence and *their due execution*, which deprive every body in England of the right to take food and raiment in case of extreme necessity.

THE POOR MAN'S FRIEND.

68. Here I agree with him most cordially; and it is because I agree with him in this, that I deprecate the abominable projects of those who would annihilate the poor-laws, seeing that it is those very poor-laws which give, under all circumstances, really legal security *to property*. Without them, cases must frequently arise, which would, according to the law of nature, according to the law of God, and, as we shall see before we have done, according to the law of England, bring us into a state, or, at least, bring particular persons into a state, which, as far as related to them, would cause the law of nature to *revive*, and to make *all things to be owned in common*. To adhere, then, to these poor-laws; to cause them to be duly executed, to prevent every encroachment upon them, to preserve them as the apple of our eye, are the duty of every Englishman, as far as he has capacity so to do.

69. I have, my friends, cited, as yet, authorities only *on one side* of this great subject, which it was my wish to discuss in this one Number. I find that to be impossible, without leaving undone much more than half my work. I am extremely anxious to cause this matter to be well understood, not only by the working classes, but by the owners of the land and the magistrates. I deem it to be of the greatest possible importance; and, while writing on it, I address myself to you, because I most sincerely declare that I have a greater respect for you than for any other body of persons that I know any thing of. The next Number will conclude the discussion of the subject. The whole will lie in a very small compass. *Fourpence* only will be the cost of it. It will creep about, by degrees, over the whole of this kingdom. All the authorities, all the arguments, will be brought into this small compass; and, I do flatter myself, that many months will not pass over our heads, before all but misers and madmen will be ashamed to talk of abolishing the poor-rates and of supporting the needy by grants and subscriptions.

I am,
Your faithful friend, and most obedient servant,
W. M. COBBETT.

N^o. III.

COBBETT'S
POOR MAN'S FRIEND:

OR,

Useful Information and Advice for the Working Classes;
in a Series of Letters, addressed to the Working Classes
of Preston.

LONDON:

Printed and Published by W. COBBETT, No. 183, Fleet-Street.

PRICE TWO-PENCE.

LETTER III.

TO THE

WORKING CLASSES OF PRESTON.

Bollitree Castle, Herefordshire, 22 Sept. 1826.

MY EXCELLENT FRIENDS,

70. In the last Number, paragraph 69, I told you, that I would, in the present Number, conclude the discussion of the great question of *theft*, or *no theft*, in a case of taking another's goods, without his consent, or against his will, the taker being pressed by extreme necessity. I laid before you, in the last Number, JUDGE HALE's doctrine upon the subject; and I there mentioned the foul conduct of BLACKSTONE, the author of the "Commentaries on the Laws of England." I will not treat this unprincipled lawyer; this shocking court sycophant; I will not treat him as

he has treated King Solomon and the Holy Scriptures; I will not garble, mis-quote and belie him, as he has garbled, mis-quoted, and belied them; I will give the whole of the passage, to which I allude, and which my readers may find in the Fourth Book of his Commentaries. I request you to read it with very great attention; and to compare it, very carefully, with the passage that I have quoted from SIR MATTHEW HALE, which you will find in paragraphs from 55 to 57 inclusive. The passage from Blackstone is as follows:

71. " There is yet another case of necessity, which has
 " occasioned great speculation among the writers upon ge-
 " neral law; viz., whether a man in extreme want of food
 " or clothing may justify stealing either, to relieve his pre-
 " sent necessities. And this both GROTIUS and PUFFEN-
 " DORF, together with *many other* of the foreign jurists,
 " hold in the affirmative; maintaining by many ingenious,
 " humane, and plausible reasons, that in such cases the
 " community of goods by a kind of tacit concession of so-
 " ciety is revived. And some even of our own lawyers,
 " have held the same; though it seems to be an unwarranted
 " doctrine, borrowed from the notions of some civilians: at
 " least it is now antiquated, the law of England admitting no
 " such excuse at present. And this its doctrine is agreeable
 " not only to the sentiments of many of the wisest antients,
 " particularly CICERO, who holds that ' *sum cuique in-*

" *commodam ferendum est, potius quam de alterius com-*
 " *modis detrahendum;*' but also to the Jewish law, as cer-
 " tified by king Solomon himself: 'if a thief steal to satisfy
 " his soul when he is hungry, he shall restore sevenfold,
 " and shall give all the substance of his house:' which
 " was the ordinary punishment for theft in that king-
 " dom. And this is founded upon the highest reason:
 " for men's properties would be under a strange insecurity,
 " if liable to be invaded according to the wants of others;
 " of which wants no man can possibly be an ade-
 " quate judge, but the party himself who pleads them.
 " In this country especially, there would be a peculiar im-
 " propriety in admitting so dubious an excuse: for by our
 " laws such sufficient provision is made for the poor by the
 " power of the civil magistrate, that it is impossible that the
 " most needy stranger should ever be reduced to the neces-
 " sity of thieving to support nature. This case of a stranger,
 " is, by the way, the strongest instance put by baron Puf-
 " fendorf, and whereon he builds his principal arguments:
 " which, however they may hold upon the continent, where
 " the parsimonious industry of the natives orders every one
 " to work or starve, yet must lose all their weight and effica-
 " cy in England, where *charity is reduced to a system, and*
 " *interwoven in our very constitution.* Therefore, our
 " laws ought by no means to be taxed with being *unmerci-*
 " *ful*, for denying this privilege to the necessitous; especii-

“ally when we consider, that the king, on the representation of his ministers of justice, hath a power to soften the law, and to extend mercy in cases of peculiar hardship. An advantage which is wanting in many states, particularly those which are democratical: and these have in its stead introduced and adopted, in the body of the law itself, a multitude of circumstances tending to alleviate its rigour. But the founders of our constitution thought it better to vest in the crown the power of pardoning peculiar objects of compassion, than to countenance and establish theft by one general undistinguishing law.”

72. First of all, I beg you to observe, that this passage is merely a *flagrant act of theft*, committed upon JUDGE HALE; next, you perceive, that which I noticed in paragraph 64, a most base and impudent garbling of the scriptures. Next, you see, that BLACKSTONE, like HALE, comes, at last, to the *poor laws*; and tells us that to take other men's goods without leave, is theft, *because* “charity is here reduced to a system, and interwoven in our very constitution.” That is to say, to relieve the necessitous; to prevent their suffering from want; completely to render starvation impossible, makes a part of our very constitution. “THEREFORE, our laws ought by no means to be taxed with being *unmerciful* for denying this privilege to the necessitous.” Pray mark the word *therefore*. You see, our laws, he says, are not to be taxed with being unmerciful in deeming the necessitous taker a *thief*. And *why* are they not to be deemed unmerciful? BECAUSE the laws provide effectual relief for the necessitous. It follows, then, of course, even according to BLACKSTONE himself,

that, if the Constitution *had not* provided this effectual relief for the necessitous, then the laws *would have been unmerciful* in deeming the necessitous taker a thief.

73. But, now let us hear what that GROTIUS and that PUFFENDORF say; let us hear what these great writers on the law of nature and of nations say upon this subject. BLACKSTONE has mentioned the names of them both; but he has not thought proper to notice their arguments, much less has he attempted to answer them. They are two of the most celebrated men that ever wrote; and their writings are referred to as high authority, with regard to all the subjects of which they have treated. The following is the passage from GROTIUS, on War and Peace, Book II. Chap. II.

74. “Let us see, further, what common right there appertains to men in those things which have already become the property of individuals. Some persons, perchance, may consider it strange to question this, as priorship seems to have absorbed all that right which arose out of a state of things in common. But it is not so. For, it is to be considered, *what was the intention of those who first introduced private property*, which we may suppose to have been such, as to deviate as little as possible from *natural equity*. For if even *written laws* are to be construed in that sense as far as it is practicable, much more so are *customs*, which are not fettered by the chains of writers.—Hence it follows, first, that, in case of *extreme necessity*, the *pristine right of using things revives*, as much as if they had remained in common; because, in all human laws, as well as in the law of private property, *this case of extreme necessity appears to have been ex-*

“ *cepted*.—So, if the means of sustenance, as in case of a sea-
 “ voyage, should chance to fail, that which any individual may
 “ have, should be shared in common. And thus, a fire having
 “ broken out, I am justified in destroying the house of my
 “ neighbour, in order to preserve my own house; and I may
 “ cut in two the ropes or cords amongst which any ship is
 “ driven, if it cannot be otherwise disentangled. All which
 “ exceptions are not made in the written law, but are pre-
 “ sumed.—For, the opinion has been acknowledged amongst
 “ Divines, that, if any one, in such case of necessity, take
 “ from another person what is requisite for the preservation of
 “ his life, *he does not commit a theft*. The meaning of
 “ which definition is not, as many contend, that the pro-
 “ prietor of the thing be bound to give to the needy upon the
 “ principle of *charity*; but, that all things distinctly vested
 “ in proprietors ought to be regarded as such *with a certain*
 “ *benign acknowledgment of the primitive right*. For if
 “ the original distributors of things were questioned, as to
 “ what they thought about this matter, they would reply what
 “ I have said. *Necessity*, says Father *SENECA*, *the great*
 “ *excuse for human weakness, breaks every law*; that is to
 “ say, *human law*, or law made after the manner of man.

75. “ But cautions ought to be had, for fear this license
 “ should be abused: of which the principal is, to try, in every
 “ way, whether the necessity can be avoided by any other
 “ means; for instance, by making application to the magis-
 “ trate, or even by trying whether the use of the thing can, by
 “ entreaties, be obtained from the proprietor. *PLATO* permits
 “ water to be fetched from the well of a neighbour upon this
 “ condition alone, that the person asking for such permission

“ shall dig in his own well in search of water as far as the
 “ chalk: and *SOLON*, that he shall dig in his own well as far
 “ as forty cubits. Upon which *PLUTARCH* adds; *that he*
 “ *judged that necessity was to be relieved, not laziness to*
 “ *be encouraged*.”

76. Such is the doctrine of this celebrated civilian. Let us
 now hear *PUFFENDORF*; and, you will please to bear in mind,
 that both these writers are of the greatest authority upon all
 subjects connected with the laws of nature and of nations. We
 read in their works the result of an age of study: they have
 been two of the great guides of mankind ever since they wrote;
 and, we are not to throw them aside, in order to listen exclu-
 sively to parson *HAY*, to *HULTON OF HULTON*, or to *NICHOLAS*
GRIMSHAW. They tell us what they, and what other
 wise men, deemed to be right; and, as we shall by and by
 see, the laws of England, so justly boasted of by our ances-
 tors, hold precisely the same language with these celebrated
 men. After the following passage from *PUFFENDORF*, I
 shall show you what our own lawyers say upon the subject;
 but I request you to read the following passage with the
 greatest attention.

77. “ Let us inquire in the next place, whether the ne-
 “ cessity of preserving our life can give us any right over
 “ other men's goods, so as to make it allowable for us to
 “ seize on them for our relief, either secretly, or by open
 “ force, against the owner's consent. For the more clear
 “ and solid determination of which point, we think it neces-
 “ sary to hint in short on the causes upon which distinct
 “ *Properties* were first introduced in the world; designing
 “ to examine them more at large in their proper place.

“ Now the main reasons on which *Properties* are founded,
 “ we take to be these two ; that the feuds and quarrels
 “ might be appeased which arose in the *primitive commu-*
 “ *nion* of things, and that men might be put under a kind
 “ of necessity of being industrious, every one being to get
 “ his maintenance by his own application and labour. This
 “ division, therefore, of goods was not made, that every
 “ person should sit idly brooding over the share of wealth
 “ he had got, without assisting or serving his fellows ;
 “ but that any one might dispose of his things how he
 “ pleased ; and if he thought fit to communicate them to
 “ others, he might, at least, be thus furnished with an op-
 “ portunity of laying obligations on the rest of mankind.
 “ Hence, when properties were once established, men ob-
 “ tained a power, not only of exercising commerce, to their
 “ mutual advantage and gain, but likewise of dispensing
 “ more largely in the works of humanity and beneficence ;
 “ whence their diligence had procured them a greater share
 “ of goods than others : whereas before, when all things
 “ lay in common, men could lend one another no assistance,
 “ but what was supplied by their corporal ability, and could
 “ be charitable of nothing but of their *strength*. Farther,
 “ such is the force of *property*, that the *proprietor* hath a
 “ right of delivering his goods with his own hands ; even
 “ such as he is obliged to give to others. Whence it fol-
 “ lows, that when one man has any thing owing from
 “ another, he is not presently to seize on it at a venture, but
 “ ought to apply himself to the owner, desiring to receive it
 “ from his disposal. Yet in case the other party refuse thus
 “ to make good his obligation, the power and privilege of

“ *property* doth not reach so far as that the things may not
 “ be taken away without the owner's consent, either by the
 “ authority of the Magistrate in *Civil Communities*, or in
 “ a *state of Nature*, by violence and hostile force. And
 “ though, in regard to bare Natural Right, for a man to re-
 “ lieve another in extremity with his goods, for which he
 “ himself hath not so much occasion, be a duty obliging
 “ only *imperfectly*, and not in the manner of a *debt*, since
 “ it arises wholly from the virtue of *humanity* ; yet there
 “ seems to be no reason why, by the additional force of a
 “ civil ordinance, it may not be turned into a strict and
 “ perfect obligation. And this, *Selden* observes to have
 “ been done among the *Jews* ; who, upon a man's refusing
 “ to give such alms as were proper for him, *could force*
 “ *him to it by an action at law*. It is no wonder, there-
 “ fore, that they should forbid *their poor*, on any account,
 “ to seize on the goods of others, enjoining them to take only
 “ what private persons, or the Public Officers, or Stewards
 “ of Alms, should give them on their petition. Whence the
 “ stealing of what was another's, though upon extreme ne-
 “ cessity, passed in that state for theft or rapine. But now
 “ supposing *under another Government the like good pro-*
 “ *vision is not made for persons in want*, supposing like-
 “ wise that the covetous temper of men of substance cannot
 “ be prevailed on to give relief, and that the needy creature
 “ is not able, either by his work or service, or by making
 “ sale of any thing that he possesses, to assist his present
 “ necessity, *must he, therefore perish with famine* ? Or
 “ *can any human Institution bind me* with such a force,
 “ that, in case another man neglects his duty towards me,

“ *I must rather die, than recede a little from the ordinary and regular way of acting? We conceive, therefore, that such a person doth not contract the guilt of theft, who happening, not through his own fault, to be in extreme want, either of necessary food, or of clothes to preserve him from the violence of the weather, and cannot obtain them from the voluntary gift of the rich, either by urgent entreaties, or by offering somewhat equivalent in price, or by engaging to work it out, shall either forcibly or privily relieve himself out of their abundance; especially if he do it with full intention to pay the value of them, whenever his better fortune gives him ability. Some men deny that such a case of necessity, as we speak of, can possibly happen. But what if a man should wander in a foreign land, unknown, friendless, and in want, spoiled of all he had by shipwreck, or by robbers, or having lost by some casualty whatever he was worth in his own country; should none be found willing either to relieve his distress, or to hire his service, or should they rather (as it commonly happens), seeing him in a good garb, suspect him to beg without reason, must the poor creature starve in this miserable condition?* ”

78. Many other great foreign authorities might be referred to, and I cannot help mentioning COVARRUVIUS, who is spoken of by JUDGE HALE, and who expresses himself upon the subject in these words: “ the reason why a man in extreme necessity may, *without incurring the guilt of theft or rapine*, forcibly take the goods of others for his present relief, is, because his condition *renders all things common*. For it is the ordinance and institution

“ of nature itself, that inferior things should be designed and directed to serve the necessities of men. Wherefore the division of goods, afterwards introduced into the world doth not derogate from that precept of natural reason, which suggests, that the *extreme wants of mankind may be in any manner removed by the use of temporal possessions*.” PUFFENDORF tells us, that PERESIVS maintains, that, in case of extreme necessity, a man is compelled to the action, by a force which he cannot resist; and then, that the owner's consent may be presumed on, because humanity obliges him to succour those who are in distress. The same writer cites a passage from St. AMBROSE, one of the FATHERS of the church, which alleges that (in case of refusing to give to persons in extreme necessity) it is the person who retains the goods who is guilty of the act of wrong doing, &c. St. AMBROSE says: “ it is the *bread of the hungry* which you detain: it is the *raiment of the naked* which you lock up.”

79. Before I come to the English authorities on the same side, let me again notice the foul dealing of Blackstone; let me point out another instance or two of the insincerity of this English court-sycophant, who was, let it be noted, Solicitor-general to the queen of the “ good old King.” You have seen, in paragraph 64, a most flagrant instance of his perversion of the Scriptures. He garbles the word of God, and prefaces the garbling by calling it a thing “ *certified* by king Solomon himself;” and this word, *certified*, he makes use of just when he is about to begin the scandalous falsification of the text, which he is referring to. Never was any thing more base. But, the whole extent of the baseness we

