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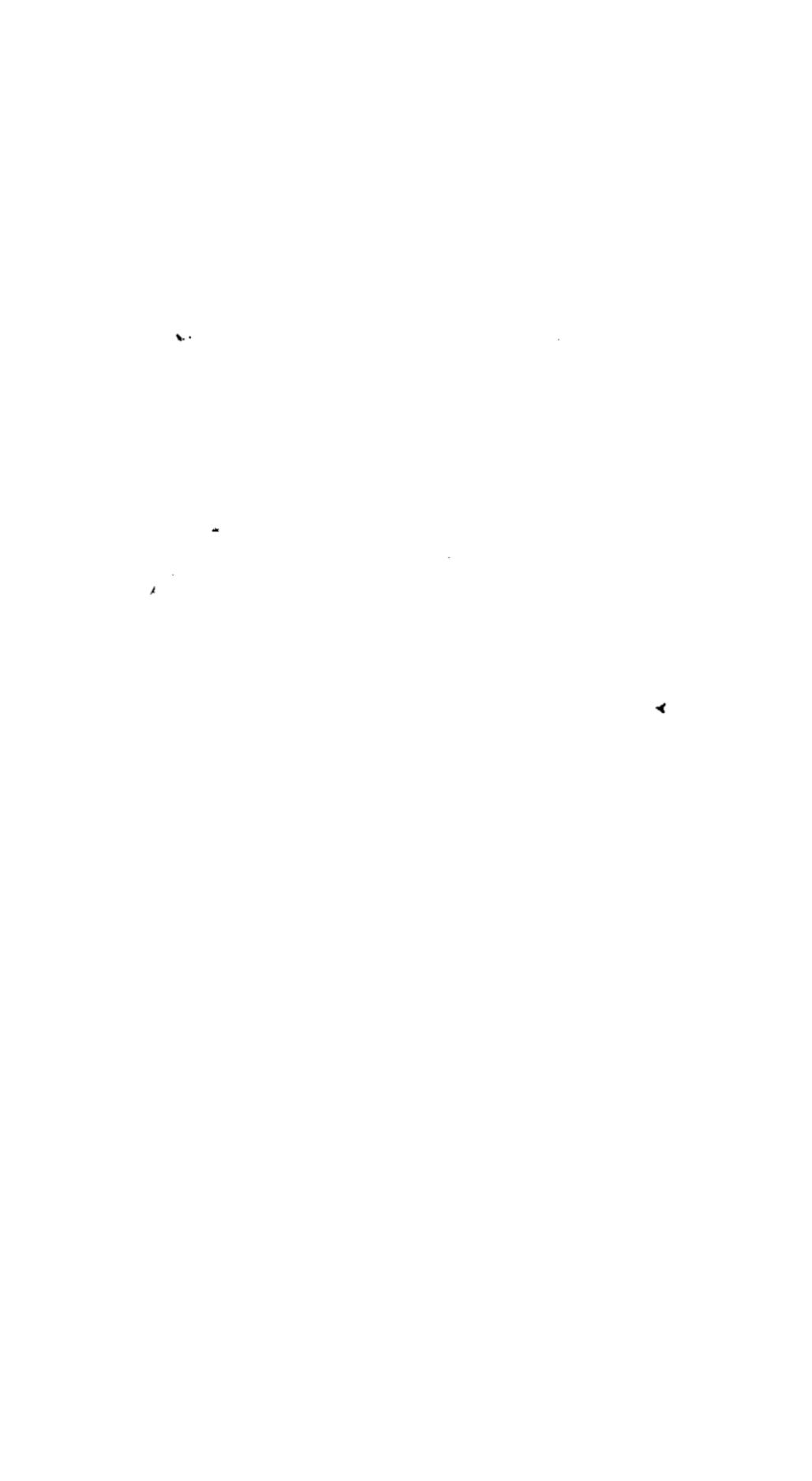
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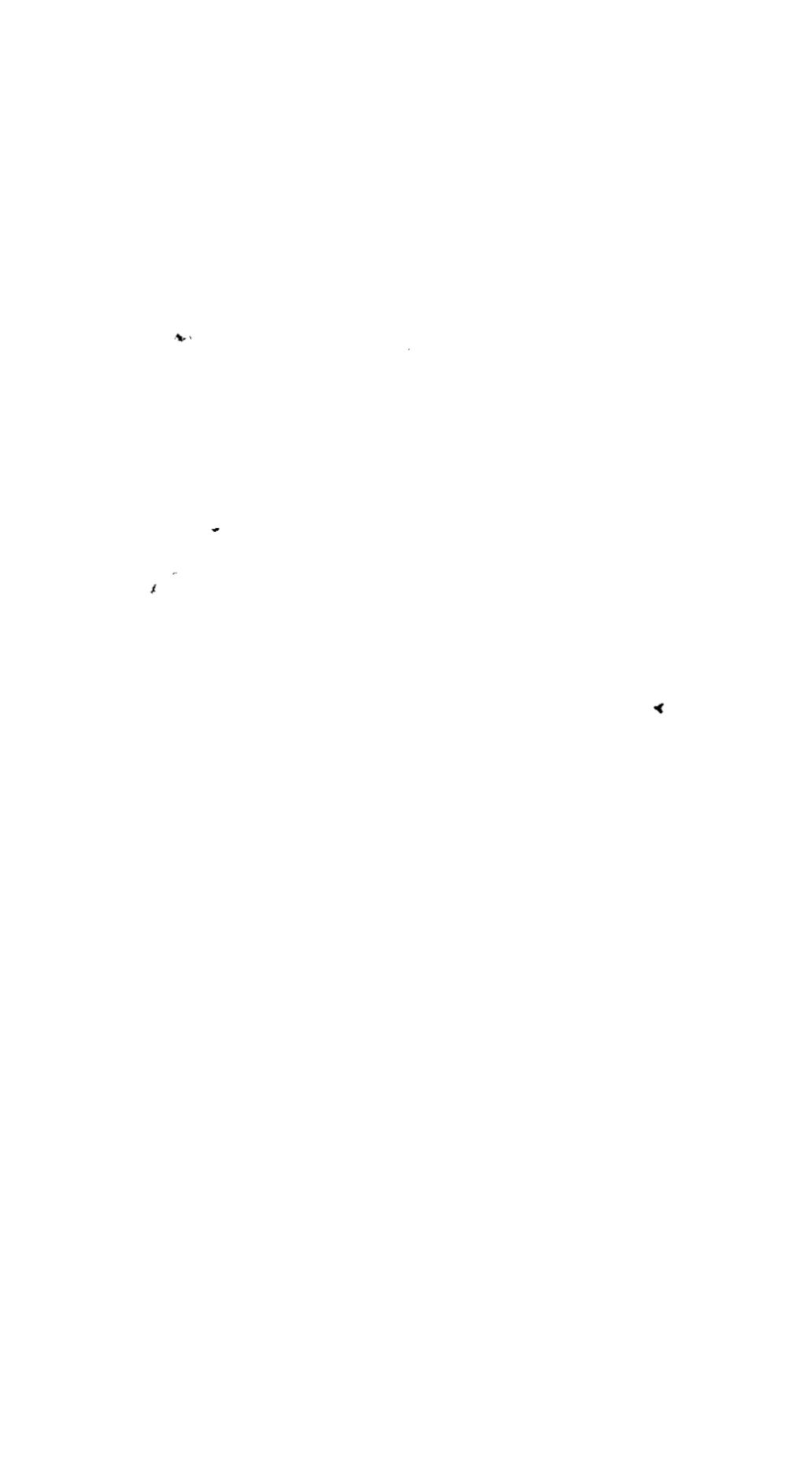
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THE
POLITICAL STATE
OF
THE BRITISH EMPIRE;

CONTAINING
A GENERAL VIEW
OF
THE DOMESTIC AND FOREIGN POSSESSIONS
OF THE CROWN;

THE LAWS, COMMERCE, REVENUES, OFFICES,
AND OTHER ESTABLISHMENTS,

CIVIL AND MILITARY.

By JOHN ADOLPHUS, Esq.

BARRISTER AT LAW, F.S.A.

AUTHOR OF "THE HISTORY OF ENGLAND, FROM THE ACCESSION OF
KING GEORGE III. TO THE PEACE OF 1763."

IN FOUR VOLUMES.

VOL. I.

LONDON:

PRINTED FOR T. CADELL AND W. DAVIES,
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1818.

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TO
HIS ROYAL HIGHNESS,
GEORGE, PRINCE OF WALES,
&c. &c. &c.
REGENT OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND.

SIR,

WITH the greatest pride and satisfaction, I avail myself of the gracious permission to dedicate to Your Royal Highness this description of the Political State of the British Empire.

During the period, in which, by the decree of Providence, this United Kingdom has been committed to the care of Your Royal Highness, the possessions of the Crown, in all parts of the world, have been extended and consolidated,

and the character of Britons raised, to an unrivalled eminence.

In conformity with the general sentiment of all who love their country, I feel that the best guaranty for the perpetuation of the national prosperity and the privileges of the subject, is to be found in the operation of those principles which were secured when a Sovereign of the House of Brunswick ascended the throne. Actuated as Your Royal Highness is by those principles, the most ardent patriot cannot desire for his countrymen a larger portion of glory, happiness and freedom, than it has always been Your Royal Highness's endeavour to secure to them.

I am,
With the most profound respect,
Sir,
Your Royal Highness's
Most dutiful,
Faithful and obedient Servant,
JOHN ADOLPHUS.

TEMPLE,
20th March, 1818.

PREFACE.

AFTER the publication of my History of England, in 1802, I began to collect materials for the work now presented to the public. In the period which has since elapsed, many circumstances have arisen, which have varied the plan, and produced irregularity in the execution.

In my first conception, I intended to make the Union of Great Britain with Ireland, and the peace of Amiens, the limits of my inquiries into those parts of the subject, which related to civil and military affairs, to finance and colonies. The speedy renewal of hostilities with France, and the events which for many years marked that stupendous conflict, the resumption of colonies which seemed to have been abandoned, the vast efforts made in all departments of the naval and military service, the necessary increase of taxation, and the inevitable changes, wrought by time, or produced by speculation, in the state and system of a nation, always aspiring to pre-eminence, obliged me frequently to alter and enlarge my plan.

Anxious to bring the labour within a reasonable compass, and confiding in the result of my own exertions, I, long ago, sent such parts as were written to

the press, under a conviction, that I should with equal dispatch supply the residue, and that the alterations required would be few and unimportant. In this hope, I was much deceived. The public can never be interested in learning the causes of an author's delays; but, without incurring censure, I may be permitted to mention, that the eager pursuit of a laborious and anxious profession, has, for the last ten years, so much occupied my time, as to leave but few and short intervals of leisure; while, during a great part of that period, the state of my health obliged me to devote those intervals to repose. Hence, a work which soon after its commencement was announced for immediate publication, has been delayed till the present time.

By this statement, I am not attempting to apologize for palpable deficiency, or evident misrepresentation. That a work so extensive must have many defects, and contain many errors, it would be arrogant to deny. For these, my apology must be left to the candour of judicious readers. They will know how impossible it is for one, who on many subjects must derive his knowledge from books, without aid from personal observation and experience, to collect exact and complete information. The candour which I solicit, applies chiefly to the apparent irregularity in the execution of the work, the cause of which I have thus briefly explained.

As I profess to rely principally on published authorities, I consider myself, in those parts, answerable only for the mode in which they have been selected, and the care with which their contents have been detailed. Considering truth and exactness

to be the chief merit to which I could aspire, I have generally transcribed the very words of the authors from whom my statements were derived.

In making these selections, the delay (which has attended the completion of this work) has been rather beneficial than disadvantageous, as many valuable publications have recently appeared, from which I have derived much information, and without which my task must have been very incompletely executed. In availing myself of the latest communications, and introducing in parts already printed, the alterations which time or circumstances had rendered necessary, I have occasionally cancelled a leaf, and united the more recent matter with the general subject. Where the alteration has been too extensive to permit, or too minute to require such an insertion, I have resorted to an appendix, with references to the places where the additional information would apply, so that on the whole, the general view of the state of the British Empire is brought down nearly to the period of publication. These alterations and additions are not of sufficient importance to affect the general utility of the work, but their omission would have subjected me to reproach on the score of negligence and inaccuracy.

In a few instances, I have adverted to events and persons somewhat removed by distance of time, rather than to those very recent subjects which could hardly be mentioned without a suspicion of intended commendation or censure. Indeed it has been my anxious care throughout this work on the Political State of the British Empire, to avoid every thing which might be construed into an allusion to par-

ticular politics, or to the systems or conduct of individuals or of parties. The reasons of this forbearance are too obvious to require a statement.

I am sensible that neither the address nor the humility which an author can display in a preface can secure commendation, or avert censure if merited ; but having already experienced the satisfaction which results from the approbation of the public, I feel, in committing these volumes to their judgment, an increased anxiety for the continuance of their favourable opinion.

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ADDITIONS AND CORRECTIONS.

A. — Vol. I. p. 403.

THE statute of Charles II. obliging persons to bury the dead in woollen, is repealed by the 54th George III. c. 108.

B. — Vol. I. p. 418.

By the statute 53 George III. c. 127. the power of the ecclesiastical courts to pronounce sentence of excommunication is taken away in all cases of disobedience to process, and contempt of the court; but where such offences shall be committed, the court may pronounce the party contumacious and in contempt, and a writ *de contumace capiendo* may be obtained. The courts may still pronounce persons to be excommunicated, in definitive sentences or interlocutory decrees, if pronounced as spiritual censures, for offences of ecclesiastical cognizance; but no person under such sentence shall incur any civil penalty or incapacity, or be liable to any greater punishment than that of imprisonment for a term not exceeding six months.

C. — Vol. I. p. 437.

The enactments which excepted those who deny the Holy Trinity from the general benefits given to protestant dissenters, are repealed by 53 George III. c. 160.

D. — Vol. I. p. 467.

In 1815, His Royal Highness the Prince Regent was pleased to make a very considerable alteration in the knighthood of the Bath; the reasons for which, together with its extent, will be found in the following extract from the London Gazette of Tuesday, January the 3d, in that year.

Whereas His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, Sovereign of the Most Honourable Military Order of the Bath, is desirous of commemorating the auspicious termination of the long and arduous contests in which this empire has been engaged, and of marking in an especial manner his gracious sense of the valour, perseverance, and devotion manifested by the Officers

of His Majesty's forces by sea and land : — And whereas His Royal Highness has thought it fit, by virtue of the royal prerogative, and of the powers reserved to the Sovereign in the statutes of the said Most Honourable Military Order of the Bath, to advance the splendour and extend the limits of the said Order, to the end that those officers who have had the opportunities of signalising themselves by eminent services during the late war, may share in the honours of the said Order, and that their names may be delivered down to remote posterity, accompanied by the marks of distinction which they have so nobly earned.

The Prince Regent, therefore, acting in the name and on the behalf of His Majesty, hath been graciously pleased to ordain as follows :

1st. The Most Honourable Military Order of the Bath shall from this time forward be composed of Three Classes, differing in their ranks and degrees of dignity.

2d. The First Class of the said Order shall consist of Knights Grand Crosses ; which designation shall be substituted henceforward for that of Knights Companions ; and from the date hereof the present Knights Companions and Extra Knights of the said Order shall, in all acts, proceedings, and pleadings, be stiled Knights Grand Crosses of the Most Honourable Military Order of the Bath.

3d. The number of the Knights Grand Crosses shall not at any time, or upon any account whatever, exceed seventy-two ; whereof there may be a number not exceeding twelve, so nominated and appointed, in consideration of eminent services rendered to the state by British subjects in civil and diplomatic employments.

4th. The said Knights Grand Crosses shall be subject to the same rules and ordinances, and have, hold, and enjoy all and singular the rights, privileges, immunities, and advantages, which the Knights Companions of the said Order have hitherto held and enjoyed, by virtue of the statutes, excepting as far as may be altered or affected by the present decree.

5th. It shall be lawful for all the present Knights Grand Crosses, from and after the date hereof, to wear upon the left side of their upper vestment, the star or ensign of the said Order, although such Knight Grand Cross may not have been installed ; and henceforward the said star or ensign shall be worn by each and every Knight Grand Cross, immediately after his being so nominated and appointed, provided that it shall not be lawful for any Knight Grand Cross to wear the collar of the said Order, until he shall have been formally installed according to the statutes, or unless a dispensation has been granted for the non-observance of the ceremonial of installation.

6th. In order to distinguish more particularly those officers of His Majesty's forces, by sea and land, upon whom the First Class of the said Order hath already been, or may hereafter be, conferred in consideration of especial military service, such Officers shall henceforth bear upon the Ensign and Star, and likewise upon the Badge of the Order, the addition of a wreath of laurel encircling the motto, and issuing from an escrol inscribed "*Ich Dien.*"

This distinction being of a military nature, it is not to be borne by the Knights of the First Class, upon whom the Order shall have been, or may hereafter be, conferred for civil services.

7th. The dignity of a Knight Grand Cross of the Most Honourable Military Order of the Bath, shall henceforth upon no account be conferred upon any Officer in His Majesty's service who shall not have attained the rank of Major-General in the army, or Rear-Admiral in the navy, except as to the Twelve Knights Grand Crosses who may be nominated and appointed for civil services.

8th. Then follows a list of the Knights Grand Crosses, composing the First Class of the Most Honourable Military Order of the Bath.

9th. And His Royal Highness the Prince Regent is further pleased to ordain and declare, that the Princes of the Blood Royal holding commissions as General Officers in His Majesty's army, or as Flag-Officers in the royal navy, now and hereafter, may be nominated and appointed Knights Grand Crosses of the Most Honourable Military Order of the Bath, and shall not be included in the number to which the First Class of the Order is limited by the third article of the present instrument.

10th. By virtue of the ordinance contained in the foregoing article, His Royal Highness the Prince Regent is pleased to declare the following Princes of the Blood Royal to be Knights Grand Crosses of the Order of the Bath, *viz.* :

His Royal Highness the Duke of Clarence.

His Royal Highness the Duke of Kent.

His Royal Highness the Duke of Cumberland.

His Royal Highness the Duke of Cambridge.

His Highness the Duke of Gloucester.

11th. The Second Class of the Most Honourable Military Order of the Bath shall be composed of Knights Commanders, who shall have and enjoy in all future solemnities and proceedings, place and precedence before all Knights Bachelors of the United Kingdom, and shall enjoy all and singular the rights, privileges, and immunities enjoyed by the said Knights Bachelors.

12th. Upon the first institution of the Knights Commanders, the number shall not exceed one hundred and eighty, exclusive of Foreign Officers holding British commissions, of whom a number, not exceeding ten, may be admitted into the Second Class as Honorary Knights Commanders. But in the event of actions of signal distinction, or of future wars, the number may be increased by the appointment of Officers who shall be eligible according to the regulations and restrictions now established.

13th. No person shall be eligible as a Knight Commander of the Bath, who does not actually hold, at the time of his nomination, a commission in His Majesty's army or navy; such commission not being below the rank of Lieutenant-Colonel in the army, or of Post Captain in the navy.

14th. The Knights Commanders shall, from the publication of the present instrument, be entitled severally to assume the distinctive appellation of Knighthood, and shall bear the Badge and Ensign assigned as the distinctions of the Second Class of the Order, on their being duly invested with the same; that is to say, each Knight Commander shall wear the appropriate Badge or Cognizance pendant by a red ribband round the neck, and for further honour and distinction he shall wear the appropriate Star, embroidered on the left side of his upper vestment. There shall also be affixed in the Cathedral Church of St. Peter, Westminster, Escutcheons and Banners of the Arms of each Knight Commander, under which the Name and Title of such Knight Commander with the date of his nomination, shall be inscribed. The Knights Commanders shall not be entitled to bear Supporters, but they shall be permitted to encircle their Arms with the Red Ribband and Badge, appropriate to the Second Class of the Order of the Bath. And for the greater honour of this Class, no Officer of His Majesty's army or navy shall be nominated hereafter to the dignity of a Knight Grand Cross, who shall not have been appointed previously a Knight Commander of the said most honourable Order.

15th. Then follows a list of Officers of His Majesty's naval and military forces, declared to be Knights Commanders.

16th. The Third Class of the Most Honourable Military Order of the Bath shall be composed of Officers holding Commissions in His Majesty's service by sea or land, who shall be styled Companions of the said Order. They shall not be entitled to the appellation, style, precedence, or privilege of Knights Bachelors, but they shall take place and precedence of all Esquires of the United Kingdom of Great Britain and Ireland.

17th. No Officer shall be nominated a Companion of the said Most Honourable Order, unless he shall have received, or shall hereafter receive a Medal, or other Badge of Honour, or shall have been especially mentioned by name in dispatches published in the London Gazette, as having distinguished himself by his valour and conduct in action against his Majesty's enemies, since the commencement of the war in 1803, or shall hereafter be named in dispatches published in the London Gazette, as having distinguished himself.

18th. The Companions of the said Order shall wear the badge assigned to the Third Class pendant by a narrow red sabband to the button-hole.

19th. And his Royal Highness the Prince Regent hath been pleased to ordain and enjoin, that the said Knights Commanders, and the said Companions, shall respectively be governed by the rules and regulations which his Royal Highness, in the name and on the behalf of his Majesty, hath been graciously pleased to make, ordain, and enjoin for them; and by such other rules and ordinances as may be from time to time made and ordained by his Majesty, his heirs and successors Kings of this Realm.

And His Royal Highness the Prince Regent hath been pleased to appoint, that Sir George Nayler, Knt. Genealogist and Blanc Courfier Herald of the Order of the Bath, and York Herald, shall be the Officer of Arms attendant upon the said Knights Commanders and Companions; and also to command, that the Officers hereby appointed Knights Commanders, and those who shall hereafter be respectively nominated and constituted Knights Commanders or Companions, shall immediately after such nomination transmit to the said Sir George Nayler, a statement of their respective military services, verified by their signatures, in order that the same may be by him recorded in books appropriated to the said Knights Commanders and Companions.

And his Royal Highness has also been pleased to approve, that Mr. William Woods be the Secretary appertaining to the said Knights Commanders and Companions.

E. — Vol. II. p. 97.

The account of the state of Debt, Income, and Expenditure terminating at the page above mentioned, is derived from Sir John Sinclair's History of the Revenue. The papers laid before Parliament in 1817, furnish the following statement, as the amount of the Unredeemed Debt on the 1st of February in that year.

	Capitals of Debt Unredeemcd.			Annual Charge for the Debt.		
	£	s.	d.	£	s.	d.
Bank Capital at 3 per cent. - - - }	14,686,800	0	0	440,604	0	0
South Sea Stock - - - }	3,662,784	8	6½	109,883	10	7½
Old South Sea Annuities, 3 per cent. }	5,788,470	2	7	173,654	2	1
New South Sea Annuities, 3 per cent. }	4,013,830	2	10	120,414	18	1
3 per Cents, 1726 - - - }	999,538	9	0	29,986	3	1
3 per Cents, 1751 - - - }	880,600	0	0	26,418	0	0
3 per Cents, Consolidated - - - }	379,074,537	17	5½	11,372,236	2	8½
3 per Cents, Reduced - - - }	150,715,678	16	5	4,521,470	7	3½
4 per Cents - - - - - }	74,919,405	5	1	2,996,776	4	2½
5 per Cents, Navy - - - }	134,882,348	18	0	6,744,117	8	10¾
5 per Cents, 1797 and 1802 - - - }	1,058,503	5	6	52,925	3	3½
Imperial 3 per Cents Annuities, ending 1st May, 1819 - - - }	5,581,917	3	8	167,457	10	3½
Long Annuities, ending 5th January, 1860 - - - }	-	-	-	1,354,544	12	0½
Life Annuities - - - - - }	-	-	-	225,254	13	0
Exchequer Annuities Management - - - - - }	-	-	-	28,565,704	7	11½
Sinking Fund - - - - - }	-	-	-	44,559	15	5¼
Total unredeemcd funded Debt of Great Britain payable in England }	776,264,414	9	0¾	13,560,584	18	11½
DEBT PAYABLE IN IRELAND IN ENGLISH CURRENCY.						
3½ per Cents - - - - - }	9,965,107	10	11	348,778	15	3½
4 per Cents - - - - - }	626,446	3	1	25,057	16	11
5 per Cents - - - - - }	12,745,208	5	3	637,260	8	3½
Life Annuities - - - - - }	-	-	-	44,001	4	7½
Sinking Fund - - - - - }	-	-	-	590,254	2	9
Total unredeemcd Debt of Great Britain and Ireland - - - }	799,601,176	8	3¾	44,095,440	9	4

	Capitals of Debt Unredeemed.
N. B. Of the Irish debt payable in Ireland, there has been discharged by the Irish commissioners, leaving the debt as hereabove stated	£ 8,233,257 16 3
Deduct, cancelled to defray the charge of Treafury Bills raised in 1816	4,041,679 7 9
Remains in the hands of the Irish commissioners	4,191,578 8 6

The total fum of capital redeemed by life annuities, fale of land tax, and purchafes by the commissioners, is as follows, leaving the Debt unredeemed as on the other fide :

For Great Britain	-	-	£ 340,087,225	13	3
Germany	-	-	1,920,716	3	0
Portugal	-	-	426,721	0	0
East India Company	-	-	900,523	0	0
			<u>343,335,185</u>	16	3
From which deduct the debt cancelled by land tax	-	-	£ 25,290,994	3	4
Cancelled to defray the charges on loans from 1812 to 1815, inclusive	-	-	251,738,858	0	0
			<u>277,029,852</u>	3	4
Remains in the hands of the commissioners			<u>66,305,333</u>	12	11
Having been purchased in difcharge of the following debts :—					

	£.	s.	d.		£.	s.	d.
Of Great Britain -	63,057,373	9	11				
Germany - -	1,920,716	3	0				
Portugal - -	426,721	0	0				
East India Com- pany - -	900,523	0	0				
	<hr/>				66,305,333	12	11
And in addition to the above, the sinking fund has purchased from the 1st Feb- ruary to 1st August, 1817. - -					9,461,657	0	0
					<hr/>		

Which will make an addition to the sinking fund of 283,849*l.* 14*s.* 2*d.* per annum.

So that the sinking fund for the debt payable in England amounts on the 1st of August, 1817, to 13,844,434*l.* 13*s.* 1½*d.* per annum.

F. — Vol. II. p. 200.

In the progress of the late war, the annihilation of all opposing navies enabled the British government to reduce this great source of our strength and glory. Accordingly, in 1813, there were only 535 vessels of war in commission, and 67 hired cutters, troop ships, and stationary vessels. In 1815 there were only 403 of the former, and 33 of the latter description, and in 1817, peace being completely re-established, there were of the former 110, and of the latter 75.

G. — Vol. II. p. 207.

The distribution of prizes was considerably altered during the late wars; but it is now little necessary to detail the particulars, as, whenever hostilities are renewed, there will probably be a new proclamation on the subject.

H. — Vol. II. p. 374.

The general view of the army is left as it was originally composed: several alterations were effected in its composition during the war; but the great reduction which has taken place since the peace renders it unnecessary to trace those changes with minute accuracy. The system of enlisting for life was broken in upon, by permitting an engagement for a term of years, and the benefits to the military on retiring were much increased: the additional force (p. 347.) was superseded by the local militia: many barracks have been taken down and the materials sold, and the whole force brought down to a number
calculated

calculated to afford security without inspiring alarm at home, in addition to the number indispensably retained to fulfil our continental engagements. The effective strength of the British army at home and abroad, exclusive of artillery, on the 25th of April, 1817, was as follows: —

Officers	-	-	-	-	-	7,623
Serjeants	-	-	-	-	-	8,811
Trumpeters or Drummers	-	-	-	-	-	3,561
Farriers	-	-	-	-	-	338
Rank and file	-	-	-	-	-	134,699
						Total
						155,032
The total of the artillery was						11,833
						166,865
						166,865

In the above statement the Cape of Good Hope regiment, the Ceylonese regiments, and Black Pioneers, are not included, as they are paid by the colonies in which they are serving. These troops consist of 201 officers, 239 serjeants, 86 drummers, and 3,854 rank and file.

I. — Vol. II. p. 495.

The affairs of the court of chancery, together with the judicial business devolving on the chancellor in the house of lords, having been found to be too great for him to execute without further assistance, it was enacted by the 53 George III. c. 24. that His Majesty may, by letters patent, appoint a barrister of fifteen years' standing, to be an additional judge, assistant to the lord chancellor, to hold his situation during good behaviour, and to be called *The VICE CHANCELLOR of ENGLAND*. He has power to hear and determine all causes, matters, and things depending in the court; and all his decrees, orders, and acts are valid and effectual, subject, however, to reversal by the chancellor, and not to be enrolled until signed by him; nor are they to discharge, reverse, or alter any decree or other thing done by the lord chancellor, or by the master of the rolls. The vice chancellor has precedence next to the master of the rolls, and takes an oath for the due execution of his office. He has a secretary, train-bearer, ushers, and other officers, whose salaries are secured by a statute in the 55th year of the King, and a handsome building is erected in Lincoln's Inn, where he holds his sittings.

K. — Vol. II. p. 545.

Many observations having been made both in print, in parliament, and in other places, on the severity of the law in consigning debtors, who could neither pay nor compound with their creditors, to perpetual imprisonment, the legislature in 1813 passed several acts for the permanent relief of insolvent debtors, and formed a court for judging of their claims. The system established by these acts is, that any debtor who has been in custody three months, may, upon giving certain notices to his detaining and other creditors, apply to the court and obtain his discharge, which, if granted, will free his person, but not his future effects from all process upon account of debts he then may owe. To obtain this privilege, he must present a true schedule of all his debts, and of all his estate and effects, of what nature or kind soever, all which, except wearing apparel and necessaries, not exceeding in value twenty pounds, must be assigned to a person to be nominated by the court, to be distributed among the creditors of the insolvent. It is in the power of the commissioner or judge under this act, if the insolvent is proved to have been guilty of any fraud in his dealings, any concealment of his effects, or to have contracted debts when he had no probability of paying them, or committed waste of his property, to refuse his application; and, in that case, he is remanded for five years. These acts are to be in force until the first of November 1818, and from thence till the end of the then next session of parliament. Whether they will then be suffered to expire, or whether the system will be modified and revised, the wisdom of the legislature, guided by experience, will be able to determine.

L. — Vol. II. p. 562, to the end.

That portion of the work which is intitled "Criminal Law," was drawn up long ago, and at a time when I had no practical acquaintance with the subject. In general I have followed the track of a very learned author, whom it is always safe to rely on, Sir Edward Hyde East; but some things which I had overlooked, and some in which the progress of society and of legislation has effected changes, will be noticed in this Appendix, in the order in which they should have stood in the work itself.

Court of Admiralty, p. 564. It should be added, that as the jurisdiction of the commissioners appointed under the original statute, was confined to the offences therein enumerated, viz. *treasons, felonies, robberies, murders, and confederacies*. The

statute 39 George III, c. 37. extends the provisions of this early enactment to *every offence* committed upon the high seas, out of the body of any county of the kingdom. And as persons tried for murder under the first-mentioned act, could not be found guilty of manslaughter, and, therefore, when the circumstances reduced the crime to that offence, were acquitted entirely, the 39 George III. c. 37. enacts, that where persons tried for murder or manslaughter, committed on the high seas, are found guilty of the latter offence only, they shall be subjected to the same punishment as if they had committed such manslaughter within the jurisdiction of the ordinary tribunals. The 43 George III. c. 113. s. 2. and 3. provides, that any person wilfully casting away any vessel, &c. or procuring it to be done, shall be guilty of felony without benefit of clergy; and shall, if the offence were committed on the high seas, be tried, &c. by a special commission, as directed by statute 28 Henry VIII. c. 15. Accessaries before the fact, on shore, to the wilful destruction of a ship on the high seas, were not triable by the admiralty jurisdiction under 11 George I. c. 29. s. 7. But now by the statute 43 George III. c. 113. which repeals the statutes 4 George I. c. 12. s. 3. and 11 George I. c. 29. ss. 5, 6, and 7. it is enacted, "That if any person shall wilfully cast away, burn, or otherwise destroy, any vessel, or in any wise counsel, procure, or direct the same to be done, and the same shall be accordingly done, with intent to prejudice any owner of the vessel, or of her cargo, or any underwriter on the same, he shall suffer death without clergy: the principal to be tried by the common law court, or in the admiralty court, as the offence shall be respectively committed within the body of a county or on the high seas; and that accessaries before the fact, whether the principal felony be committed within the body of a county, or on the high seas, may be tried by the common law courts, if the principal felony was committed within the body of a county, and by the admiralty court, if committed on the high seas; but the accessory shall not be tried more than once for the same offence."

Compassing the death of the Prince Regent. In p. 583. In a statute passed in the 57th year of the King, chap. 6., is the following clause, the occasion of which is so well stated in the introductory part that it needs only this additional fact, that the outrages alluded to were the lawless acts of a tumultuous assembly of the people, collected in St. James's Park, and who beset the carriage of his Royal Highness in his way to Parliament and on his return, and assailed him, not only with opprobrious exclamations, but with stones and other missiles: no doubt

was entertained but that this violence proceeded from the instigation of dangerous and wicked advisers, and that the statute which passed on the occasion, was highly expedient. It states that in consequence of the daring outrages offered to the person of his Royal Highness the Prince Regent of the United Kingdom of Great Britain and Ireland, in the exercise and administration of the royal power and authority to the crown of these realms belonging, in his passage to and from the Parliament, at the opening of this present session, it is expedient for the security and preservation of the person of the same, his Royal Highness the Prince Regent, to extend certain of the provisions of the said act; and enacts, That if any person or persons during the period in which his Royal Highness shall remain in the personal exercise of the royal authority, shall, within the realm or without, compass, imagine, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, imprisonment or restraint, of his person, and such compassings, imaginations, inventions, devises, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by any overt act or deed, being legally convicted thereof upon the oaths of two lawful and credible witnesses upon trial, or otherwise convicted or attainted by due course of law, then every such person and persons so as aforesaid offending, shall be deemed, declared, and adjudged to be a traitor and traitors, and shall suffer pains of death, and also lose and forfeit as in cases of high treason.

Judgment in case of High Treason. In p. 593. The barbarous and disgusting parts of this judgment are abolished by the 54 Geo. III. c. 146.; and it is directed that the criminal shall be drawn on a hurdle to the place of execution, hanged by the neck, *until dead*, then beheaded and quartered.

Child-stealing. In p. 610. As the law stood, until very lately, there was no adequate punishment for the horrible and distressing crime of stealing or seducing away infants of tender years from their parents, nurses, or the servants to whom they might be intrusted. The crime, although not of every day's occurrence, was not so unfrequent as to render provision against it superfluous; and therefore by the 54 Geo. III. c. 101., it is enacted that if any person shall maliciously, by force or fraud, lead, take, or carry away, or decoy or entice away, any child under the age of ten years, with intent to deprive its parent or parents, or any other person having the lawful care or charge of such child, of the possession of such child, by concealing and detaining such child, or with intent to steal any article of apparel or ornament, or other thing of value

value or use, upon or about the person of such child, or shall receive and harbour with any such intent any such child, knowing the same to have been so taken or decoyed away; every such person or persons, and his, her, and their accomplices, shall be guilty of felony, and subject to the penalties of grand larceny.

Embezzlement by Bankers, Brokers, and Agents. In p. 617. The growth of offences of this description rendered it necessary to declare by 52 George III. c. 68. that if any person with whom as banker, merchant, broker, attorney, or agent, any order, bill, or security, for money or for stock of any description shall be deposited for safe custody, or for any special purpose, without authority to sell or dispose of the same, shall sell, negotiate, transfer, assign, pledge, embezzle, secrete, or in any manner apply to his own use, any such security for money, effects, or the produce of such security contrary to good faith, and with intent to defraud the owner, every such person shall be deemed guilty of a misdemeanour, and sentenced to transportation for any term not exceeding fourteen years; or to receive such other punishment as may by law be inflicted on a person guilty of a misdemeanour. The like punishment is directed against those bankers and others with whom any money, bill, note, draft, cheque, or order for the payment of money, shall be placed, with orders in writing, signed by the parties depositing the same, to invest such money or the produce of such bill, note, draft, cheque, or order as aforesaid, in the purchase of stock or in other securities, or for any other purpose specified in such orders; if he shall apply to his own use any such money, or any such bill, note, draft, cheque, or order for money, in violation of good faith, and contrary to the special purpose specified in the order in writing before mentioned.

And no proceeding under this act deprives the party injured of any remedy at law or in equity.

Stealing linen, &c. from bleaching and other grounds. In p. 618. By 51 George III. c. 41, the capital punishment directed by the 18th George II. c. 27 is repealed, and the offender may be transported for life, or not less than seven years, or imprisoned and kept to hard labour for seven years or less.

Stealing privately from the person. In p. 632. The penalty of death for this offence is repealed by 48 George III. c. 129, which, however, enacts, that every person who shall steal from the person of any other, whether privily without his knowledge or not, but without such force or putting in fear as is sufficient to constitute the crime of robbery, or who shall be present,
aiding

aiding and abetting therein, shall be liable to be transported for life, or for such term not less than seven years as the judge or court before whom any such person shall be convicted, shall adjudge; or shall be liable, in case the said judge or court shall think fit, to be imprisoned only; or to be imprisoned and kept to hard labour for any term not exceeding three years.

Frame breaking. In p. 664. Among the conspiracies which have been devised in late years, was one, of a most alarming and dangerous description, carried on in those parts of the kingdom, where stockings and other kinds of work were woven by means of machinery or frames. Clubs and associations were formed, and the individuals bound to each other by deep and dreadful oaths; they fixed on certain persons as objects of their vengeance, and went to their premises by night, disguised, and destroyed the machinery to which they foolishly or falsely ascribed the want of work, distress or calamity, which they felt or feigned. To prevent these disorders, the statute 52 George III. c. 16. enacts, That if any person shall, by day or by night, enter by force into any house, shop, or place, with an intent to cut or destroy any frame-work, knitted pieces, stockings or lace, or other articles or goods being in the frame, or upon any machine or engine; or with intent to break or destroy any frame, machine, engine, tool, instrument, or utensil used in working or making any such frame-work or goods; or shall destroy, or cut with an intent to destroy or render useless, any frame-work, knitted pieces, stockings, lace, or other goods being in the frame, or prepared for that purpose; or shall break, destroy, or damage, with intent to destroy or render useless, any frame, machine, engine, tool, instrument or utensil, used in and for the working and making of any such frame-work, knitted pieces, or goods; or shall break or destroy any machinery contained in any mill or mills, used in preparing or spinning of wool or cotton, or other materials for the use of the stocking or lace manufactory, he shall be adjudged guilty of felony, without benefit of clergy; and the owner of any property so broken or destroyed, omitting to give information to magistrates within proper time, is made guilty of a misdemeanour.

Unlawful oaths. To prevent the administering and taking such oaths as are above alluded to, it is enacted by 52 George III. c. 104. that every person who shall in any manner or form, administer or cause to be administered, or be aiding or assisting at the administering of any oath or engagement, purporting or intending to bind the person taking the same to commit any treason or murder, or any felony, punishable by law with death, shall, on conviction, be adjudged guilty of felony, without benefit

benefit of clergy; and every person who shall take any such oath or engagement not being compelled thereto, shall be adjudged guilty of felony, and transported for life, or for such term of years as the court shall adjudge. And compulsion shall not justify or excuse any person taking such oath or engagement, unless he shall, within fourteen days, if not prevented by actual force or sickness, and then within fourteen days after such hindrance shall cease, declare the same, together with the whole of what he knows by information on oath before a justice of peace, or one of the secretaries of state, or the council; or in case the person taking such oath or engagement shall be in actual service, in his majesty's forces by sea or land, then by information to his commanding officers.

Pillory. In p. 727. By the 56 George III. c. 138. this mode of punishment is taken away in all cases, except perjury and subornation, and fine or imprisonment is substituted.

Corruption of blood. In p. 729. But by 54 George III. c. 145, no corruption of blood shall ensue, except on conviction of high-treason, petit-treason, or murder.

M. — Vol. III. p. 70.

DOWNING COLLEGE. In 1717, Sir George Downing, of Gamlingay Park, in the county of Cambridge, bequeathed all his estates to trustees, to purchase out of the rents some piece of ground in Cambridge, for the purpose of building a College, to be named Downing College: and that a Charter Royal should be obtained for the purpose. The testator lived until 1749, and it was not until 1769, that a decree of the Court of Chancery was obtained for carrying his will into effect. In 1800, the trustees were enabled to purchase land, and then, His Majesty's charter having been obtained, an act of parliament passed, empowering the trustees fully to complete the intentions of the testator.

This house differs, in some respects, from the other colleges. It consists of a master, a professor of the laws of England, and one of medicine, together with sixteen fellows and six scholars, with 50*l.* a year, to last only four years. The master is to be chosen by the Archbishops of Canterbury and York, and the masters of St. Johns and Clare Hall; but always from among those who either are or were professors or fellows of this college. These rules are to be observed after the completion of the college, and have been thus far attended to. The professors must be chosen, according to certain rules and description of character given in the charter, from the colleges of
Cam-

Cambridge or Oxford ; and a gentleman of a Scotch University may also be chosen to be a professor of medicine : scholars and fellows are to be chosen, and lectures given, as in the other colleges, when the house is completed. Professors are to give their lectures, not as the old college professors, merely to the members of the college, but to the university at large, on receiving the proper terms for admission. With respect to the fellows, it is provided, that two only shall be in holy orders ; of the others it is required, that at a certain period fixed by the charter, they either become barristers of law, or doctors of physic. The mastership and professorships are for life, and possessed of the same privileges as other establishments of the kind in the university : the fellowships are resigned by marriage, or, at all events, at the end of twelve years, unless they have a licence to hold them longer. The master's lodge, and the residence of the professor of medicine are almost finished ; and it will be evident to every one, by the present beginning, that the intention is to make a most magnificent building. It will consist of one large stone-faced quadrangle, more spacious than that of Trinity College ; the south side will be 500 feet long. It will be composed of the Keton stone. The master's lodge is an elegant specimen of the Ionic order : the entrance of the college will be of the Doric : and these two orders will run through the whole quadrangle. On the foundation day, 18th May, 1807, a sermon was preached on the occasion, and a procession made to the Senate-house, where a Latin oration was delivered by one of the fellows : then followed the ceremony of laying the first stone, and of pronouncing the benediction. A Latin inscription on the brass plate upon the foundation stone, commemorates the founder.

N. — Vol. III. p. 470.

WATERLOO BRIDGE. Many years ago a project was formed for erecting a bridge across the Thames, in such a situation as to form an easy communication between the parts of Surrey adjacent to St. George's Fields, and the portion of the metropolis nearest to Covent Garden ; but as no individual was sufficiently wealthy or powerful to attempt such an undertaking, the plan for a long time seemed to be abandoned. At length, by subscription, a fund was raised, and an act of parliament obtained in 1809 for incorporating a joint-stock company, with powers to purchase land, remove houses and other obstacles, and complete the arrangements necessary for building a new bridge over the Thames, from the site of the ancient palace of
the

the Savoy, to the opposite shore. The first stone was laid the 11th of October, 1811; and with surprizing celerity, considering the immense magnitude of the undertaking, this mighty work advanced to its completion. The fund originally calculated as sufficient for all purposes was soon exhausted, and it became necessary to raise additional sums on terms highly disadvantageous. At length, however, the structure was completed. On the 18th of June, 1817, His Royal Highness the Prince Regent, arrived in state by water from Whitehall, and amid the firing of cannon, the ringing of bells, and the acclamations of an immense multitude, presided at the ceremony of throwing open this incomparably beautiful and magnificent bridge. By the original act of incorporation it was to have been called the Strand Bridge; but a new act of Parliament having been required for some temporary purpose, the opportunity was seized, and the name changed for that of Waterloo, in commemoration of the most splendid achievement of modern times. The day of opening the bridge was the anniversary of that ever memorable day, and the hero who gained it graced the ceremony with his presence.

The following particulars are given as a description of the bridge.

	Feet.
The length of the stone bridge within the abutments	1242
Length of the road supported on brick arches on the Surrey side of the river - - - -	1250
Length of the road supported on brick arches on the London side - - - - -	400
Total length from the Strand, where the building begins, to the spot in Lambeth, where it falls to the level of the road - - - - -	2890
Width of the bridge within the balustrades - -	42
Width of pavement or foot way, on each side - -	7
Width of road for horses and carriages - -	28
Span of each arch - - - - -	120
Thickness of each pier - - - - -	20
Clear waterway under the nine arches, which are equal	1080
Number of brick arches on the Surrey side - -	40
Number of ditto on the London side - - -	16

The whole of the outside courses of the bridge is Cornish granite, except the balustrades, which are of Aberdeen granite; and the stones, like those of the Temple of Solomon, were cut to their form before they were brought to the spot. There are 320 piles driven into the bed of the river under each pier; the length of each pile from 19 to 22 feet, and the diameter about 13 inches: there is one pile to every yard square. The scientific manner in which the centres are constructed was

admirable; and as all the arches were of the same size, the centres were removed from those that were finished, and placed on the piers where the arches were not yet thrown: this was an operation which required great skill and care, and was very ably executed. When the centres were removed, so solidly and well was the masonry constructed, that in the middle they only sunk about one inch. Those of the Pont de Neuilly, in France, six miles from Paris, which are nearly similar, sunk about 13 inches in the middle, after the centres were taken away. The four toll-lodges are neat appropriate Doric structures, and there is an ingenious contrivance for keeping a continual check on the toll-collectors by means of an index which is acted upon by the foot of every passenger who goes through the toll-gate.

VAUXHALL BRIDGE. This bridge, also the effect of a joint-stock subscription, was begun in 1813, the first stone being laid by Prince Charles, eldest son of the Duke of Brunswick, and completed in 1816. It consists of nine cast-iron arches, with piers formed by a wooden frame as a foundation, faced with Kentish rag-stone, and Roman cement. It opens an easy communication to the inhabitants south of the Thames, with the houses of parliament and courts of law; and also through Tothill Fields, with Pimlico, Chelsea, and their populous neighbourhoods.

SOUTHWARK BRIDGE. This structure is yet unfinished. It is intended to form a communication between Bankside, Southwark, and the bottom of Queen-street, Cheapside. It consists of three arches only, of cast-iron, on massy stone piers and abutments. The centre arch is 240 feet span, and the two side arches 210 feet each.

O. — Vol. III. p. 512.

Newgate. It should be observed, that debtors are no longer confined in this prison, but in Giltspur-street compter; and to this latter prison, p. 513., felons are now only committed before trial, but not confined there after conviction.

P. — Vol. III. p. 525.

PENITENTIARY. The plan of punishing criminals in such a way as should still secure their persons and their labours to the country, while by care and prudent management a reform might be effected in their morals, had long engaged the attention of government. In 1794, an act had passed for the erection of a penitentiary house or houses, and land had been purchased of the Marquis of Salisbury at Milbank; but

no progress had been made toward the formation of a building, when in 1812 a more digested plan was submitted to the legislature, and incorporated and improved in the several statutes of the 52 Geo. 3. c. 44.; 53 Geo. 3. c. 162.; and 56 Geo. 3. c. 63.

By the first of these acts His Majesty was empowered to appoint three persons with the title of supervisors to carry the intentions of the legislature into effect, and to controul and direct the erection of the building; the land which had been purchased in the name of Jeremy Bentham, Esq., was vested in the crown, and Mr. Bentham was ordered to be indemnified for any loss he might sustain. The building was first intended for convicts in London and Middlesex, but those from other parts of England and Wales might also be received, and for their reception provision is made by the statute last alluded to. The supervisors were empowered to provide for the accommodation and employment of four hundred male and as many female convicts. A committee is appointed for the management of the house, by the King in council, the number not being more than twenty, nor less than ten fit and discreet persons, with power to hold meetings, and make bye-laws and rules for regulating their own meetings, and for the government of the said penitentiary, and for receiving, separating, classing, dieting, clothing, maintaining, employing, reforming, managing, treating, and watching the convicts during their confinement. Bye-laws, and rules and orders, not to have force until submitted to the court of King's Bench, and until the judges have subscribed a declaration, that they do not see any thing contrary to law in the said bye-laws and rules; all alterations in which must be similarly revised and certified. The committee may appoint visitors, with power to act on emergencies; and they also appoint a governor, a chaplain, a secretary and examiner of accounts, a surgeon or apothecary, a master manufacturer, a steward; and also for that portion of the Penitentiary set apart for female convicts, a matron, together with such task-masters, and other officers and servants, as they, with the approbation of the Secretary of State for the Home Department, may think fit. The salaries are fixed, with the like approbation, by the committee. The governor is constituted a body corporate.

Felons convicted in any part of the kingdom, and sentenced to transportation, may, if free from putrid or infectious distempers, be removed to the Penitentiary; and if the term of their sentence be seven years, they are to be kept five years; if fourteen, seven years; and if it be for life, then ten years. A proportional reduction is directed in the case of those who have
already

already been imprisoned during part of their term before being sent to the Penitentiary. The statute regulates, in a very exact manner all that relates to the custody, food, and employment of the prisoners, to their health, exercise, religious instruction, and many other particulars. Convicts escaping, are declared felons without benefit of clergy; those who aid or permit their escape, or furnish tools or other means toward effecting it, are also felons, but not deprived of clergy; and persons intrusted with the custody of them, negligently permitting their escape, are declared guilty of a misdemeanour, punishable by fine and imprisonment.

A great portion of the building is finished, and forms a striking object, especially from the Thames: strength has been principally consulted, but it is not without beauty, and is evidently well adapted to its purposes.

Q. — Vol. III. p. 548.

DRURY LANE THEATRE. On the 10th of October, 1812, a new theatre, built on the site of that which is already described, was opened to the public. This erection was long delayed owing to the conflicting rights, and overwhelming claims of the ground landlord, the patentees, the legatees of former proprietors, the old renters, the new renters, the assignees of shares and of arrears, the unpaid performers and tradesmen, and all the numerous, unintelligible, and unsatisfiable claimants who had been left, by the destruction of the old theatre, without hope of recovering their demands, except from the success of a new one. Had all these persons possessed funds to build a theatre, and had they been inclined so to employ them, they might have formed some arrangement for their general advantage; but although an act of parliament was obtained for rebuilding the theatre by a joint-stock company, it could not be expected that individuals would sacrifice their money, without possibility of advantage, while the property was encumbered to an amount which they could never expect to see discharged. In these circumstances, the late Samuel Whitbread, Esq. undertook to negotiate the necessary arrangements, and by incessant and indefatigable exertions, prevailed on the various classes already mentioned to moderate and postpone their claims, and infused into the public so much confidence, that a subscription was soon filled, which sufficed for the building of the new theatre; the subscribers receiving for their money shares in the property, with rights of free admission, and some contingent advantages.

The

The best description of this edifice which I have been able to obtain is derived from a periodical publication. The grand entrance is in Brydges Street, through a spacious hall, leading to the boxes and pit; this hall is supported by fine Doric columns, and illuminated by two large brass lamps: three large doors lead from this hall into the house, and into a rotunda of great beauty and elegance. On each side of the rotunda are passages to the great stairs, which are peculiarly grand and spacious; over them is an ornamented ceiling, with a turret light. The body of the theatre presents nearly three fourths of a circle from the stage. This circular appearance is partly an optical deception, and has the effect of making the spectator imagine himself nearly close upon the stage, though seated in a centre box. The colour of the interior is gold upon green, and the relief of the boxes is by a rich crimson. There are three circles of boxes, each containing 24 boxes, with four rows of seats, and sufficient room between each; there are seven slip boxes on each side, ranging with the first gallery, and the like number of private boxes nearly upon a level with the pit. The boxes will hold 1200 individuals; the pit about 850; the lower gallery, 480; and the upper gallery, 280; in all, 2810 persons may be accommodated. The entrance to all the boxes and pit is easy and secure. The theatre is indebted to Colonel Congreve for an excellent contrivance, which promises effectually to secure the building from fire. The appearance of the house is brilliant without being gaudy, and elegant without affectation. The fronts of the boxes have all diversified ornaments, which are neatly gilt, and give a variety and relief to the general aspect. We must not omit the just praise which is due to the architect for those arrangements which exclude the interruption caused by indecent persons, and, by necessary attractions, draw off the noisy and frivolous parts of the audience from the grave and sober hearers. The grand saloon is 86 feet long, circular at each extremity, and separated from the box corridors by the rotunda and grand staircase. It has a richly gilt stove at each corner, over which are finely imitated black and yellow veined marble slabs as pedestals in the niches. The ceiling is arched, and the general effect of two massy Corinthian columns of verd antique at each end, with ten corresponding pilasters on each side, is grand and pleasing. The rooms for coffee and refreshments at the ends of the saloon, though small, are very neat; they consist of recesses, Corinthian pilasters, four circular arches supporting domes with skylights, from which glass lamps are suspended. On the north side of the theatre is the wardrobe. The retiring rooms for the stage boxes are decorated with rich crimson

crimson carpets, and with deep crimson embossed paper. The private boxes have no anti-chambers. There are seventeen rows of seats in the pit, with four short ones, in consequence of the orchestra making two projections into it. The orchestra is about eight feet wide, and extends nearly the whole width of the pit. The stage is about thirty-three feet wide, the proscenium nineteen and a half, and the whole constructed so as to render the circular appearance of the theatre nearly complete. The part usually appropriated to doors, was occupied by two very fine and large lamps, with tripods on triangular pedestals, each lamp containing a circle of small burners, but they were afterwards removed. In the space above their position are two stage boxes on each side, forming an acute angle with the stage, and above them are niches with statues. The space over the side boxes, and ranging with the upper gallery, is left entirely open; hence the more perfect transmission of sound to the remotest parts of the house, where the lowest whisper may be distinctly heard. Between the pedestal lamps and the curtain, on each side, is a massy Corinthian column of verd antique, with a gilt capital supporting the arch over the stage, in the circle of which are the arms of His Majesty. Corresponding with these columns are three pilasters ornamented with connected rings entwined with grapes and vine leaves all richly gilt. Upon the whole the edifice and the decorations discover a truly English and highly cultivated taste; they do great honour to the architect, Mr. Wyatt, and to the gentlemen who have conducted the undertaking.

R. — Vol. III. p. 553.

ENGLISH OPERA. Under this name, a theatre, licensed by the Lord Chamberlain, has been formed, at the place where the Lyceum formerly stood in the Strand. It is of small size, and is kept open during the summer months, for the performance of operas, farces, melo-dramas and pantomimes.

It may here be mentioned that this theatre was lighted in 1817, by means of gas, a new contrivance, daily more and more adopted, for giving a clear, steady, and beautiful light to streets, buildings, and rooms, by inflaming the gas obtained from sea-coal, and conveyed to the required places through metallic pipes. The illumination at the English Opera-House is comparatively feeble and poor; that at Covent Garden Theatre is rich, copious, and splendid; but the great lustre at the King's Theatre in the Haymarket is, perhaps, the most superb artificial light that ever was seen.

S. — Vol. III. p. 630.

Bethlem. The building here described has been taken down, and a new structure of brick, of great extent, beauty, and convenience, has been erected on a spot in St. George's Fields which was formerly occupied by a house and gardens of infamous reputation, called The Dog and Duck.

U.—Vol.IV. p.19—127.

A Table showing the Population of Scotland, according to the two returns made to Parliament in 1801, and 1811; the numbers in the fourth volume having been taken from the speculative reports of a statistical writer.

COUNTIES.	1801.		1811.	
	HOUSES.	INHABIT.	HOUSES.	INHABIT.
Aberdeen - - -	9,610	52,064	10,267	58,863
Argyll - - -	3,705	21,265	3,702	22,670
Ayr - - -	8,120	49,412	8,667	60,129
Bamff - - -	2,346	10,907	2,390	11,018
Berwick - - -	2,757	14,677	2,672	14,761
Bute - - -	771	6,106	602	4,388
Caithness - - -	1,676	7,614	1,592	8,542
Clackmanan - - -	1,556	8,175	1,480	8,701
Cromarty, see Ross and Cromarty				
Dumbarton - - -	1,271	7,174	1,260	8,246
Dumfries - - -	4,144	21,654	4,657	25,623
Edinburgh - - -	11,589	94,318	9,884	115,861
Elgin - - -	2,749	11,814	2,742	12,227
Fife - - -	9,475	55,172	9,862	60,441
Forfar - - -	12,946	63,081	8,727	69,751
Haddington - - -	3,107	16,832	3,106	17,525
Inverness - - -	2,532	14,977	2,772	17,567
Kincardine - - -	799	3,647	845	3,682
Kinross - - -	390	2,124	399	2,214
Kirkcudbright - - -	738	4,665	785	5,356
Lanark - - -	21,013	104,172	23,592	131,537
Linlithgow - - -	1,814	11,702	1,958	12,781
Nairn - - -	547	2,215	622	2,504
Orkney and Shetland	952	5,606	964	5,961
Peebles - - -	790	3,829	834	4,589
Perth - - -	10,109	58,600	13,580	64,965
Renfrew - - -	4,812	53,354	5,441	62,654
Ross and Cromarty	3,713	18,244	4,167	20,173
Roxburgh - - -	2,132	13,453	2,218	15,682
Selkirk - - -	573	2,942	623	3,452
Stirling - - -	5,389	30,973	5,658	36,384
Sutherland - - -	1,327	6,983	1,538	7,463
Wigtown - - -	2,106	10,349	2,264	11,711
Total	304,090	1,599,068	315,422	1,805,688

POLITICAL STATE

OF THE

BRITISH EMPIRE.

IT is intended in this work to exhibit a general view of all those subjects which are connected with, or which contribute to the grandeur of the British crown, or the interest and happiness of the people. In this research will be included, so far as the information and industry of the author enable him, the most important, political, social, moral, and commercial institutions, the establishments, and possessions, which most influence the welfare of the nation, whether the property of the public, or of individuals, or chartered bodies, whether derived from nature, or acquired by art or ingenuity, whether the produce of the country, or gained in other lands by discovery, accession, or conquest.

In order to methodize this work, it has been thought proper to adopt some general divisions, with such subdivisions as will bring under the consideration of the reader, the chief topics of interest in the proposed detail.

The general divisions are these:—1st, England and Wales; 2d, Scotland; 3d, Ireland; and 4th, The Colonies, Islands, or detached possessions of Great Britain, in all parts of the world.

FIRST GENERAL DIVISION.

ENGLAND AND WALES.

THAT division of the island of Great Britain containing England and Wales, which united, have formed the patrimony of its monarchs from the time that her history began to assume a respectable figure among the annals of nations, is situated

between 50 and 56 degrees north latitude, and between 2 degrees east, and 6 degrees 20 minutes west longitude.

Its shape is triangular; the longest side from Berwick north, to the Land's End south-west, is 386 miles; from Berwick to Sandwich, S. S. E. about 280 miles; from Sandwich east, to the Lands End west by south, 279 miles; and the perpendicular from Berwick to Portsmouth, north and south, 320 miles. It is bounded on the east by the German Ocean; on the south by the English Channel; on the west by St. George's Channel; on the north by the Cheviot Hills, by the river Tweed, and an ideal line, falling south-west down to the Firth of Solway.

The extent of England and Wales in square statute miles, is computed at 58,335, or 37,334,400 acres. The population, according to the returns made in pursuance of an act of Parliament passed in the year 1801, was, in England, 8,606,400 persons; in Wales, 559,000; total, 9,165,400. This population, divided into equal portions, will afford a general average of 157 persons to each square mile; but in the subsequent enumeration of counties, the separate population of each will be noticed, together with that of certain large manufacturing or trading cities and towns. The houses in England and Wales are 1,687,355.

The climate of England is healthy, though uncertain; frequent changes happen in the weather, and those sudden and unexpected, which render the harvests, especially in the northern counties, precarious; yet it rarely happens, but with care and attention, the industrious husbandman will be rewarded by a profitable crop. The soil of England is various; wheat, barley, oats, rye, French wheat, beans and peas, are the principal productions. Many counties produce apples and pears, from which cyder and perry are made; other fruits have been introduced, plums, cherries, peaches, nectarines, apricots, figs, grapes; and others are, by care and skill, raised in plenty and variety. The oak and beech are natives of England; the elm, most probably, is an exotic; but most of the plants in the known world are introduced either into the plantation, the nursery, or the green-house. Among the wild animals formerly, were wolves, bears, foxes, deer, and badgers. The first two have been totally destroyed, the others remain. Among the domestic animals are black cattle, horses, sheep and hogs. In the different parts of the kingdom are mines of copper, iron, lead, tin, and coals; with quarries of marble, free-stone, limestone, and slate. The manufactures are various and extensive including every article made of wool, cotton, flax, silk and leather; and of iron, steel, and other metals. Of these notice will be taken in describing the various counties.

The

The ancient geographical divisions of England varied according to the genius, knowledge, or inclinations of its possessors.

The Romans, finding the country divided into a number of small states, formed it into large provinces; viz.

1. *Britannia prima*, which contained the southern parts of England as far as the Severn and the Thames.

2. *Britannia secunda*, containing the western parts, and comprehending modern Wales.

3. *Flavia Cesariensis*, a noble province, which received its denomination from the imperial house of Vespasian, and extended from the Thames to the Humber; and

4. *Maxima Cesariensis*, which reached from the Humber to the Tyne, and from the Mersey to the Solway.

When the power and protection of the Romans were withdrawn from England, the Saxons, first invited as allies, became the oppressors and conquerors of the natives, and dividing the realm into seven governments, established the authority of as many kings, whose domination did not however extend to Wales, but was composed of the following parts, each including the portion of territory assigned to it. This state was called the *Heptarchy*, and it is to be observed that the description of the possessions of each king is given in the names which the counties afterwards received.

1. **KENT**, comprehending Kent.

2. **SUSSEX, or SOUTH SAXONS**, comprehending Suffex and Surrey.

3. **EAST ANGLES**, comprehending Norfolk, Suffolk, and Cambridgehire, with the Isle of Ely.

4. **WESSEX, or the WEST SAXONS**, comprehending Cornwall, Devonshire, Dorset, Somerset, Wiltshire, Hampshire, and Berkshire.

5. **NORTHUMBERLAND**, comprehending Lancashire, Yorkshire, Durham, Cumberland, Westmorland, Northumberland, and the parts of Scotland to the Frith of Edinburgh.

6. **ESSEX, or the EAST SAXONS**, comprehending Essex, Middlesex, and Hertfordshire in part.

7. **MERCIA**, comprehending Gloucester, Hereford, Warwick, Worcester, Leicester, Rutland, Northampton, Lincoln, Huntingdon, Bedford, Buckingham, Oxford, Stafford, Derby, Salop, Nottingham, and the rest of Hertford.

This ill contrived government being dissolved by the union of the whole kingdom under one sovereign, the powerful genius of ALFRED pointed out the necessity, and conceived the means, of forming a better and more regular division, without which, those wise and benevolent institutions which he had

prepared for the welfare of his people, must have failed. It was he, according to the best authorities, who first portioned out the land into shires or counties; the first name being derived from a Saxon word, which signifies a separation, or part cut off; the latter from the dignity of the officer, an earl (comes) who in times prior to those of Alfred, presided over separate districts, under the kings of the Heptarchy. The number of shires first established by this great monarch, amounted to no more than 32,—Durham, Lancashire, Cornwall, Rutlandshire, Monmouthshire, Northumberland, Westmorland and Cumberland, were subsequently added, making the number 40, and when the principality of Wales was annexed to the realm, and divided into 12 counties, the present number 52 was completed*.

Beside this great division, the sagacious and patriotic Alfred, further subdivided the realm into trythings, (now corruptly called Ridings, and retained only in Yorkshire,) rapes, lathes, wapentakes, and hundreds, which last were again divided into tythings. By these means, and the judicious establishment of courts, and appointment of officers, together with a general system of mutual responsibility, and an exact circumspection, life and property were rendered secure, without the imposition of any restraint on liberty.

As the effect and operation of this admirable system will be more fully developed in the ensuing pages, it will in this place be proper to enumerate the several counties of England and Wales, with the peculiar characteristic features of each. They are subjoined in alphabetical order, as affording the most easy means of general reference.

ANGLESEA

Is a county of Wales, and returns two members to Parliament, one for the shire, and one for the town of Beaumarais.

Its modern name is derived from two old English words, *Engls Ea*, signifying the English island, an appellation which it received on being reduced under submission in the reign of Edward I. It was known to the Romans by the title of Mona,

* It is unnecessary to enumerate among the counties, the peculiar local jurisdictions, as the Cinque-ports, or the cities and towns which by special grace and favour of kings, are governed by sheriffs and magistrates of their own, and privileged against those of the county. These cities and towns are seventeen, viz. London, Chester, Bristol, Coventry, Canterbury, Exeter, Gloucester, Litchfield, Lincoln, Norwich, Worcester, York, Kingston-upon-Hull, Nottingham, Newcastle upon Tyne, Pool, and Southampton.

and

and to the Saxons by that of Monez, both derived from the British *Moo*, but why they so distinguished it, cannot be ascertained; they also called it *Inys Dewylb*, or the shady island, for the same reason that the Romans also applied to it the appellation of *Insula Opaca*, the great quantity of wood and forest with which it was covered. This circumstance perhaps rendered Anglesea the favourite abode of the Druids, in whose form of worship, woods were essential; but in these days, the northern and western parts are extremely naked of timber-like trees, nor does any stream of note take its rise within the district.

This island is surrounded by the Irish Sea on all sides except the S. E., where it is separated from the main land of North Wales by the river Menai. Its length is estimated at 24 miles, its breadth 14, and its circumference 60; its contents are 402 square miles, or 257,280 acres. It is divided into six hundreds, namely, Llyson, Milbraeth, Menai, Talybolion and Fyndaethwy; which contain 72 parishes and three towns, that of Beaumarais, already mentioned, Newburg, and Holyhead; the houses are 6806, the inhabitants 33,806.

The air of Anglesea is reckoned healthy, and the soil is remarkably fertile in corn, cattle, and fowl, while the water affords abundance of fish. Dispersed about the island are some monuments and remains of the Druids and the Romans, mostly supposed to be sepulchral or commemorative of the vain struggles of the free though rude natives, against the invading Romans. Recent industry has added to the wealth of Anglesea, by the discovery and working of the almost inexhaustible copper mines in the Paris Mountain near Amlwch.

BEDFORDSHIRE

DERIVES its name from its principal town, which town, as well as the county, returns two members to Parliament.

Bedfordshire forms an irregular oval. The greatest length is 35 miles, and the greatest breadth 22; its circumference is 73 miles, and its area contains 430 miles, or 275,200 acres. It is divided into nine hundreds, called Barford, Biggleswade, Clifton, Flitt, Manshead, Redborne Stoke, Stodden, Hilley, and Abixambree; and these into 124 parishes, 10 townships, 3 hamlets, and one extra-parochial jurisdiction. The number of dwelling-houses is 12,073, and of people 63,398. The chief towns are Bedford, which has 800 houses, and 3948 inhabitants, Ampthill, Biggleswade, Dunstable, Potton, Luton, Leighton-Buzard, Shefford, Woobarn, and Taddington. The principal rivers are the *Ouse* and the *Ivel*.

The air is pure and healthy, the face of the country is in general varied with small hills and dales, with few extensive levels. Towards the south, the land is hilly and chalky: on the west side, for the most part, flat and sandy; the other districts are a deep soil and clay. It produces excellent wheat and barley in great abundance, woad, a plant used by dyers, is also cultivated; and the soil affords fuller's earth, an article of so much importance to the woollen manufactory that the exportation of it is prohibited by act of parliament. The county also abounds in wool, butter, cheese, and poultry. Its manufactures are bone-lace, and hats, and many other articles of ornament and inferior utility, which the people form of straw.

The antiquities or peculiarities of Bedfordshire are little worth notice.—Roman urns and coins have been occasionally discovered; a scanty and unprofitable gold mine is said to exist at Pullux-hill, near Ampthill; and at Alsby, near Woburn, is a spring which imperfectly performs the process of petrification.

BERKSHIRE.

THE name of the county is Saxon, but the etymology uncertain. The shape is irregular, especially towards the north, yielding every where to the winding of the Thames, which from Oxford to Reading, takes a course nearly south south-east, making the county at the latter town very narrow. After the Thames has passed Reading, it bends towards the north, but still the eastern part of the county is much narrower than the western. From east to west its length is about 50 miles; from north to south in its widest parts 25 miles, in its narrowest little more than five. In circumference it is 130 miles, and its contents are 744 miles, or 476,160 acres. Some of its towns are extremely populous; Abingdon has 889 houses, and 4,356 inhabitants; Newbury 965 houses, and 4275 people; Windsor 848 dwellings, and 4793 residents; and Reading 1783 houses, and 9742 inhabitants. The other principal towns are Farringdon, Hungerford, Ilfley, Lambourn, Maidenhead, Wallingford, Wantage, and Wokingham. The chief rivers are the *Thames, Isis, Kennet, Oek, Lambourn, and Loddon.*

Berkshire is divided into twenty hundreds, namely, Beynhurst, Bray, Charlton, Crompton, Cookham, Fajrcrofs, Farringdon, Ganfield, Horner, Kentbury-Eagle, Lambourn, Moreton, Oek, Reading, Ripplemere, Shrivenham, Sonning, Theale, Wantage, and Wargrave. The more minute division is into 136 parishes, 42 townships, 5 towns, 10 tythings, 10 ham.

10 hamlets, 8 liberties, and 7 villages. The dwelling houses are 21,195, the inhabitants 109,214.

The air is salubrious even in the vales; the soil is of various qualities, that of the vale of White Horse being deemed equal to any in the kingdom, while in other parts it is far from fertile. Yet the natural advantages and beauties of this county, diversified as it is with hill and valley, wood and water, have made it the favoured retreat of the noble and the opulent. The principal produce is corn, cattle, fish, fowl, wood and wool; the manufactures woollen cloth, canvas, and malt.

Two natural curiosities, if properly so called, are celebrated in this county. The river Lambourn, which, contrary to the custom of all other rivers, is at its greatest height in Summer, but in Winter is nearly, if not altogether, dry. The other curiosity is less properly termed natural, as it is certainly the work of human hands, but by whom performed or directed cannot be determined, although it seems clearly to be referred to the era of the Saxons. It is the rude figure of a white horse occupying nearly an acre of land in the side of a green hill, near Ashbury. The hill and adjacent vale are thence termed White Horse hill, and the vale of White Horse.

The paucity of natural curiosities is compensated by the numerous beauties collected in the royal castle of Windsor, and in the many elegant seats of the nobility and gentry.

The manor of East and West Enbourne, near Newbury, is rendered remarkable by a custom respecting the copy-hold lands of widows, who forfeit them on marrying, but who, if guilty of incontinence, can be re-admitted to the tenure of their estates by appearing in the lord's court, riding, by way of penance, on a black ram, and repeating certain coarse and harsh rhymes, which may be found in many publications, and particularly in the Spectator, No. 623.

Berkshire returns nine members to parliament, two knights of the shire, two burgesses each, for Reading, New Windsor, and Wallingford, and one for Abingdon.

BRECKNOCKSHIRE.

THIS county, situate in South Wales, derives its appellation from the word Brycheinog, supposed to originate from Brechamus, an ancient British prince, whose daughters, four and twenty in number, were all, after death, reputed saints.

Its form is irregular, its circumference about 106 miles, and its area 731 miles, or 467,840 acres. It is divided into

six hundreds; Builth, Crickhowel, Devynnock, Merthyr, Penkelly, and Talgarth; and contains 38 parishes, 29 hamlets, 2 townships, and 1 town; 6794 houses, and 31,635 inhabitants. It returns to Parliament a knight of the shire, and a burgess for the town of Brecon.

The borders of the county are, for the most part, mountainous, and every where it is interspersed with hills. The higher mountains are barren, but the smaller are cultivated to the summits; the vallies are, in general, fertile, but the proportion of good land to bad does not amount to one-third.

Its principal produce is corn, black cattle, goats, and deer, fowl and fish. Otters are taken in a lake called Brecknockmere, whose fur forms an article of trade. The chief manufactures are cloth and stockings.

Besides Brecon or Brecknock already mentioned, which is a pleasant town, situate at the confluence of the rivers Hodney and Usk, and containing 40 houses, and 2576 people, this county has three other respectable towns, Bealch or Builth, Crickhowel, and the Hay, and is watered by two rivers, the Wye and the Usk.

The only antiquities distinguishing this county are the Gaer, the remains of a Roman station, and an ancient monument situate on the top of a mountain near Lhan Hammwlech, a village not far from Brecknock, called Ty Ihtud, or St. Itud's Hermitage. It consists of four large flat and unpolished stones, three of which are pitched in the ground, and the fourth laid on the top for a cover: they form an oblong square cell, open at one end, about eight feet long, four wide, and four high; on the inside it is inscribed with crosses and other figures; and is supposed to have been surrounded by a circle of large stones, and erected in the times of paganism.

BUCKINGHAMSHIRE.

THE greatest length of this county is 46 miles, and its breadth 18; it is about 140 miles in circumference, and contains 748 miles, or 478,720 acres. It is divided into eight hundreds, namely, Ashendon, Aylesbury, Buckingham, Burnham, Cotteloe, Desborough, Newport, and Stoke, which form 179 parishes, 33 hamlets, 13 villages, 11 towns, 9 townships, 1 liberty, and 1 extra-parochial jurisdiction. The houses are 20,986, the inhabitants 107,444.

The chief towns are Amer sham, Aylesbury, Buckingham, Marlow, Wendover, Wycomb, Beaconsfield, Chesham, Colnbrook, Ivingo, Newport-pagnel, Oulney, Risborough, Stony-Stratford,

Stratford, and Winflow; the first six return two members each to Parliament, which, with two knights of the shire, make the whole representation fourteen.

The county is watered by the rivers *Tame*, *Ouse*, and *Clin*; the air is healthy, the soil various: in some parts, particularly in the vale, about *Aylesbury*, and *Buckingham*, it is a rich loam, in some a strong clay, in others chalky, and in some gravelly.

The south part, especially towards the east, is hilly, consisting of a range, called the Chiltern-hills; the northern is more level. It produces much wood, and amongst other trees, the beech, (the Saxon word for which is by some supposed to have formed the name of the county,) also corn and butter, but is most excellent in cattle, the business of grazing being very profitably pursued. The manufactures are bone-lace and paper.

It would appear an unwarrantable neglect to close the description of this county without mentioning the village of Eton, the seat of that celebrated seminary, whence have issued so many great and learned men. The particulars of this institution belong to another division of the work; but the village, pleasantly situated on the banks of the Thames, and separated from Windsor only by a wooden bridge, derives prosperity as well as fame from the school, as it contains 298 houses, and and 2026 inhabitants, while the town of Buckingham includes in 545 dwellings no more than 2605 residents.

CAERMARTHESHIRE.

THIS county, situated in South Wales, is about 35 miles long, 20 broad, and 102 in circumference. It contains 926 miles, 592,640 acres, 13,820 houses, and 67,317 inhabitants. The hundreds are eight, Carnevalion, Carthinog, Cayo, Derilis, Eivett, Iikennen, Kirkwelly, and Perfedd; these comprise 71 parishes, 11 hamlets, 7 towns, 2 townships, 2 chapelries, and 1 place extra-parochial. It returns to Parliament two members; one for the shire, the other for the town of Caermarthen. This town, which gives its name to the county, is situated on the river Gevilly, about ten miles from the Bristol Channel, and near the river Towy. It contains 945 houses, and 5548 inhabitants, and is entitled to notice as the birth-place of Merlin, the supposed British enchanter in the fifth century. A wood about a mile east of the town is still called Merlin's Grove, and designated by tradition as the scene of his mystical studies.

Besides the town of Caermarthen, this county includes those of Llanymdover, Llanellielly, Kidwelly, Llangadock, Llandillo, Vawr, Laugharn, and Newcastle in Emlyn. The principal rivers

rivers are the *Clwyd*, the *Colby*, and the *Tawe*. The land is less mountainous than in other counties; it produces grain and pasture in abundance, is well clothed with wood; feeds vast numbers of good cattle, abounds in fowl and fish, particularly salmon, for which the rivers are famous; contains many mines of pit-coal, and excellent lead. The inhabitants of Caermarthenshire were included by the Romans in the tribe of Britons called *Dimetæ*, or *Demetæ*; the peculiar name of their district, as marked in the Itinerary of Antoninus, was *Maridunum*, formed from the British word *Kaer Vyrddin*, by a corruption of the etymology, for the sake of latinizing the sound.

The antiquities of the county are chiefly relics of the Romans, whose obituary and commemorative monuments remain in various places. At *Kastell Karreg* are still visible the rains of a large fort; and vast caverns, supposed to have been copper mines wrought by those people. *Pont y Polion*, *Llan Newydd*, and other places, exhibit pillars and buildings with inscriptions; and Roman coins have been dug up in various parts of the county. The chief ancient memorial of the Britons, is a remarkable barrow or tumulus near *Treloch*, called *Krig y Dym*, consisting of a heap of stones covered with turf, about 18 feet in height, and 150 in circumference: it rises with an easy ascent, and is hollow on the top, gently inclining from the circumference to the centre, where is a rude flat stone of an oval form, about nine feet long, five feet broad, and a foot thick, covering a kind of stone chest, consisting of six more stones. This barrow is supposed to have been the burying place of some British prince, of very great antiquity.

There are, besides, *Gwal y Vilast* or *Bwrth Arthur*, a monument near *Llan Boydy*, consisting of a rude stone, about 30 feet in circumference, and three feet thick, supported by four pillars, about two feet high, and a circular stone monument, on a mountain near *Kilman Lhwyd*, called *Meineu Gwyr*, or *Buarth Arthur*.—The name of this celebrated prince is added, by the credulous people of this county, to every huge and prodigious object which nature presents to their view; large stones weighing many tons in various parts of Caermarthenshire, are styled his coits, his tables, and his chairs.

One natural curiosity is remarkable; it is a fountain or spring, at *Kastell Karreg*, which constantly ebbs and flows twice every 24 hours.

CAERNARVONSHIRE

FORMS a part of North Wales; its length from north to south is about 40 miles; its breadth, from east to west, twenty;

twenty; and its contents 775 miles, or 496,000 acres; it has 8433 houses, and 41,521 inhabitants. It is divided into 10 hundreds, called Creuddin, Dinllaen, Eflonydd, Gaffogion, Iraf, Ifgwfrai, Maed, Nant Conway, Uchaff, and Uwch Gurfrai, these form 71 parishes, and 4 townships. Caernarvonshire has one city, that of Bangor, and the five market towns, Aberconway, Caernarvon, Pwllhelly, Crickieth, and Newin.—The county sends one member to parliament, as does the county town of Caernarvon.

From the mountains and lakes, which abound in Caernarvonshire, the air is cold and piercing, but the extremities of the county, particularly those bordering on the sea, are fertile; the population is rapidly increasing, nor is the situation in general unhealthy. Perhaps few districts in the world can produce a record similar to that on a tomb-stone at Aberconway, which in 1637 was placed on the grave of Nicholas Hooke, who was the 41st son of his father by one wife, and himself the parent of 27 children. The summits of the mountains, covered with snow during nine months in the year, are barren, but between them are many fruitful vallies, and large herds of sheep and goats feed on the hills. The county affords, in all parts, excellent pasture, and produces barley, fowl, fish, and wood. The principal river is the *Conway*, but some notice is due to the *Seint*, a small, but very rapid stream, rising in the heart of the Snowdonia, and forming the lakes of Llanberis in its passage, which rather inclines to the south west, till it turns abruptly to the north, to reach the sea beneath the mighty towers of Caernarvon castle. Its tract, though short, is highly romantic, being the most central stream in the mountainous confines of Snowdon. In the rivers, and the running lakes not only a great abundance, but many unusual species, of fish are taken. Conway is famous for a large black musclet in which pearls are found; some of the lakes produce the char, and other alpine fish, and it is affirmed, that in a lake called Llyn y Kwn breeds a kind of trout with only one eye. Copper and lead ores have been found in various parts of the mountains, and many plants peculiar to the most elevated situations.

The wonders of this county are its mountains, particularly Snowdon and Pen-maen-mawr. Snowdon forms a cluster of lofty hills rising one above another, and crowned by that called Klogwyn Karneah y Wydha, esteemed the highest land in Great Britain; whence may be seen England, Scotland, Ireland, and the Isle of Man. Nature no where exhibits her rude outline more magnificently, than where this peak of the British Atlas elevates itself above the castle of Dolbarden on the upper lake of Llanberis.

Pen-maen-mawr rises perpendicularly over the sea to an astonishing height. About the middle of the rock, on the side next the sea, is a road seven feet wide, at the perpendicular height of 240 feet above the level of the ocean, and as many feet below the summit of the rock: and on the side of the road next the sea is a wall breast high, to the building of which the city of Dublin largely contributed. On the other side of the hill is a narrow footway, over which the rock projecting forms a very extraordinary and frightful appearance to the traveller below.

Gly der is another very high mountain, on the sea side, not far from Pen-maen-mawr, and is remarkable for a prodigious heap of stones, of an irregular shape, on its summit, many of which are as large as those of Stonehenge in Wiltshire. They lie in such confusion as to resemble the ruins of a building, some reclining, and some lying crosswise; a phenomenon which has never been perfectly accounted for. On the west side of this mountain is a very steep and naked precipice, adorned with a vast number of equidistant pillars; formed undoubtedly by the hand of nature, but by what process has not been ascertained.

The antiquities of the county are a circular intrenchment, about 80 feet in diameter; on the outside of which are standing twelve rough stone pillars, from five to six feet high; which are inclosed by a stone wall; and near the wall, on the outside, are three other such rough pillars, ranged in a triangular form. This work, called Y Meineu-hirion, is supposed to have been an ancient British temple; and near it are several monuments, consisting of vast heaps of stones, which, according to tradition, are the sepulchral records of ancient Britons, who fell in a battle fought here against the Romans. The remains of Segontium are yet distinguishable on a planted hill near the exit of the upper lake of Llanberis; nor ought Caernarvon castle to be forgotten, which was built by Edward I., and where the first prince of Wales descended from an English king, was born. The apartment is small and dark, its length being less than twelve, its breadth less than eight feet. The castle walls are seven feet nine inches thick, having within their substance a gallery, with narrow slips for the discharge of arrows.

CAMBRIDGESHIRE.

THE name of this county is taken from its principal town, and that derives its appellation from the river Cam. It is about 52 miles in length, 26 in breadth, 130 in circumference, and contains 686 miles, or 439,040 acres. It is divided into
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the fourteen hundreds of Armingford, Chesterton, Cheveley, Chilford, Fleudish, Longflow, Northflow, Papworth, Radfield, Staine, Staploe, Thriplow, Wetherley, and Whittles'ove. To these are to be added, the town and university of Cambridge, and the portion of the county distinguished by the name of the Isle of Ely, and the aggregate gives a population of 89,346 persons, and makes the number of dwelling houses 16,451.— In the whole district are 161 parishes, 7 hamlets, 6 townships, 9 towns, and 2 extra-parochial demesnes.

The town and university of Cambridge contain 1,733 houses, and 10,087 inhabitants, and the Isle of Ely of the former 6,137, of the latter 32,599.

Besides Cambridge and the city of Ely, the principal towns are Newmarket, Royton, Linton, Wisbeach, Caxton, Merth, and Soham; Royton is partly situated in the county of Herts.

The Isle of Ely has been recovered by skill and labour from a state of general inundation. It forms part of a large tract called Bedford Level, which Francis Russell, Earl of Bedford, began to drain in the reign of Charles I., and which William Earl of Bedford, with other associates, in his undertaking, perfected in the time of Charles II. It consists of fenny land, divided by innumerable channels, with a few elevated spots. All these low lands are naturally bogs, though converted into rich meadows, or fertile corn fields: the air is unhealthy, and the water brackish, and notwithstanding all the exertions of toil and ingenuity, the lands are still subject to inundations.— The south-west part of the county is more elevated, and the air more pure; the south-east part is open and healthy, and but thinly inhabited. The soil is also very different: in the Isle of Ely, though hollow and spongy, it affords excellent pasturage; in the uplands to the south-east, it produces great plenty of bread corn, and barley.

Two rivers water this county, the *Ouse* and the *Cam*. The *Ouse*, a sluggish stream, adds not to the beauty of the land through which it passes, till it is lost in the great marshes which abound on the eastern coast of the kingdom. The *Cam* is composed of two branches, of which one bears the classic name of *Granta*; they unite near Cambridge, and then run nearly northward, till the *Ouse* receives them a little below Ely.

The representatives returned to parliament from this county are six; two knights of the shire, two members for the town, and as many for the University of Cambridge.

Of this university, an account will be given in another part of this work. Next to it, the principal local distinctions of the county are the celebrated races of Newmarket, the resort of the

gay, the dissipated, the thoughtless, and the profligate, yet supported on liberal principles by royal donations, and the subscriptions of the nobility; and the no less celebrated fair of Sturbridge, held in a corn-field half a mile square, where commerce and industry pour forth their accumulated stores, while idleness and revelry collect also their votaries, in promiscuous association.

CARDIGANSHIRE

Is about 40 miles in length, 20 in breadth, and 100 in circumference, and its area is computed at 726 miles, or 464,640 acres. It contains five hundreds, namely, Geneur Glyn, Iar, Moyddyn, Penmarth, and Troeddyror; which form 63 parishes, 36 townships, 3 hamlets, and 1 town. The principal towns are Cardigan, Lhanbeder, Aberystwith, and Tregannon; the first three join in returning a Burgess to Parliament, and the county sends one knight. The number of houses in Cardiganshire is 9040, of inhabitants 42,956.

On the coast of Cardigan the sea has made great encroachments, even within the memory of man, and tradition speaks of a well inhabited country, stretching far into the Irish channel, which has been carried off by the sea. Of an extensive tract formerly celebrated for a hundred towns, nothing now remains but two or three miserable villages, and a good deal of ground in high estimation for barley, which is the regular crop without change or intermission. Sea weed is the manure made use of, and the quality of the grain is such, that it is sent to the adjacent counties for seed corn. For at least sixty years, it is said, crops of barley have been annually taken from it, without any cause for complaining of a diminished produce. This county may be properly divided into two districts, the lower and the upland. Of the lower district the higher grounds are in general a light sandy loam, varying in depth, from a foot to four or five inches, the substratum a slaty kind of rock, producing, when judiciously treated, good crops of turnips, potatoes, barley, and clover; the ground in the vallies is very deep, and, with some exceptions, dry, yielding good crops of hay for many years, without surface manure, which is scarcely ever thought of until it is exhausted and becomes mossy, and then it is turned up. The climate is much more mild than the midland counties of England. In this part of the country snow seldom lies long. Oats and butter are the chief articles of export. The soil of the upper district is various, owing to the unequal surface; in the vallies it is chiefly a stiff clay, with a mixture of a light loam. Barley and oats are the principal grain of the county. Wheat is commonly sown, but in a less proportion than the other two.

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The worst parts supply pasture for vast herds of cattle and flocks of sheep, of which this county is so full, that it has been called the nursery of all England south of Trent. It abounds in river and sea fish of all kinds, and the Tivy is famous for plenty of excellent salmon. Coals and other fuel are scarce; but in the north parts of the county, particularly about Aberystwith, are several rich lead mines, the ore of which appears often above ground. These mines were discovered in 1690, some of them yield silver, and successful iron and tin works have been established.

The rivers are, the *Rhydol*, which rises in Cardiganshire on the south-western border of Montgomeryshire, being one of the principal rivers produced in that wild and rocky district, which forms the base of the great mountain Pimlimmon. Its course is southward, till it receives the *Monach's* torrent at the Devil's Bridge, and it then flows directly to the west, turning a little northward as it reaches the sea, beneath the walls of Aberystwith. The *Ystwith*, which takes its origin in the ridge of high bare mountains, which divides Cardiganshire from Radnorshire, considerably to the south-east of Pimlimmon; its short course inclines first to the south-west, but turns abruptly to the north-west, and at last flows almost directly northward to Aberystwith, where it meets the sea; the *Leion*, a small river scarcely worthy of mention were it not for the highly pleasing and romantic valley which it creates as it descends to the sea, and the neat inn of Aberevion, close to its bridge; and the *Tivy*, the most considerable river in Cardiganshire, pervading great part of the county, and separating it from Caermarthenshire and Pembrokeshire, rising from a lake among those mountains which form the barrier of Radnorshire; it flows southward to Tregaron, but turns towards the west before it reaches Llanbeder; near Newcastle it inclines rather northward, and actually fronts the north, when it approaches the sea, after passing under the arches of the old bridge of Cardigan.

The *Tivy* becomes a placid stream soon after it emerges from its native mountains, and continues so in its passage through the plain of Cardiganshire, except when it is swelled by floods. The monastic remains of Stata Florida Abbey grace the early part of its course, before it reaches the ancient town of Tregaron; it then enters the wild uninteresting plain in which Llanbeder is situated, gradually confining itself within steep banks fringed with wood as it approaches Newcastle. Soon after it becomes suddenly engulfed within two piles of high rocks, from which it acquires the rapidity of a furious cataract, precipitating itself in a fall, which has acquired the title of the salmon leap.

Augmented afterwards by the tide, the Tivy proceeds in a broad majestic stream, winding between the bases of two lofty ridges, on one of which the proud towers of Kilgarren Castle, starting forth from a high mass of rock and wood, are opposed beautifully by the hanging groves and spreading lawns of Coidmore. The exit of the river from this grand pass is attended with a view of the hills bounding the sea, across a small but populous and busy plain, at the extremity of which the handsome town of Cardigan displays itself, with its fine old bridge and castle.

CHEESHIRE

Is a county palatine, so called *a palatio*, because the owner, the Earl of Chester, formerly had in it *jura regalia*, as fully as the king has in his palace. These rights were possessed by prescription or immemorial custom, or at least as old as the Norman Conquest. They extended to the pardoning of treasons, murders, and felonies; the appointment of all judges and justices of the peace, all writs and indictments ran in his name, as in other courts in the king's, and all offences were said to be against his peace, and not as in other places, *contra pacem domini regis*. These privileges were shared by the counties of Durham, Lancaster, Pembroke, and Hexham. They were in all probability originally granted to these counties, because they bordered upon inimical countries, Wales and Scotland: in order that the inhabitants, having justice administered at home, might not be obliged to go out of the county, and leave it open to the enemy's incursions; and that the owners, being encouraged by so large an authority, might be the more watchful in its defence. Hexhamshire is now united to Northumberland; but its palatine privileges, together with those of Pembrokehire, were abolished by act of parliament, of the 27th Henry VIII., and 14th Elizabeth. The earldom of Chester, and duchy of Lancaster, had before the passing of the first statute, been united to the crown, the county of Durham therefore alone remained in the hands of a subject, the bishop; the act of the 27th Henry VIII., also considerably abridged his privileges; and the peculiarities which are still left, and form a sort of anomaly in the general administration of justice, will be noted in treating on that county.

The length of Cheshire is about 50 miles, the breadth 25, the circumference 182, and the contents 1017 miles, or 650,880 acres. It is divided into seven hundreds, named Broxton, Bucklow, Eddisbury, Macclesfield, Nantwich, Northwich, and Wirral; these contain 465 townships, 20 parishes, three extra-parochial jurisdictions, two villages, one hamlet, and one chapelry;

chapelry; the houses are 35,621, the inhabitants, 191,751. Its chief city is *Chester*, from which the county derives its name; it is very spacious, and rendered remarkable by the building of the houses, each of which has a colonade before it, so that the whole city may be traversed under a Piazza. This produces, however, the inconvenience of rendering the lower apartments dark and close. The city has four gates, and a castle of considerable strength, in which a garrison is maintained; it contains 3194 houses, and 15,052 inhabitants.

The principal towns are Macclesfield, which contains 1527 houses, and 8743 inhabitants, Nantwich, Malpas, Middlewich, Northwich, Congleton, Altringham, Frodsham, Knotsford, Stockport, and Sanbach. The county and city send each two members to Parliament.

The natural productions of Cheshire are corn, cattle, cheese which is particularly famous, fish, fowl, iron ore, coal, turf or peat from the morasses which the people call mosses, timber, hops, alum, excellent salt, and mill-stones. The salt is produced from springs, which rise in Northwich, Nantwich, Middlewich, and Dunham, at the distance of about six miles from each other; and about thirty from the sea. The pits are seldom more than four yards deep, never more than seven. They all lie near brooks in meadow ground. The water is so very cold at the bottom of the pits, that the briners cannot stay in them above half an hour at a time, nor so long without frequently drinking spirits. Some of these springs afford much more water than others; but it is observed, that there is more salt in any given quantity of water drawn from the springs that yield little, than in the same quantity drawn from those that yield much; and that the strength of the brine is generally in proportion to the scantiness of the spring. The cause of this production of brine is not ascertained, but it does not seem probable that the water proceeds from the sea, since a given quantity affords five times as much salt as can be extracted from that of the ocean. The stone which is wrought into mill-stones, is dug from a quarry at Mowcop-hill, near Congleton.

The chief rivers of Cheshire are the *Dee* and the *Mersey*; into these fall many streams of inferior note, as the *Dane*, the *Weaver*, the *Goyle*, the *Bollin* or *Jordan*, and the *Wheelock*. It possesses besides several mineral springs, particularly at Stockport, where a chalybeate is found, which some consider more strongly impregnated than that at Tunbridge. In the morasses or mosses where peat is cut, many natural productions are dug up, as trees, pine-cones, nuts, fir apples, shells and bones of fishes and of amphibious animals, which as they have been discovered, on

the tops of mountains, furnish evidence of a considerable deluge, but some articles of furniture and ornament which have also been brought to light, demonstrate that it must have been much more recent than that of Noah.

In Cheshire are manufactured cottons, buttons, silk-twist, hats, gloves and ribbons, and there are several silk mills.

The air is pure and healthy, though inclining to cold; the country in general flat and open, from which circumstance and its great fertility it was denominated by Edward I. the Vale Royal of England.

CORNWALL,

THE most westerly county of England, is almost an island, being surrounded on all sides by the sea, except toward the east, where it is bounded by the county of Devon for the length of forty-three miles from north to south. From this boundary to the westward, the land continually decreases in breadth, forming itself into a figure resembling a cornucopia; having the Bristol channel on the north, and the English channel on the south, both seas meeting in an obtuse point, at the promontory called the Land's End, on the west. In some places it is almost eighteen miles across; in others about thirteen; and in some not more than five. The whole length is seventy-eight miles. Its circumference is about 230 miles, its area 1407 miles, or 900,480 acres. It is divided into the nine hundreds of East, Kivian, Lefnewth, Penwith, Powder, Pydar, Stratten, Trigg, and West; these form 213 parishes, towns, townships, and hamlets, and contain 33,378 houses, and 188,269 inhabitants, of whom it is calculated that 16,000 are employed in the mines, and various processes requisite for sending to market the extracted ore.

The land, stretching itself out in the form of a narrow peninsula, is high and mountainous in the centre, and declines towards the sea on each side. On the sea shores and the vallies, near the banks of the great rivers, are the chief and almost only seats of cultivation. The higher grounds exhibit, in many parts, the appearance of a dreary waste. In the vallies, on the sea coasts and great rivers, and in almost all the low and flat grounds in more inland situations, are to be found strata of marl, rich loams, and clays, which, being alternately intermixed, and with poorer soils, afford an extensive field to the industry of the inhabitants.

The mines of Cornwall consist chiefly of tin, copper, and some lead. The strata in which these metals are found, extend from the Land's End, in a direction from west to east, a very

considerable distance into the county of Devon, to the farthest part of the Dartmore hills. This extensive range forms the high ground in the middle of Cornwall; the wind, rain, and storms, have washed down much of the vegetable earth to enrich the vallies, and they have been aided by the operation of the miners. Formerly, immense quantities of tin were found in the county of Devon, and in the eastern part of Cornwall; but at present the chief seat of mining lies to the westward of Saint Austle. From hence to the Land's End, the principal mines are to be found in various strata, extending along the northern coast, keeping a breadth of about seven miles. The annual produce of tin has been estimated at about 22,000 blocks. From the stream ore is obtained what is generally called grain-tin, this is in value superior to common tin, and has been extracted to the amount of about 2000 or 2400 blocks a-year. Native gold has been found in some stream works, and also, but more minutely blended, in some mines of tin. The produce of the copper mines amounts to about 40,000 tons of ore, yielding about 4700 tons of copper. There are also some lead mines in different parts of the county, but they are not much worked, nor is their produce great, although the ores are said generally to produce a considerable proportion of silver. Of iron ore there is abundance in many parts of the county; but there are no mines of this ore which have been much worked.

The first born son of the King of England is, in his own right, Duke of Cornwall, and has a revenue from the produce of the mines, and the power of appointing certain officers, as will be mentioned in another place. The tanners are also in many respects a distinct body from the other inhabitants of the county, having a court and a parliament of their own, which will also claim attention in another division of this work.

Lying so much exposed to the sea, Cornwall is damp, and subject to fogs and showers. The rains are rarely heavy, the winters mild, but the summers not hot. Myrtles flourish in the open air, as do several other tender exotics which generally require the protection of a green-house. But the more hardy race of trees, and of shrubs fit for hedges, and which resist the cold in counties farther north, and more removed from the sun, shrivel and perish here before the saline particles which are borne in every breeze. The air of Cornwall is most injurious to scorbutic habits, but as it is free from the putrid exhalations that in other places rise from bogs, marshes, and standing pools; and from the corrupt air that stagnates in the dead calm that is often found among thick woods; as the country is open, the soil in general sound, and the air always in motion, it is on

the whole esteemed very healthy. The natives are celebrated for their strength and skill in wrestling.

Besides its mines, Cornwall derives wealth from its fisheries, particularly that of pilchards, which is the greatest in the world. It further produces corn, fowl in abundance, and woodcocks; and a fine blue slate of use in building.

Its provincial rivers are the *Tamar*, the *Bude*, the *Camel*, and the *Keyl*.

Cornwall returns to Parliament two knights of the shire, and forty-two other members, being two each for the following boroughs: Bodmyn, Bossiney otherwise Tintagel, Camelford, Launceston otherwise Dunevet, East Looe, West Looe otherwise Portpigham, Gram-pound, Helfton, Fowey, St. Germans, St. Ives, Kellington, Liskeard, Lestwithiel, St. Mawes, St. Michael, Newport, Penryn, Saltash, Tregony, and Truro. The other places of note are Launceston the county town, and Fal-mouth the excellent sea-port.

CUMBERLAND

Is supposed to derive its appellation from *Cimbri*, a name given to the Antient Britons, who long maintained their ground in it, against the encroachments of the Saxons. It is in circumference 224 miles, 58 miles in length, rather above 30 in breadth, and in area, 1497 miles, or 958,080 acres. This county is divided, instead of hundreds, into five wards, called Allerdale above Darwent, Allerdale below Darwent, Cumberland, Eikedale, and Leath; these contain 259 townships, 2 towns, 38 parishes, 3 villages, and 2 hamlets. The houses are, 22,445, the people 117,230.

The surface of this county is diversified with plains and eminences; open, brakey, heathy commons, and irregular inclosures, in some parts enriched with rising plantations; the whole watered by innumerable streams and extensive lakes, abounding with fish of various denominations, and plenty of game. Though Cumberland enjoys an extent of sixty-seven miles of sea coast, yet it cannot boast of its navigable rivers; the tide flows not more than two or three miles up the greatest part of them. They are called the *Eden*, the *Wampool* or *Waver*, the *Caldew*, the *Ellen*, the *Derwent*, the *Eben*, the *Irt*, and the *Esk* and the *Dudden*. The *Eden* finds its source in the moors of Westmoreland, and is the first English river on the south-west border of Scotland, being like the Tweed, at last a boundary between the two kingdoms. The *Derwent*, the most considerable of these rivers, is generated in the wild district of Borrodale, whence it emerges towards the north, to form the

romantic and justly admired lake of Keswick, encircled by rocks, mountains, and cataracts, and beautifully distinguished with small wooded islands. It is throughout a rapid stream, and the scenery which attends its course is wonderfully striking and romantic.

Cumberland may be considered as forming two different districts, the mountainous, and that which is capable of culture. The mountainous districts are separated into two divisions, one of which bounds the east side of the county, and is the highest part of that ridge of mountains that divides the eastern and western coasts of the island, from Derbyshire in England to Linlithgow in Scotland. Cross-fell, Hartside-fell, Geltfdale-forest, and Spadeadam-waste, are the names of that portion of the ridge, which passes through this county. These mountains are composed of strata of different kinds of stone, and are rich in coal, lime, and lead ore, but are no way remarkable for any striking irregularities of surface. The other division of mountainous districts occupies the south-west part of this county, and they are known by the names of Skiddaw, Saddleback, Helvelli, Wrey-nose, Hardknot, and Seafell, which are remarkable for their steep, broken, rocky sides, and romantic shapes; and are in general one mass of that kind of stone which produces the beautiful blue slate, so much and so deservedly esteemed, for covering the roofs of houses. They are destitute of coal, lime, or any metallic ores: but in some measure repay this defect, by affording such valuable slates, and producing that singular mineral substance, black lead, which is found near Keswick in this county, and it is said, no where else in the southern part of the kingdom.

In a county like Cumberland enjoying such an extent of sea coast, and where so large a portion is occupied by mountains, and those reckoned amongst the highest in the kingdom, the climate must be various. Along the coast, and for a considerable way up the rivers, the snow seldom continues above twenty-four hours; but upon the mountains, it will lie unmelted for six or eight months: of course, the lower parts of the county are mild and temperate, while on the higher grounds, and upon the mountains and their vicinity, the air is cold and piercing. But the whole is healthy, though subject to frequent falls of rain, particularly in the autumn, which make their harvests very precarious and expensive. The soil is various. Fertile, rich, strong loams occupy but a small portion of this county. Dry loams, including the various degrees from the rich brown loam, to the light sandy soils, are found in a greater proportion than any other; and peat earth is more prevalent on the mountainous districts, particularly those adjoining

ing to Northumberland and Durham : it is also found on moors or commons in the lower parts of the county. The chief natural curiosities of Cumberland are the mountains already mentioned, and the lakes which annually attract the attention of those travellers whose taste inclines them to admire the grand and stupendous productions of nature.

Among the antiquities are some huge stones at the summit of Hardknot-hill, which some have thought to be the foundation of a castle ; but others, and with more probability, the ruins of some church or chapel ; for, in the early ages of christianity, it was deemed a work of most meritorious devotion, to erect crosses and build chapels on the tops of the highest hills and promontories, not only because they were more conspicuous, but because they were proportionately nearer to heaven.

On the top of Wrey-nose are three stones, commonly called shire stones, which though they lie within a foot one of another, are yet in three counties, Cumberland, Westmoreland, and Lancashire.

But the principal antiquity in this county, and perhaps in all Britain, is that rampire built by the Romans, as a barrier against the incursions of the northern Britons, called by the English the Picts Wall. It runs the whole breadth of Great Britain, crossing the north parts of the counties of Cumberland and Northumberland, and extending above eighty miles, from that part of the Irish sea called Solway Frith, on the west, to the German Ocean, on the east. It was begun by the Emperor Adrian, in the year 121, and built in the manner of a mural hedge, with large stakes driven into the ground, and wreathed together with wattles. It was faced with earth and turf, and fortified on the north with a deep ditch. This wall was completed under the direction of Ailius, the Roman general, and the traces of it, with the foundations of the towers or little castles, now called Castle Steeds, placed at the distance of a mile one from another, and the little fortified towns on the inside called Chesters, are still visible. It is said that here are sometimes found pieces of tubes or pipes, supposed to be used as trumpets, and to have been artfully laid in the wall between each castle or tower, for giving the quickest notice of the approach of the enemy, so that any matter of moment could be communicated from sea to sea in an hour. In the rubbish of this wall was found, some time ago, an image of brass, about half a foot long, which from the description the ancients have given us of the god Terminus, whose image they used to lay in the foundation of their boundaries, appears to be a representation of that deity.

In Cumberland is the antient city of Carlisle, which is surrounded with a wall, and defended by a castle and citadel. It is situated at the conflux of the rivers Eden, Peterell and Canda; it suffered severely in the times of the Scottish invasions, in the wars of the houses of York and Lancaster, and in the rebellion in the seventeenth century; and it was seized by the Pretender in 1745. In pursuance of a charter granted by Charles I. its corporation consists of a mayor and eleven aldermen, two bailiffs, twenty-four capital burgesses, and an indefinite number of freemen. Its principal manufactures are cotton and coarse linen, fancy-work in cotton, linen and shag, hats, chamois and tanned leather, linseys, nails, coarse knives, stockings, flax, soap, candles and ropes: the houses are 1338, the inhabitants 10,255.

The principal towns in the county are Aldston, Brampton, Cockermouth, Egremont, Hesketh, Newmarket, Holm, Ireby, Keswick, Kirkoswald, Longtown, Penrith, Ravenglass, Whitehaven, and Workington. Whitehaven, which is the most considerable of these towns, contains 1823 houses, and 8742 residents. The county returns to Parliament two knights of the shire, two citizens for Carlisle, and two burgesses for Cockermouth.

DENBIGHSHIRE

In North Wales, is about 38 miles long, 18 broad, and 116 in circumference; it contains 731 miles, or 467,840 acres, and is divided into six hundreds, namely, Bromfield, Chirk, Ifaled, Ifdulas, Ruthin, and Yale. These are subdivided into 50 parishes, 40 townships, 2 towns, and 2 hamlets, the number of houses is 13,048, that of inhabitants 60,352. Its chief town is Wrexham Regis the largest in North Wales, which has 1489 houses, and 6935 inhabitants; Llanwrst has 662 houses, and 2549 inhabitants; Denbigh, the county town, from which the shire takes its name, is of inferior consideration, having only 552 dwellings, and 2391 people; it sends one burgess to Parliament, and one knight is returned for the shire.

In Denbighshire the air is reckoned very healthy, but it is rendered sharp and piercing by a vast chain of mountains, which almost surrounds the county, and the top of which is, during the greater part of the year, covered with snow. The soil is almost in the extremes of good and bad: the west part is heathy, barren, and but thinly inhabited, except the sea coast and the banks of the Conway: the hills on the eastern borders of the county look, at a certain distance, like the battlements or turrets of castles; and this part is as barren as the west, except

where it borders on the river Dee: but the middle part of the county, consisting of a flat country, seventeen miles long from north to south, and about five miles broad, is extremely fruitful, and well inhabited; surrounded by high hills, except on the north, where it lies open to the sea. This delightful spot is called the Vale of *Clwyd*, from its being watered by the river of that name; besides which, the *Conway*, the *Dee*, and the *Etwy* lend their streams to this county.

The hills and heaths of Denbighshire feed vast numbers of goats and sheep, and being manured with turf ashes, they produce plenty of rye; the vallies abound with black cattle and corn, and the county in general with fish and fowl; it contains several lead mines, that yield plenty of ore, particularly about Wrexham.

This town has also a considerable manufactory of flannels, and one of gloves is established at Denbigh.

The chief antiquities of this county are supposed to be the ruins of the druidical establishment; the stones near Ruthin are the most curious, though several others with inscriptions are found in other parts, and there are some traces of the Romans.

DERBYSHIRE

Is nearly fifty-eight miles in length from north to south, and from eighteen to thirty broad, and contains 1077 miles, or 689,280 acres. It is divided into the six hundreds of Apple-tree, Highpeake, Moriestone and Litcherch, Repton and Gresley, Scarfdale, and Wirksworth, which contain 108 parishes, 188 townships, 3 extra-parochial jurisdictions, and 1 hamlet. The houses are 32,191, the inhabitants 161,142.

Derby is so called from its situation on the river Derwent, or, as some suppose, (and their opinion is supported by the town arms, which are a buck couchant in a park) from words signifying a deer park. It is the county town, and gives denomination to the whole shire; it is well built, and contains 2170 houses, and 10,832 inhabitants; it is distinguished by the celebrated silk-mill, erected in the year 1734, by Sir Thomas Lombe, after a model brought from Italy; by a manufacture of china ware, which is much admired; and by the fabrication of ornaments of Spar obtained from the Peak. The other considerable towns are Chesterfield, Wirksworth, Bakewell, Ashbourn, Bolsover, Alfreton, Chapel in the Frith, Dronfield and Tidswall. The principal rivers are the *Trent*, which separates the county from Leicestershire, the *Derwent*, the *Wye*, the *Dove*, and the *Rother*.

The Derwent divides Derby into two parts which are very different, as well with respect to the air as to the soil, except just on the banks of the river, where the land is on both sides remarkably fertile. In the eastern division the air is healthy, and its temperature agreeable; its soil fruitful, and well cultivated, produces grain in great abundance, particularly barley. But in the western division, the air in general is sharper, the weather more variable, and storms of wind and rain more frequent. There the face of the country is rude and mountainous, and the soil, except in the vallies, rocky and sterile; the hills, however, afford pasture for numerous sheep. But notwithstanding its barrenness, it is profitable to the inhabitants by the produce of great quantities of the best lead, antimony, millstones, and grind-stones, besides marble, alabaster, crystal spar, green and white vitriol, alum, pitcoal, and iron. In these commodities, and in malt, and ale, of which great quantities are made, the inhabitants carry on a considerable trade. The county is also enriched by several considerable manufactories, particularly one of cotton, established by the enterprize and industry of Sir Richard Arkwright at Cromford. Two members sit in Parliament for the shire, and two for the town of Derby.

The curiosities of this county are confined to the Peak, and commonly known by the name of its seven wonders. In this work they can be only enumerated, not described at large; they are however accurately displayed, in many publications, and form the subject of a harsh doggerel poem by Cotton, the author of *Virgil Travestie*. They are, 1st, Chatsworth, the magnificent seat of his grace the Duke of Devonshire; 2d, a mountain of stupendous magnitude called Mam-Tor, or the Mother Tower; 3d, Eldon-hole, a cavern of undefined depth; a plummet has descended further than half a mile without arriving at the bottom; 4th, the nine springs of Buxton which supply hot and cold medicinal waters, useful to drink and for bathing; 5th, a spring called Tideswell, which gives its name to a town near which it is situated, and is remarkable for rising and falling at uncertain intervals, with a gurgling noise, two-thirds of the perpendicular height of the well; a phenomenon never satisfactorily accounted for; 6th, a cave called Pool's-hole, situated at the bottom of Coitmoos, a lofty mountain near Buxton; and 7th, a cavern grossly called the Devil's Arse, the arch of which is chequered with stones of various colours from which continually drops petrifying water. In the enumeration of these works of nature, notice is due to the medicinal spring of Matlock, which is situated near the great Tor already mentioned.

DEVONSHIRE

Is seventy miles from north to south, and about sixty from east to west, and contains 2488 miles, or 1,592,320 acres. Its houses are 61,190, and its inhabitants 343,001. This populous county is divided into thirty-three hundreds, named, Axminster, Bampton, Black-Torrington, Braunton, Budleigh, Clifton, Coleridge, Colyton, Crediton, Ermington, Exminster, Fremington, Halberton, Hartland, Hayridge, Haytor, Hemiock, Lifton, Molton, South, Ottery St. Mary, Plymton, Roborough, Shebbear, Sherwill, Stanborough, Tavistock, Tawton, North and Winckley, Teinbridge, Tiverton, Witheridge and Wenford. It has 449 parishes, 15 townships, 2 villages, 3 hamlets, 4 tythings, and 3 precincts.

The air of this county is mild in the vallies, and sharp on the hills; but in general pleasant and healthy. The soil is various; in the western parts coarse, moorish and barren, and in many places a stiff clay, which the water cannot penetrate; it is therefore bad for sheep, which are not only small, but very subject to the rot, especially in wet seasons. This part of the county is, however, happily adapted to the breeding of fine oxen, which the Somersetshire drovers purchase in great numbers, and fatten for the London markets. In the northern parts of the county the soil is dry, and abounds with downs, which afford excellent pasture for sheep, and which, being well dressed with lime, dung and sand, yield good crops of corn, though not equal to those produced in the middle parts of the county, where there is in some places a rich marle for manuring the ground; and in others a fertile sandy soil. In the eastern parts of Devonshire the soil is strong, of a deep red, intermixed with loam, and produces great crops of corn, and the best pease in Britain. There are a few villages called the South Hams, near Torbay, which are famous for an excellent rough cyder, said to be the best in the kingdom. Most barren places here are rendered fruitful by a shell sand, such as that used in Cornwall; and in situations remote from the sea, where this sand cannot be easily obtained, the turf, or surface of the ground, is shaved off and burnt to ashes, which is a good succedaneum. The southern parts of this county being the most fertile, are called the garden of Devonshire.

As this county abounds in fine rivers, salmon is excellent and in great plenty. There are also mines of lead and tin, formerly of more value than even those of Cornwall; they were farmed at 100 pounds, while the Cornish mines produced only 100 marks, and had four stannary courts, the laws of which

still remain, in some degree in force, though the working of the mines has long been discontinued. The tinners are not under the lord-lieutenant, but form a militia by themselves. Iron mines have been discovered, as likewise copper mines, with veins of loadstone and silver. Here are likewise quarries of good stone for building, and slate for covering houses, great quantities of which are exported. The chief manufactures are serges, duroys, druggets, shalloons, narrow cloths, stuffs, and bone-lace, in which, and in corn, cattle, wool, and sea fish, the inhabitants carry on a considerable trade.

The principal rivers of Devonshire are the *Tamar*, the *Tavy*, the *Plyn*, the *Alleray*, the *Werrington*, the *Lyd*, the *Torrige*, the *Dart*, the *Teign*, the *Ex*, the *Otter*, the *Syd*, and the *Axe*.

Devonshire is so called from the ancient British names *Deunan* and *Deuffneynt*, which signify deep vallies, the greatest part of its towns and villages being in a low situation. It contains one city, and forty considerable towns, several of which require particular notice.

Exeter, the city alluded to, is situated on the river *Ex*, about ten miles from the English Channel. It was probably built at the time the Romans were in possession of Britain; was surrounded with walls, and had six gates, most of which are pulled down. The sea flowed up formerly to the very walls of the city, and ships could load and unload at that called the *Water-gate*; by the contrivance of sluices and gates, vessels of 150 tons can now come up to the quay. Besides the cathedral, which is a magnificent pile of building; there are eighteen other churches, a few chapels, and five large meeting houses. The city is governed by a mayor, aldermen, recorder, and town clerk, &c. and was incorporated by king John, and erected into a county by Henry VIII. All pleas and civil causes are tried by the mayor, aldermen, recorder, and common council; criminal causes, and private wrongs, are judged by eight aldermen, who are justices of the peace. In the north west corner of the city stood the castle, called *Rougemont*, from the colour of the hill on which it was built, supposed to have been founded by the West Saxon kings, and afterwards made the seat of the Earls of Cornwall. This castle was completely ruined in the civil wars, when the city held out against Fairfax, who blockaded it for two months, and nothing but the outer walls now remain. The guildhall is a spacious and convenient building, built in its present form in 1593, and repaired in 1720. The public hospital was erected by subscription, in 1740, for the sick and lame of the city and county of Devon. The trade of Exeter consists principally in the exportation of coarse woollen goods, manufactured in the counties of Devon, Cornwall,

Cornwall, and Somersfet; these goods the merchants of Exeter buy rough from the loom, mill, dye, finish, and export them; they chiefly consist of druggets, duroys, kerseys, and everlastings. The East India Company also purchase a quantity of long ells, of which about a fourth part are shipped at Exeter; the remainder at Dartmouth and Plymouth. For making these woollens; about 4000 bags of wool are imported at Exeter from Kent. The rest of the wool made use of is the product of Devonshire and the neighbouring counties. Exeter has also a considerable import trade; sends ships to the Newfoundland and Greenland fisheries, supplies the circumjacent country with coals, both from the northern collieries and from Wales: and exports corn, especially oats, to London. In the reign of Henry VII, the city was ineffectually besieged by Perkin Warbeck, and the king in acknowledgment of the bravery of the citizens, presented them with a sword which he himself wore, to be carried before the mayor in all corporate processions. Exeter contains 2836 houses, and 17,398 inhabitants.

Plymouth, which from a small fishing town, is become one of the most considerable harbours in the kingdom, is situated on the English Channel, at the conflux of the two rivers Tamar and Plym, which form a harbour capable of receiving a thousand vessels. It is defended by several forts, mounted with nearly 300 guns, and particularly by a strong citadel erected in the reign of Charles II. before the mouth of the harbour. This citadel, the walls of which include two acres of ground, has five regular bastions, contains a large magazine of stores, and mounts 165 guns. The inlet of the sea, which runs some miles up the country, at the mouth of the Tamar is called the Hamoaze; and that which receives the little river Plym is called Catwater. About two miles up the Hamoaze are two docks, one wet and the other dry, with a basin 200 feet square; they are hewn out of a mine of slate, and lined with Portland stone. The dry dock is formed after the model of a first rate man of war; and the wet dock will contain five first rates. The docks and basin were constructed in the reign of William III. there are conveniencies of all kinds for building and repairing ships; and the whole forms as complete, though not so large an arsenal, as any in the kingdom.

Plymouth has also spacious and commodious barracks for soldiers, with houses for the officers, clerks, &c. In the reign of Edward III, part of this town was burnt by the French; and in the reign of Henry IV. 600 houses were burnt by the same enemy. During the civil wars of the seventeenth century, Plymouth adhered to the Parliament, and stood a siege
of

of the royal army for some months. At the restoration, Charles II. built a fort between the sea and the town, which defends the harbour. The inhabitants carry on the pilchard fishery, and a considerable trade to the straits of Newfoundland.

Plymouth is governed by a mayor, aldermen, recorder, and town clerk: it contains, together with its suburbs, 4536 houses, and 43,194 inhabitants.

Dartmouth, another considerable town of this county, so called from its situation at the mouth of the Dart, on the English Channel; is said to have been formerly called Clifton, and is an antient corporation and a borough town. The harbour is safe and large. The merchants send out vessels to Newfoundland for fish, which they dispose of in Italy, Spain, and Portugal; loading back with wine, fruit, oil, &c. Dartmouth is esteemed a great nursery of seamen, the fishery employing near 3000 men, a certain number of whom, the owners are obliged, by act of Parliament, to select from landmen.

The county returns two members to Parliament, Exeter, Plymouth, Dartmouth, Barnstaple, Tiverton, Ashburton, Oakhampton, Totness, Bereahton, Plympton, Tavistock, and Honiton, return each the like number, making the whole representation of the county 26 members.

The other considerable towns are Crediton, Biddiford, Topsham, Axminster, Bampton, Newton-Abbot, Lynton, Bowe, Bradninch, Brent, Kingsbridge, Dodbrook, Chudleigh, Chumleigh, Cullumpton, Comb-Martin, Culliton, Hartland, Hatherly, Holdsworthly, Ilfracomb, Modbury, Morton, Sidmouth, South Molton, Torrington, Chegford, Sheep Wash, and Teignmouth or Tinmouth.

Before the account of this county is terminated, it is fit to notice the excellent harbour of Torbay, the great rendezvous for the British navy as a defence against westerly winds; and celebrated for being the place where William III. landed, on the 6th November 1688. The Eddystone rocks and light-house also claim particular notice. These rocks lying in the English Channel, nearly in the full way from the Start to the Lizard, and being covered at flood tide, though dry at ebb, must, without a sufficient beacon, ever be fatal to mariners. On the summit of the largest rock, therefore, a light-house has been erected, to serve as a beacon, or signal, to avoid the danger. The first light-house was erected in 1696; and, after resisting many violent storms, was blown down on the 27th November 1703, when the projector, who then happened to be in it, and all his attendants, perished. The corporation of the Trinity-house erected another in 1709, and, to support the
 expence,

expenſe, laid a duty on all veſſels paſſing; it was burnt in 1755, and rebuilt by Mr. Smeaton in 1759; this erection was alſo burnt in 1770, and rebuilt in 1774. The building, as now conſtructed, conſiſts of four rooms, one over the other, and at the top, a gallery and lantern. The ſtone floors are flat above but concave beneath, and are kept from preſſing againſt the ſides of the building, by a chain let in to the walls. Portland ſtone and granite are united together by a ſtrong cement, and let into horizontal ſteps by dovetails on the ſouth-weſt. The ingenious architect diſcovered that Portland ſtone was likely to be deſtroyed by a marine animal, and as the working of granite was very expenſive and laborious, the external part only was conſtructed with this, and the internal part with the other. To form a ſtrong and broad baſe, and a ſtrong bulk of matter to reſiſt the waves, the foundation is one entire ſolid maſs of ſtones to the height of 35 feet, engrafted into each other, and united by every means of additional ſtrength. It is about 80 feet in height.

DORSETSHIRE.

THE preſent name of this county is derived from the Saxon Douretta, which ſignifies a people living by the water or ſea ſide. It is that diſtrict which, in the time of the Romans, was inhabited by the Durotriges; a name purely Britiſh, compounded of Dour, water, and Trig, an inhabitant. It is deſcribed by five diviſions, namely, Blandford, Bridport, Dorcheſter, Shafton, and Sherborne, which contain the following hundreds and liberty: Barrow, Beer, Coombſditch, Haſilor, Pimperne, Robarrow, Ruſhmore, Winfrith, Beaminſter, and Redhone, Eggarton, Godderthorne, Whitechurch, Canonorum, Culliford, Tree, George, Puddle-town, Tollesford, Uggeſcombe, Knowlton, Badbury, Cogdean, Cranborne, Loofebarrow, Sixpenny Handley, Upwimborne, Brownſell, Buckland and Sturmiſter, Newton-Caſtle, Cerne, Totcombe and Mod-barrow, Redlane, Sherborne, Whitway, and Yetmiſter, and the liberty of Gillingham. Theſe include 268 pariſhes, 9 towns, 1 townſhip, 8 tythings, 1 hamlet, and 3 extra-parochial juriſdictions. The area of the county is computed at 1129 ſquare miles, or 722,560 acres, and it contains 22,262 houſes, and 115,319 people.

This county is, for the moſt part, hilly; the ſoil is in general ſhallow, over a chalky bottom, but in ſome of the vallies very rich. The number of ſheep is eſtimated at upwards of 800,000, of which 15,000 are annually fold and ſent out of the county. Great advantages are derived from the ſheep, not only from

the fleece and carcases, but likewise from the manure. The owners excel those in all other parts of the kingdom, in providing ewes to yearn at a remarkably early season, which supply the metropolis with fat lambs. The wool produced in this county is short and fine, of a close texture, and of a quality highly esteemed in the manufacture of broad cloth.

Among various articles of great importance to the community in the county of Dorset, may be reckoned the cultivation of hemp and flax, and their manufacture. In the neighbourhood of Bridport and Beaminster, all sorts of twine, string, packthread, netting, cordage, and ropes, are made; from the finest thread, used by sadlers instead of silk, to the cable, which holds the first rate man of war. These commodities, with nets, sails, packing, tarpaulins, are of the best quality; and of the flax and hemp used, not more than one-third is of British growth; the residue being imported raw from Russia and America.

No ores of any kind have been found in this county, nor mines of coals; but the island of Purbeck contains quarries of excellent stone. It is used for walling, floors, steps, and pavements. Portland is called an island, but is rather a peninsula, for though formerly surrounded by water, it is now joined with the main land by what is called the Chesil Bank, which the surge has thrown up. It is scarcely seven miles in compass, and but thinly inhabited; for though it affords plenty of corn and pasture, yet wood and coal are so scarce, that the inhabitants are forced to dry the dung of their black cattle for fuel. The island is rendered inaccessible by high and dangerous rocks, except on the north side, where it is defended by a strong castle, built by Henry VIII. called Portland Castle; and another erected on the opposite shore, called Sandford Castle. These command all ships that come into the road, which for its strong current setting in from the English and French coasts, is called Portland Race. These currents render it always turbulent; and have frequently driven vessels, not aware of them, to the west of Portland, and wrecked them on Chesil Bank; on the two points of which are light-houses, to warn the mariner of his danger.

About a mile from Corfe Castle, are found large quantities of pipe clay, useful to the potters in Staffordshire and other places.

The most considerable town in Dorsetshire is Pool, situated on a large bay, called Luxford Lake, or Pool Harbour, which, including all its angles, is fifty miles in circumference. It is a place of great trade, chiefly to the Baltic, Portugal, Newfoundland, America, Greenland, and Newcastle. Near the
mouth

mouth of the harbour is an oyster bank, and a number of small vessels are employed during the season, in conveying its produce to the fattening beds in the creeks of Essex and Kent. This place, from a sedge plat with a few fishing huts, arose to be a populous town, very rich, and adorned with handsome buildings. Henry VI. by act of Parliament, granted to it the privileges he had taken from Melcombe, and gave the mayor leave to inclose it with walls, which were begun next the harbour, by Richard II. During the civil wars, Pool was garrisoned for the Parliament. It was created into a county of itself, by charter of Queen Elizabeth, and is governed by a mayor, a recorder, aldermen, a sheriff, a coroner, a town clerk, and an indefinite number of burgessees. The mayor, who is admiral within the liberty, is chosen from among the burgessees: after he has passed the chair, he is always an alderman; and the first year of his mayoralty, he is senior bailiff, and a justice of the peace. From among the aldermen are annually chosen three justices, the mayor, and recorder, one being of the quorum; and the election of the freemen or burgessees must be made by the mayor, four aldermen, and twenty-four burgessees. Pool contains 1059 houses, and 4761 inhabitants.

Weymouth is also a place deserving considerable notice. It is a sea port, situated at the mouth of the Wey, which separates it from Melcombe Regis, and the communication between the towns is by means of a draw-bridge, which is open for the admission of vessels. It is a well frequented port, defended by the two castles of Sandford and Portland. The harbour is a tide harbour, but the road has good anchorage in four or five fathom. The merchants principally trade to Portugal and Newfoundland. The corporation is united with that of Melcombe Regis, and they jointly consist of a mayor, a recorder, two bailiffs, and an uncertain number of aldermen. The number of houses in Weymouth is 714, that of inhabitants 3617, they are however rapidly increasing, and in building and improvement proceed with great spirit, especially since his Majesty and his august family have been almost annually in the habit of retiring to this place for relaxation and health during the heats of summer.

Two knights of the shire are returned to Parliament, and two burgessees for each of the following towns: Dorchester, Lyme, Shaftesbury, Pool, Bridport, Wareham, Corfe Castle, Weymouth, and Melcombe-Regis. The other towns of note are Sherborne, Blandford, Cranborn, Beaminster, Abboisbury, Bere, Evershot, Frampton, Milton Abby, Stalbridge, Sturminster, Cerne, and Winburn. The chief rivers are the *Char*,
the

the *Eype*, the *Wey*, the *Brit*, the *Froome*, the *Piddle*, the *Stoure*, the *Allen*, the *Dulliffo*, and the *Lydden*.

At Hermitage, a village about seven miles south of Sherborne, is a chasm in the earth, whence a large plot of ground, with trees and hedges, was removed entire to the distance of forty rods, by an earthquake, which happened the 13th of January 1585.

DURHAM

Is in shape triangular, in circumference about 107 miles, in area 1040, or 665,600 acres. Instead of hundreds, it is divided into four wards, called Chester, Darlington, Easington, and Stockton wards; and two other districts, denominated Islandshire and Northamshire: these contain 256 townships, 7 towns, 23 parishes, 4 chapelries, 3 hamlets, 1 liberty, 1 barony, 1 borough, and one extra-parochial district. The houses are 28,466, the inhabitants 160,361.

This county is one of the most mountainous in the kingdom; the hills are, in general, covered with verdure to the top, and many of them contain lead and iron ores, coals, limestone, freestone, and marble. The east and north-east parts of the county are particularly rich in coal mines, lying in horizontal strata, from three to six feet thick, and extending many miles. Near Wolsingham are found beautiful black spotted marble, and the large grey mill-stone for grinding corn. Grind-stones are found a little to the south of the river Tyne, and not far from Newcastle: these form an article of exportation to most parts of the globe. There are also several quarries of fire stone, immense quantities of which are exported to be used in ovens, furnaces, &c. Near the river Tees, the land is rich, and is generally fertile near the other rivers; other parts are not so good. The climate is very uncertain, and the harvest hazardous: wheat, barley, oats, and peas, are the chief productions; beans are seldom raised in the western part of the county.

The principal manufactures are tammies, carpets, huckaback, cotton in various forms, linen, sail-cloths, stockings, saddlery, salt, steel, glass, ropes, pottery, iron works, iron founderies, copperas, and paper.

It has been already noticed, that Durham is the only county palatine remaining in the hands of a subject: the royalties have been much abridged by the statute 27th Henry VIII.; they are now the prerogatives of the bishop, and hence the bishoprick and county of Durham are equally used to describe this portion of the kingdom. The privileges, which are still reserved to the bishop, are principally these: all writs, though

returnable into the king's courts, are tested in the name of the bishop. He is perpetual justice of peace within his territories, as is also his temporal chancellor. All the officers of the courts, even the judges of assize themselves, have still their ancient salaries, or something analogous, from the bishop, and all the standing officers of the courts are constituted by his patents. When he comes in person to any of the courts of judicature, he sits chief in them, those of assize not excepted; and even when judgment of blood is given, though the canons forbid any clergyman to be present, the bishops of Durham did, and may sit in their purple robes on the sentence of death. All dues, amercements, and forfeited recognizances in the courts of the palatinate, and all deodands, belong to the bishop. If any forfeits are made, either of war, or by treason, outlawry, or felony, even though the soil be the king's, they fall to the bishop here, as to the king in other places. All the tenures of land originate from the bishop, as lord paramount in chief. Hence he grants charters for erecting boroughs and incorporations, markets and fairs; inclosing forests, chaces, and warrens; licences to embattle castles, build chapels, found chantries and hospitals, and dispensations with the statute of mort-main. All inclosed estates, as well as moors, or wastes, to which no title can be made, escheat to him. He grants the custody of idiots and lunatics, and had the custody of minors, while the custom of wards and liveries subsisted. Besides the dependance of leasehold or copyhold tenants on him, if any freeholders alienated their land without his licence, they were obliged to sue out his patent of pardon; and all money paid for such licences belongs to him. In the article of military power, the bishop of Durham had anciently his thanes, and afterwards his barons, who held of him by knight's service, as the rest of the halfwerk folk held of them by inferior tenures. On alarms he convened them as a parliament, with advice to assist with their person, dependents, and money, for the public service, at home and abroad, and all levies of men or money were made by the bishop's commission, or by writs in his name, out of the chancery at Durham; for he had power both to coin money and levy taxes, and raise and arm soldiers in the bishoprick, from sixteen to sixty years old. But now the militia of this county has been long on the same footing with the rest of the kingdom, under the lord lieutenant. The only difference here is, that that office has generally, though not always, been borne by the bishop. The admiralty jurisdiction in this county belongs also to the bishop, who holds the proper courts by his judges, and appoints by his patents a vice-admiral, register, and

marshal, or water-bailiff, and other officers, and has all the privileges, forfeitures, and profits, incident to this power, as royal fishes, sea-wrecks, and duties for ships arriving in his ports.

The city of Durham, the capital of the county, and from which it derives its name, is situated on seven hills, and surrounded by others more lofty: it has been whimsically compared to a crab, the body being represented by the centre of the town, the cathedral, &c. and the claws, by the several streets branching every way. It is almost surrounded and intersected by the river Wear. This city is generally said to have been founded in the year 995, when the monks of Landisfarne took refuge from the Danes, and brought with them the relics of St. Cuthbert. The cathedral is a grand Gothic building.

The city was governed under a charter, procured by bishop Crew, of Charles II. by 12 aldermen, a recorder, 12 common-council, a town clerk, and other officers, who could hold a court-leet and court-baron within the city, in the name of the bishop, for the time being; but the corporation having been guilty of many mal-practices, the city was several years without a mayor, and the power of election was lost. A new charter was repeatedly applied for, but not obtained till the year 1778, when Doctor Egerton, the then bishop, terminated the disputes which had prevailed with respect to the principles on which it should be founded. The city contains 1054 houses, and 7530 inhabitants.

Sunderland is a considerable town, situated at the mouth of the Wear, where it runs into the German sea. The harbour being too shallow for large vessels, they are obliged to take in their loadings in the open road, though many attempts have been made to remedy the evil. Sunderland has been greatly enriched by the coal trade, and by its salt pans, which, with the number of ships employed in carrying coals, salt, glass, and other merchandize, to divers parts of the kingdom, as well as abroad, make it a fine nursery of seamen. Its inhabitants are 12,412, the houses 1379.

The other towns of note in the county are Stockton, Barnard's Castle, Darlington, Stanhope, Hartlepool, Bishops Auckland, Wolfingham, and Sedgelyield. The county and city send two members each to parliament.

The principal rivers of Durham are the *Tees*, the *Tyne*, the *Derwent*, the *Skean*, and the *Weare*. These contribute to the wealth of the county, by the advantages of navigation, and by the supply of excellent fish, particularly salmon. In the channel of the Weare, a little below Branspeth, a village near Durham, are many large stones, which are never covered but when that

river overflows; and over which, if water is poured, it will in a short time become brackish; and at Saltwater Haugh, not far distant, is a fait spring in the middle of the Weare, which is best perceived in summer, when the water of the river being low, it is seen bubbling up. This spring tinges all the stones near it with red; and the water, when boiled, produces a great quantity of bay salt, though not so palatable as common salt. Large quantities are also manufactured in pans at South Shields, whence it is sent to supply the capital, and the intermediate country.

Nesham, a village on the Tees, south-east of Darlington, and in the road from London to Durham, is remarkable for a ford over the river, where the bishop, at his first coming to take possession of his see, is met by the country gentlemen, and where the lord of the manor of Sockburn, a village south-east of Nesham, upon the same river, advances into the middle of the stream, and presents him with a faulchion, as an emblem of his temporal power, which the bishop returns, and then continues his route.

ESSEX.

THIS county, called by the Saxons East-Deaxa and East-Dexcire, and by the Normans Exfessia, was, in the time of the Romans, inhabited by the Trinobantes, whom Cæsar represents as the most warlike people in the island. It is a sort of peninsula, being washed on the east by the German Ocean; on the north by the Stour; on the west by the rivers Lea and Stort; and on the south by the Thames. It is in length, from east to west, rather more than sixty miles, from south to north about fifty, and in circumference about 140; its area is computed at 1525 miles, or 976,000 acres. The hundreds are nineteen; namely, Barnstaple, Becontree, Chafford, Chelmsford, Clavering, Dangie, Dunmow, Freshwell, Harlow, Hinckford, Lexden, Ongar, Rochford, Tendring, Thurstable, Uttlerford, Waltham, Winstree, and Witham. These contain 370 parishes, 17 hamlets, 14 towns, 11 townships, 7 wards, and 4 villages; the houses are 39,398, the people 216,437.

Except towards the south-west, the air of Essex is generally healthy: this quarter, called emphatically the Hundreds of Essex, is represented as highly prejudicial and unwholesome, particularly subjecting the inhabitants to intermitting fevers; but even this part has been much meliorated by care and good husbandry.

Considerable manufactures of serges, baizes, and other woollens, are established in several towns and villages, particularly

lary in Colchester, and its vicinity. The principal productions of the county are wheat, barley, oats, beans, peas, flax, hemp, coriander seeds, caraway seeds, potatoes, teasles for the woollen manufactures, rape, mustard, and cole-seed; all which find a ready market in London. Towards the west, on the borders of Hertfordshire and Middlesex, are large dairy farms, celebrated for the goodness of the butter, particularly that which is made in the neighbourhood of Epping. On the south side of the county, on the borders of the Thames, are extensive salt-marshes, and other low lands, into which horses and cattle are put to graze, and large herds of sheep and oxen are reared and fattened for the London market. Saffron is cultivated principally in the north-west part of the county, towards Cambridge, particularly about Saffron-Walden, whence its name. Essex contains a good share of woodland, and the rivers are well stocked with fish.

The towns are Colchester, Harwich, Malden, Chelmsford, Saffron-Walden, Rumford, Brentwood, Ingatestone, Witham, Maningtree, Hedingham, Halstead, Braintree, Epping, Waltham, Bocking, Dunmow, Ongar, Greys, Thurrock, Coggeshall, Dedam, Billericay, Rochford, Lea, and Hatfield-Broad oak.

The county, and the towns of Colchester, Harwich, and Malden, return two members each to parliament.

Colchester, situated on the river Coln, is a town of great antiquity, having been a Roman station, called Colonia, and the supposed birth-place of Helena, mother of the emperor Constantine. Its castle is said to have been built by Edward, the son of Alfred; and the walls and edifices of the town still bear marks of the honourable resistance made by the inhabitants to the successful rebels in the days of Charles I. The corporation consists of a mayor, high steward, a recorder, or his deputy, 11 aldermen, a chamberlain, a town clerk, eighteen assistants, and eighteen common-council. The mayor and aldermen, for the time being, with 48 guardians, are also a corporation for the benefit of the poor. It contains 1997 houses, and 11,520 inhabitants.

Harwich is less populous, containing only 493 dwellings, and 2761 people. Being the chief port for packets to Holland, it is a place of considerable trade, and many vessels are employed in the North-sea fishery; and the harbour, independent of the bay, is safe and convenient. Here is a very good dock-yard for building ships, and ample accommodations for sea-bathing, both hot and cold.

Malden, situated on the river Blackwater, called also Malden-water, is a town of considerable trade, and a convenient haven

for ships. Its houses are 454, the inhabitants 2358. The corporation consists of 2 bailiffs, 8 aldermen, a steward, recorder, and 18 capital burgessees. It is a liberty within itself; incorporated 1 Philip and Mary, 1554. The custom of Borough English is kept up here, by which the youngest son, and not the eldest, succeeds to the burgage-tenement, on the death of his father.

The chief rivers are the *Thames*, the *Stour*, the *Lea*, the *Stort*, the *Chalmer*, the *Blackwater*, the *Coln*, the *Crouch*, and the *Roding*.

Essex has furnished copious subjects of inquiry and discussion to the antiquaries. Besides those of Roman origin, which are numerous, the principal curiosities of the county are, a petrifying spring at Beacon Hill, and Harwich, and the custom of Dunmow, which rewards nuptial attachment preserved inviolate in act, word, and thought, for a year and a day, with a fitch of bacon.

FLINTSHIRE

Is a county of North Wales, divided into two separate portions; the one, properly in Wales, is about 27 miles in length, and from 7 to 10 broad; the other, in no wise united with it, lying between Cheshire, Shropshire, and Denbighshire, is 8 miles long, and 6 broad. It is computed to contain in the whole 309 square miles, or 197,760 acres. It is divided into 5 hundreds, namely Colehill, Maylor, Mold, Prestatyn, and Rhyddlan, which form 23 parishes, 15 townships, 1 town, and 1 chapelry; the houses are 7779, the inhabitants 39,622.

The county is mountainous, intermixed with vallies; the hills are generally barren, but abound with lead ore, calamine, limestone, and coals; the vallies are fertile, and produce both corn and hay; the separated part is mostly a level country.

Two members are returned to Parliament; one knight of the shire, and one burgesse for the town of Flint.

This town gives its name to the county, but in the election of a member the inhabitants of the neighbouring boroughs of Rhyddlan, Overton, Caerives, and Caergerly, have votes.

St. Asaph, the ancient episcopal see, is also in this county, but a place of small note or population.

The largest town is Holywell, which contains 1146 houses, and 5567 inhabitants. It derives its name from a spring in the neighbourhood, which, according to popish legends, rose miraculously in memory of St. Winifrid, a Christian virgin, ravished and beheaded in this place by a Pagan tyrant. The spring is commonly called St. Winifrid's Well, to which many miracu-

miraculous cures have been ascribed by monkish writers. It issues out of a rock of free stone, where the monks of Basingwerk, in the neighbourhood, cut out a neat chapel, and over the well built a small church, with St. Winifrid's story, and her pretended restoration to life by St. Beuno, painted on the glass windows of the chancel; this church falling to decay, was rebuilt in the time of Henry VII. and is still standing. It is supported upon stone pillars, which surround the well, and is now converted to a school: the well is floored with stone, and the water issues out with such a rapid stream, as to turn several mills at a very small distance from the fountain.

GLAMORGANSHIRE

Is 48 miles from east to west, and 27 from north to south, the circumference 116 miles, and the area 822 miles, or 526,080 acres. The hundreds are ten, Caerphilly, Cowbridge, Dinas-Powis, Kibbor, Llangwelack, Miskin, Neath, Newcastle, Ogmore, and Swansea; these are distributed into 112 parishes, 51 hamlets, 3 towns, and 1 extra-parochial place, and contain 14,762 houses, and 71,525 inhabitants.

On the north and north-east sides it is very mountainous, the soil of the hills extremely varied. In some parts they are mere rocks, in others full of coal and iron. The surface over these mines affords pasture for sheep, which produce plenty of fine wool. Corn grows principally on the south side of the mountains, in a spacious vale, or plain, open to the sea. Plenty of coal, and conveniency of exportation, have facilitated the establishment of a large copper work at Swansea.

Two members are returned to Parliament from Glamorganshire, one for the county, the other for the town of Cardiff, for whom the burgeses of Cowbridge, Swansea, Locher, Aberavon, Kenfil, Neath, and Llantrisant also vote.

Cardiff, which derives its appellation from its situation on the river Taff, about three miles from the Severn, is said to have been built in the year 1080. It is inclosed by a wall with four gates, and a strong stately castle, the constable of which is always the first magistrate of the town. The inhabitants carry on a considerable trade with Bristol, and export a great quantity of cast and wrought iron to London and other places. This being the county town, a court of record is held every fortnight, in which the bailiffs, who are also justices of the peace, are the only judges. The corporation consists of a mayor, who, as chief magistrate, is constable of the castle, 12 aldermen, 2 bailiffs, who are annually chosen from among the aldermen, and 12 common councilmen. Curthose, eldest son of William

the Conqueror, was imprisoned in the castle by his brother, who deprived him of his eyes, as well as all hopes of the crown.

The most considerable town in the county is Swansea, which is situated on a bay in the Bristol channel, to which it gives name, at the mouth of the river Tawy, for which reason it is called Aber-Tau. The inhabitants carry on a considerable trade in coals and pottery, and smelt copper and lead ores. It has 1203 houses, and 6099 inhabitants.

Glamorganshire also contains the small city of Llandaff, which has a cathedral but no market. The principal rivers are the *Tawe*, the *Neath*, the *Taw*, the *Ogmore*, and the *Rhymney*.

This county possesses a stupendous antiquity in the castle of Caerphilly, built at an uncertain period, and now in ruins. It stands in a moorish bottom, near the river Rhymney, and has been deemed larger than any castle in England, except that of Windsor. Amidst the many pieces which compose this huge pile of ruins, is a large tower towards the east end, between 70 and 80 feet high, with a vast fissure from the top almost to the middle, by which it is divided into two separate leaning parts, each side hanging at the summit ten feet and a half over its base. In this manner, apparently threatening immediate ruin, it has continued to recline for many ages; nor does it appear from history, or tradition, how, or when the rent first happened. The hall, or, as some think it, the chapel, is about 70 feet long, 34 broad, and 17 high.

GLOUCESTERSHIRE.

THE length of this county from north-east to south-west is 65 miles, and the breadth from 20 to 30; the circumference is about 156 miles, the contents of the area 1122 miles, or 718,080 acres. Gloucestershire is divided into 28 hundreds, called Berkley, Bisley, Blidestoe, Botloe, Bradley, St. Briavells, Brightwell-Barrow, Cheltenham, Cleeve, Crowthorne and Minely, Deerhurst, Dudstone and King's Barton, Grumbald's Ash, Henbury, Kiftsgate, Duchy of Lancaster, Langley and Swineshead, Longtrees, Puckle Church, Rapsigate, Slaughter, Tewksbury, Thornbury, Tibaldstone, Westbury, Westminster, and Whitstone; these include 328 parishes, 41 hamlets, 33 tythings, 14 townships, 7 towns, 6 extra-parochial jurisdictions, and 3 villages; the houses are 48,172, the inhabitants 250,809.

It is usual to divide this county into three districts: the eastern, bordering upon Warwickshire, Oxfordshire, and Berkshire, is called Cotswould; the middle, the Vale of Gloucester; and the triangular part, included between the Wye, the Severn, and a
small

Small river called the Leden, is called the Forest of Dean. The vale of Gloucester manifestly derived its name from its situation, and the forest was probably called the Forest of Dean, from the principal town in the district; some have supposed the word Dean to be a corruption of Arden, a name used both by the ancient Gauls and Britons to signify a wood.

The soil and cultivation of Gloucestershire vary in different parts. On the Cotswold hills the land is in general loamy, with stones; the earth shallow, having beneath it a kind of limestone. About Fairford and Cirencester, the soil is richer and deeper, and great quantities of sheep are fed, which were formerly celebrated for the fineness of their wool, and the smallness of their fleece. This breed of sheep has been changed for a larger, which produce coarser wool. The vale of Berkley, an extensive and fertile plain, lying on both sides of the Severn, is celebrated for its excellent cheese. The vale about the city of Gloucester is good meadow and pasture land. The forest of Dean was formerly celebrated for ship timber; a small part only is left, but pains are taken for its preservation. The woollen manufacture is carried on to a great extent at Dursley, Stroud, Wotton Underedge, Pain-fwick, Minchin, Hampton, and in their neighbourhood. Mines of coal abound in Kingwood, and the neighbourhood of Bristol, and mines of iron in the forest of Dean. Great quantities of cyder are made in the villages on the banks of the Severn, a kind of which, called styre, is almost peculiar to the western banks of that river.

The parliamentary representation of this county is composed of 8 members; 2 knights of the shire, 2 citizens for Gloucester, and 2 burgesses, each for Cirencester and Tewkesbury. Bristol is in all other respects considered as forming a part of Gloucestershire, but the return of its members to parliament is made by the sheriff of Somersetshire.

Gloucester was called by the ancient Britons Caerglow, the fair city, from its fine situation and beautiful buildings. It was undoubtedly a Roman station, and always a place of considerable note. Several English kings kept their christmas at this city. King John, in the first year of his reign, made it a borough town, and Henry III. made it a corporation. In 1272, Edward I. held here a parliament, in which some useful laws were made, now called the statutes of Gloucester. Richard II. held also here a parliament; and Richard III., in consequence of bearing the title of duke of Gloucester, before he obtained the crown, added the two adjacent hundreds of Dudston and Kings Barton to it, gave it his sword and cap of maintenance, and made it a county of itself, by the name
of

of the county of the city of Gloucester; but, after the restoration, the hundreds were taken away by act of parliament, and the walls of the city razed, to punish the inhabitants for shutting the gates, in 1643, against Charles I. The city had then eleven parish churches; but six being demolished in 1643, there only remained five, and the cathedral. In 1672, the inhabitants resigned their charter to Charles II.; he granted them another in the 24th of his reign, by which Gloucester was made a city and county. It is governed by a steward, mayor, 12 aldermen, a recorder, two sheriffs, 26 common council men, a town clerk, a sword bearer, and 4 serjeants at mace. For regulating the trade of the city, there are 12 companies, whose masters, in their gowns, attend the mayor, on all public occasions. The city contains 4 principal streets, besides several smaller, well paved, and in general well built. The trade is considerable on account of the Severn. Besides churches for the established religion, there are places of worship for dissenters, and quakers, with several charity schools, and a county infirmary. It contains 1638 houses, and 7579 inhabitants.

Cirencester is thought to be the oldest, and to have been the largest town in the county. It was the scene of many remarkable events in the time of the Romans, the Britons, and the Saxons, and during the hostilities between the crown and the barons in the reign of Henry III., and the civil wars in the days of Henry VI. In those conflicts it suffered severely; the walls were razed, and of three churches only one remains: it had also formerly an abbey, the abbot of which was mitred. The trade is still flourishing, and it contains 855 houses, and 4130 people.

Tewkesbury is situated at the conflux of the Severn and the Avon, on the borders of Worcestershire, besides which, two other small rivers run through the town and join the Severn. The government is vested in 24 burgesses, from whom are chosen annually two bailiffs, who are the ruling magistrates, and have jurisdiction within the borough, exclusive of the justices of peace for the county. Tewkesbury was formerly renowned for its mustard, which was made into balls and exported; its chief trade is now in woollen cloth and hose. It gives its name to the decisive conflict between the houses of York and Lancaster, in which the former gained a great victory, and their princes, with savage vindictiveness, murdered in the bloom of life the hopeful son of their rival Henry VI. Tewkesbury has bridges over three of the four rivers that run by it, and its church is a spacious structure, with two handsome turrets at each end, and a stately tower, also adorned with

with turrets. The communion table consists of one entire piece of marble, thirteen feet, eight inches long, and three feet and a half broad, in the middle of the choir. It is adorned with a number of funeral monuments, particularly of several of the earls of Gloucester and Warwick, prince Edward, the son of Henry VI., and the duke of Clarence, one of his assassins. In this town are several meeting-houses of dissenters, a free school, an hospital for the maintenance of thirteen poor people, and a reader, and an alms-house for ten poor widows. Tewkesbury contains 887 dwellings, and 4199 people.

Bristol, a city and county in itself, is situated partly in Gloucestershire and partly in Somersetshire, and, as already has been mentioned, the return of its members is made by the sheriff of the latter county; but as the larger and better portion of it stands in Gloucestershire, and as it is classed in that county, in the returns made pursuant to the act passed in the 41st year of king George III., for taking an account of the population of Great Britain, it is also in this work placed in the same situation.

Bristol is placed at the confluence of the rivers Avon and Frome, which when blended are distinguished by the name of Avon only. This stream is navigable for large and heavy ships, till it joins the Severn at King's Road, there known by the name of the Bristol Channel. The government of the city is administered by a mayor, 12 aldermen, 2 sheriffs, 48 common-council men, a recorder, and a town clerk. As it is a county of itself, one of the judges comes every year to Bristol and holds an assize; in the autumn another assize is held by the mayor, recorder, and aldermen. Queen Elizabeth granted a charter whereby every man who marries a daughter of a citizen of Bristol becomes free of the city. The merchants trade with more independence on London, than any other town in the kingdom. Their West India ships sail and arrive in fleets. They have large commerce with Ireland, Holland, Hamburgh, Norway, Sweden, Russia, and America, and send ships to Newfoundland, and the Mediterranean. The quay is esteemed one of the finest in Europe, and on the banks of the river are several dock yards for building and repairing ships. Business of almost all kinds is carried on, and capital works established, as large brass works, forges for smelting copper; iron founderies, where cannon are cast and bored; lead works, in which the lead is smelted from the ore, cast into sheets, and milled; manufactories of white and red lead and lead shot; a great number of sugar-houses, turpentine, sulphur and vitriol works, and of china, woollen stuffs, broad cloth, sail cloth, lace, silk, and cotton.

Among

Among the conspicuous public buildings may be reckoned the exchange in Corn Street; the council house, guildhall, custom house, several halls of companies, as of merchants, coopers, and merchant taylors, public library, and infirmary. Bristol was erected into a bishoprick by Henry VIII. It contains 17 parishes, and, besides the cathedral, 17 churches, and 5 chapels within the city, and 2 churches and 1 chapel in the suburbs; in all, 26 of the established religion, and 15 places of worship for other persuasions. The hospitals and charitable foundations are more than twenty.

The hot well celebrated for its medical virtues, is about a mile and a half west from the city, close by the Avon, in the county of Gloucester, at the bottom of a stupendous hill, called St. Vincent's Rock, out of which the spring issues, and is defended by a thick wall, to prevent its being injured by the tide. Bristol with the circumjacent demesnes, including Clifton, and some other places which form the hundred of Barton Regis, contains 10,896 houses, and 63,645 people.

The other great towns of Gloucestershire are Berkly, Camden, Dursley, Newnham, Marshfield, Dean, Painswick, Fetbury, Cheltenham, Hampton, or Minching Hampton, Fairford, Sodbury, Wotton Underedge, Lechlade, Wickware, Winchcomb, Stroud, Colford, Newent, Stow on the Wold, Morton, Northleach, Thornbury, and Stanly. Its chief rivers the *Severn*, *Wye*, *Avon*, *Isis*, *Leden*, *Frome*, *Stroud*, and *Windrush*; these contribute to the wealth of the county by affording plenty of excellent fish, particularly salmon, lamprey, and conger eels.

HAMPSHIRE,

MORE properly called the county of Southampton, is 60 miles in length, 30 in breadth, and 150 in circumference; its area is 1533 miles, or 981,120 acres, exclusive of the Isle of Wight, which is about 60 miles in circumference; and is always considered as a part of the county. Hampshire, thus generally constituted, is described in 10 divisions, namely Alton North, Alton South, Andover, Basingstoke, Fawley, Kingclere, New Forest East, New Forest West, Isle of Wight, and Portsdown; these form a great number of hundreds, and liberties, which are subdivided into 307 parishes, 18 tythings, 12 towns, 5 extra-parochial demesnes, 3 hamlets, 1 chapelry, and 1 precinct, containing together 39,257 houses, and 219,656 inhabitants.

The air is healthy, and the soil in general fertile, but various;
a large

a large proportion inclining to chalk, with a great quantity of rich land and meadows. Towards Berkshire, with the exception of a small tract on the east, which is heathy, the land is in general deep and good, producing great crops of corn, and is well planted with good timber, particularly oak and elm. Towards Dorsetshire, in the south-west part of the county, the land is open, and large tracts are covered with heath. The principal productions are corn, timber, wool, iron, honey, sheep, and hogs. The planting of hops has of late years increased, principally on the borders of Surry.

The county returns two members to parliament, and the same number is deputed from each of the following places: Winchester, Southampton, Portsmouth, Lymington, Christchurch, Andover, Whitchurch, Petersfield, Stockbridge, Newport, and Yarmouth, and Newton in the Isle of Wight, making in all twenty-four.

Winchester, situated on the west-side of the river Alyre, is about a mile and a half in circumference within the walls, and was a place of considerable note in the time of the Romans, and in the subsequent stages of British history. In the castle, the foundation of which is ascribed by tradition to king Arthur, William II. surnamed Rufus, was crowned. In the civil wars, it was taken from Charles I. by Sir William Waller, and was afterwards demolished, except the old hall, a magnificent building, in which the assizes are now held. In this hall also hangs Arthur's round table. Near the site of this castle (whose keep with bases of flint walls still remains) Charles II., in the year 1683, laid the foundation of a most magnificent palace, of which only the shell was completed. The best materials have since been disposed of, and the whole converted into a prison. The cathedral is said to have been founded on an ancient monastery; the present edifice was begun in the eleventh century, by bishop Walkelyn, who built the tower, choir, transepts, and probably the west end. Bishop Edinden undertook to repair the nave, but bishop Wickham entirely rebuilt it in the year 1394. Besides thirteen Saxon kings, here were buried the kings Lucius, Canute, Hardicanute, and William Rufus, queen Emma, and Richard, third son of the conqueror; but in the civil wars of the seventeenth century, republicanism and its associate, the love of plunder, led to the violation of these abodes of the dead; the bones were scattered in confusion, and collected together at random. Of the college of Winchester mention will be made in another place. The corporation, under a charter of queen Elizabeth, consists of a mayor, recorder, 6 aldermen, 2 bailiffs,

and 24 common council-men. The city contains 810 houses, and 5826 people.

Southampton consists of one broad well built street, with some smaller branches, and contains 5 parish churches and an hospital. The resort of company during the summer, for the purpose of sea bathing, has occasioned considerable improvements in the town, and a regular master of the ceremonies has been appointed to regulate the amusements. Pipes are laid to convey fresh water from distant sources; and adjacent to the town is a chalybeate spring. Packets sail regularly in time of peace, from Southampton to Cherbourg, and every morning, except Monday, to the Isle of Wight. In time of war a government cutter sails every fortnight for Guernsey and Jersey, which conveys passengers and parcels; and vessels, of from twenty-five to forty tons, continually trade to those islands; besides which, there are about thirty vessels employed in foreign commerce, and upwards of one hundred in the coasting trade; the river is deep enough for the largest ships. This town was incorporated by Henry II. and John. It was made a county of itself, by Henry VI., and the corporation, consisting of a mayor, recorder, sheriff, and 2 bailiffs, and an indefinite number of common council men and burgesses, was established by Charles I. There are 11 justices of the peace; namely, the mayor for the time being, the bishop of Winchester, the recorder, the last mayor, 5 aldermen, and 2 burgesses. All who have passed the chair are aldermen. The corporation has several officers, as a town clerk, 4 serjeants at mace, and a town crier. The mayor and bailiffs have a court for the recovery of small debts. All causes are tried in the guildhall, where the quarter sessions are also held. The mayor is admiral of the liberties, from South Sea Castle near Portsmouth, to Hurst Castle, which is seated on a neck of land that runs so far into the sea, as to form the shortest passage to the Isle of Wight. The houses are 1582, the people 7913.

Portsmouth will be noticed in this part only as to its civil state; as a great naval arsenal, and fortrefs, it will engage attention in another division of the work. It is situated in a portion of the county called the Island of Portsea, which is about 14 miles in circumference, and separated from the main land by a narrow channel, over which is a bridge. Its corporation consists of a mayor, 12 aldermen, a recorder, and an indefinite number of burgesses. This town, together with that of Portsea, contains 5340 houses, and 32,166 inhabitants.

The other considerable towns are Gosport, Basingstoke, Alresford, Alton, Fareham, Havant, Kingsclere, Odiham, Waltham,

Waltham, Fordingbridge, Romsey, and Ringwood. The chief rivers are the *Stoure*, the *Avon*, the *Anton*, *Test*, *Alne*, and *Itchen*, which contribute to form the Southampton river; the *Hamble*, the *Lyming*, the *Beaulieu*, the *Darkwater*, and the *Meon*.

The Isle of Wight is nearly divided into two parts by the river Medina, which rises near the south coast, and runs into the sea on the north near Cowes; a ridge of hills also traverses the island from east to west; to the north of which the land is chiefly meadow and pasture, to the south chiefly arable; the hills themselves affording pasture for a great number of sheep. The south coast is bounded with steep rocks of chalk and free stone, and on the west are the rocks called the needles. The air is healthy, and the inhabitants are in general long lived; the soil is fertile, and the corn produced in one year is said to be equal to the consumption of eight; consequently considerable quantities are exported, as are tobacco pipe clay, and a fine white sand, used in the manufacture of glass. This Isle has a governor and lieutenant-governor appointed by the crown. Henry Beauchamp, earl of Warwick, was by Henry VI. crowned king of Wight, but this new and extraordinary title died with him. Carisbrook Castle, formerly the prison of Charles I. now only a ruin, always calls to mind the sufferings of degraded royalty. The other principal towns, besides those already mentioned as returning members to parliament, are Cowes and Ride. The houses in the Isle of Wight are 3685, the inhabitants 22,097.

HEREFORDSHIRE

Is in form nearly circular, the mean length 37 miles, the breadth 33, and the area is computed to contain 971 miles, or 621,440 acres. Its hundreds are 11, namely, Broxash, Ewyas-Lacy, Greytrees, Grimsworth, Huntingdon, Radlow, Stretford, Webtree, Wigmore, Wolphy, and Wormelow; these form 220 parishes, 63 townships, 4 towns, 1 extra-parochial demesne, and 1 liberty, and contain 17,825 houses, and 89,191 people.

The land is generally fertile, and the country beautiful and picturesque; the extraordinary richness of the territory between the rivers Wye and Severn, is celebrated in a rhyming proverb:

Blest is the eye,
Between Severn and Wye.

The soil varies in different parts from a strong clay to sand, yet all are productive. The principal part of the land is employed in tillage, producing wheat, barley, oats, clover, turnips,
&c.

&c. The country in general is well wooded, both in timber and coppice, the value of which is much increased by the cultivation of hops. Herefordshire cyder being highly esteemed, orchards, and the culture of apple trees, are a matter of considerable consequence. The sheep were formerly in much estimation, and the wool valuable on account of its staple and fineness; but the farmers now prefer a breed with coarser wool, but larger and more profitable. The climate is mild, and peculiarly salubrious; at least few districts can produce a parallel to the instance which was afforded by Mr. Serjeant Hopkins, who assembled before King James I, in his progress through this county, ten men and women whose ages together exceeded 1000 years, and who entertained the monarch by dancing a morrice.

Herefordshire returns to parliament 8 members; 2 knights of the shire, 2 citizens deputed by the city of Hereford, and the towns of Leominster and Weobly send each 2 burgesses.

The city of Hereford stands on the Wye: during the wars between the English and Welsh, it was of considerable consequence as a frontier position, and had a castle and walls, which are now gone to decay. Its corporation consists of a mayor, and 12 aldermen, a high steward, a deputy steward, a recorder, and town clerk, with 31 common-council men. It contains 1460 houses, and 6828 inhabitants.

The other principal towns besides those already mentioned, are Bromyard, Ledbury, Kington, Pembridge, and Ross. The chief rivers are the *Frome*, the *Loden*, the *Lug*, the *Wye*, the *Wadel*, the *Arrow*, the *Dare*, and the *Monaw*, all which, especially the Wye, abound in excellent salmon.

HERTFORDSHIRE

Is in shape very irregular, on account of the projections and interfections of other counties. It measures about 27 miles from north to south, and 33 from east to west. Its whole contents are reckoned at 602 square miles, or 385,280 acres. Its hundreds are eight, Braughin, Broadwater, Dacorum, Edwintree, Hertford, Hitchin and Perton, Odsey, and Cashid, which are subdivided into 121 parishes, 10 hamlets, 8 towns, 5 villages, 3 townships, 2 wards, 1 liberty, and 1 district. The houses are 18,172, the people 97,577.

The air is pure and healthy, and often recommended by physicians to valetudinarians. The fertility of its soil is more owing to culture than its natural goodness. In this shire are many maltsters, millers, and dealers in corn, but few manufactures;

tures; the trade is however considerable, as it is a great thoroughfare, and its neighbourhood to London occasions the chief market towns to be much frequented, for the sale of wheat, barley, and all sorts of grain, produced not only in this but other counties.

Six members sit in parliament for Hertfordshire; two for the county, two for the town of Hertford, and as many for that of St. Albans.

Hertford, the county town, situated on the river Lea, is said to have been founded in the time of the ancient Britons. Its castle was built in the reign of king Alfred, to stop the incursions of the Danes, who had sailed up the river Lea, as far as Ware, where they had erected a fort, to which they retired after plundering the circumjacent country. In the reign of Henry VII., the standard of weights and measures was fixed here; and queen Mary rendered it a corporation.

In the 25th and 35th years of Elizabeth, when the plague raged in London, Michaelmas term was kept here, and a new charter was granted by that queen. King James I. granted another charter, but the town is now governed by a mayor, a high steward, who is generally a nobleman, a recorder, 9 aldermen, a town clerk, a chamberlain, 10 capital burgessees, 16 assistants, and 2 serjeants at mace. It contains 542 houses, and 3360 inhabitants.

St. Albans, originally called Verulam, owes its present name to Alban, the first martyr in Great Britain, who suffered in the reign of Dioclesian, and was buried on a hill near the town, where a monastery was afterwards erected, dedicated to his memory, by king Offa, as an atonement for the murder of his son-in-law. This abbey was richly endowed, and the abbots had great privileges. At the dissolution, the abbey church was purchased by the towns people, and rendered parochial. The town and church abound with antiquities; Roman pavements and coins have been frequently discovered, and the site of the ditch of Verulam, and the Roman wall are still to be traced. In the middle of the town of St. Alban's, king Edward I. erected a stately cross in memory of queen Eleanor, who dying in Lincolnshire, was carried through this town to be interred at Westminster. The abbey, venerable for its antiquity and beauty, contains a funeral monument and effigies of king Offa, its founder, seated on his throne. On the east side stood the shrine of St. Alban, and in the south aisle, near the shrine, is the monument of Humphrey, brother to king Henry V. commonly distinguished by the title of the Good Duke of Gloucester, adorned with a ducal coronet, and the

arms of France and England quartered. In niches on one side are seventeen kings, but in the niches on the other no statues remain. Sometime ago were discovered, in digging a grave, stairs that led into a vault, in which was found a leaden coffin, wherein the duke of Gloucester's corpse was preserved almost entire, by a kind of pickle in which it lay; only the flesh was wasted from the legs, the pickle at the end of the coffin being dried up. In this church was a very noble font of solid brass, given by Sir Richard Lea, master of the pioneers, who took it, among other plunder, out of Scotland, in the year 1543, where it served as a font for baptizing the children of the royal family, but was placed here as a common baptistry. It was, however, carried away in the civil wars in the reign of king Charles I., and converted into money. The town is governed by a mayor, high steward, recorder, 12 aldermen, a town clerk, and 24 assistants. It has a district called a liberty, which has a jurisdiction both in civil and ecclesiastical matters peculiar to itself, extending over several neighbouring parishes. This liberty has a gaol, and a gaol delivery at St. Alban's four times a year, on the Thursday after the quarter sessions at Hertford. The town contains 527 houses, and 3,038 people.

The other towns are Ware, Royston, part of which is in Cambridgeshire, Barnet, part of which is in Middlesex, Hitchin, Bishop's Stortford, Hempelhemsted, Standen, Berkhamstead, Baldock, Hatfield, Buntingford, Stevenage, Rickmansworth, Tring, Watford, and Hoddesdon.

The manor of Wimley, or Wimondley Magna, near Hitchin, is held by the lord, upon condition that, on the coronation day, he perform the office of cupbearer to his sovereign: the cup is to consist of silver gilt, and is returned to the cupbearer, as the fee of his office, which has been appendant to this manor ever since the conquest.

The chief rivers are the *Lea*, *Coln*, *Gade*, *Bean*, *Rib*, and the *New River*.

HUNTINGDONSHIRE

Is an irregular square; 22 miles from north to south, and 18 from east to west, and is computed to contain 345 miles, or 220,880 acres. It is divided into 4 hundreds, Hurstingstone, Leightonstone, Normancrofts, and Toseland, which form 106 parishes; the houses are 6,976, the inhabitants 37,568.

Great part of the east and north-east part of the county consists of moors and fens: along the river Ouse are some rich meadows, besides which there is a great quantity of arable land,

land, producing excellent wheat. The county is not remarkable for any manufacture, its trade chiefly consisting in its natural productions.

This county and that of Cambridge are united under one civil administration; having but one high sheriff for both, who is chosen one year out of Cambridgeshire in general, the second out of the Isle of Ely, and the third out of Huntingdonshire.

This county returns to parliament two knights of the shire, and two burgesses for the town of Huntingdon.

This town, situated on the river Ouse, was built on a spot that was an entire forest, until it was disforested by Henry II., Henry III., and Edward I. It had once 15 churches, which in Camden's time were reduced to 4. It has now only 2, but contains several meeting-houses. It is governed by a mayor, recorder, and 12 aldermen, and burgesses; and has 356 houses, and 2,035 inhabitants.

The village of Godmanchester is remarkable for its size, population, and industry; it is composed of 347 houses, and possesses 1573 residents.

The principal rivers of Huntingdonshire are the *Ouse*, and the *Nere*.

KENT.

THIS large and celebrated county is about 60 miles in length from east to west, and from 30 to 38 from north to south, 162 miles in circumference, and in area 1462 miles, or 935,680 acres. It is divided into 5 lathes, called St. Augustine, Aylesford, Scray, Shepway, and Sutton at Hone, which form 63 hundreds, and being subdivided into 302 parishes, 35 villages, 19 towns, 11 townships, 2 vills, and 1 extra-parochial jurisdiction, contain 52,998 houses, and 307,624 inhabitants.

Two chains of hills run through the middle of Kent, called the upper and lower hills; the northern range, and whole north side of the county, are composed principally of chalk and flints; the southern, iron and ragstone; more westerly towards Surry, clay and gravel prevail upon the eminences. Below this last range lies the Weald, an extensive level tract of land, rich and fertile at some places, where fine pasturage and timber are produced. Most of the marshland of this county lies along the margin, or at the mouths of the rivers, or has been formerly covered with the waters of ancient havens and ports, now in a great measure obliterated. The weald of Kent was formerly entirely covered with woods. It has now many small towns and villages, but is more thinly inhabited and less cultivated than the other parts of the county. Its principal pro-

ductions are large fat oxen, hops, fruit, and oak timber. Romney-Marsh is an extensive tract of rich land, at the south corner of the county, originally enclosed from the sea by a strong wall, thrown up between the towns of Romney and Hythe. Its chief production is mutton and wool. The Isle of Thanet is a dry hard rock of chalk, covered with a dry, loose, chalky mould, from four to six inches deep; and is, without manure, a very poor soil. The vales are of a much better quality. The woodlands of the eastern part of Kent furnish wood for firing and for husbandry, and the dock-yards with timber for ship-building; but the most material part of their produce is the immense quantity of hop-poles cut out for the neighbouring plantations. The lands in the vicinity of Faversham, Sandwich, and Deal, are extremely fertile, and under the most excellent system of management, producing great crops of wheat, beans, barley, oats, pease, and sometimes canary and radish feeds. In the vicinity of Sandwich are many orchards, which some years produce large quantities of excellent apples. The hop grounds between Sandwich and Canterbury produce the fine East-Kent hops, so much sought after by the London brewers; but the principal hop-plantations are about Canterbury and Maidstone. In the neighbourhood of Maidstone are a great number of small fields, of from one to ten acres, and somewhat more, planted with fruits of different kinds, cherries, apples, and filberds, to which the rocky soil of the neighbourhood seems particularly adapted. The western part of this county consists of a great variety of soils and systems of management. It is much more enclosed than the eastern part, and produces more timber and underwood.

The general productions of the county are horses, cattle, sheep, hogs, venison, poultry, game, rabbits, and fish; wheat, barley, oats, beans, peas, and tares; canary, clover, trefoil, cinquefoil, and most other garden feeds; asparagus, potatoes, turnips, and all kinds of culinary plants; hops, timber, underwood, iron, stone, chalk, copperas, and salt. Its manufactures are not very considerable.

The principal rivers of Kent are the *Thames*, the *Medway*, the *Stour*, and the *Rother*; the two former are navigable for the largest ships to Woolwich and Chatham, and for small craft to a very great distance. The *Stour* and the *Rother* admit coasting vessels to Sandwich and Rye. The *Ravenstorn*, the *Cray*, and the *Darent*, are small streams that fall into the *Thames*; the first at Deptford, the others in one channel at Longreach. These rivers have formed islands towards their mouths. Thus the *Thames* and the *Medway*, at their extremities, contributed their waters jointly to the separation of the

isle of Grain from the main land, but the channel is now filled up. The Swale, one of the mouths of the Medway, in like manner cuts off Shepey from the continent of East Kent.

Thanet had a full claim to the title of an island, when the Reculver was in its prosperity; but its pretension to the appellation is now barely kept up by a small few, communicating with the Stour and the sea. The bed of that once-famous harbour now forms valuable tracts of marshes, comprehending twenty-five thousand acres. Thanet, including Stonar, contains forty-one square miles, or nearly twenty-seven thousand acres.

Kent sends to parliament 18 members; two for the shire; and two each for Rochester, Canterbury, Maidstone, Queenborough, Dover, Sandwich, Hythe, and Romney.

Rochester is situated on the Medway, over which is a handsome bridge of stone. It is the Duro Brives of Antoninus, and suffered great calamities in the earliest periods of English history. Its present corporation, under a charter, granted by Charles I. consists of a mayor, recorder, 11 aldermen, and 12 common council, a town clerk, 3 serjeants at mace, and a water bailiff. Once a year, or oftener, the mayor and citizens of Rochester hold what is called an admiralty court, to appoint times when oysters shall be taken out of their fishery, and settle the quantity each drudger shall take in a day. It contains 1150 houses, and 6817 inhabitants.

Canterbury is a city of the highest antiquity; the residence of Vortigern, when the Romans quitted Britain; the seat of government, while Kent was a kingdom of the Heptarchy; and, in ancient, as well as modern times, the see of an archbishop, who is primate of all England, and metropolitan. It is a county of itself, and the magistrates have authority to determine all law-suits between the citizens, and to try for capital crimes committed within the city. The corporation consists of a mayor, a recorder, 12 aldermen, a sheriff, 24 common-council men, a sword-bearer, and four serjeants at mace. A court is held every Monday in the guildhall, for civil and criminal causes; and every other Thursday for the government of the city, which is divided into six wards. Canterbury was formerly celebrated for its silk manufacture, which has for some years been on the decline: the principal manufactures are those of worsted and Canterbury muslins, made of silk and cotton. It is also famous for brawn. Here were formerly 17 churches within the walls, and three in the suburbs, fifteen only of which remain. The Jews have a synagogue; Methodists, Anabaptists, Presbyterians, and Quakers, have each a place of public worship. In the cathedral was once the famous shrine of Thomas-à-Becket, who was murdered at the altar in the year

1170, and canonized by pope Alexander. To this place pilgrims from all parts of the world continually flocked, until the reformation, when Henry VIII. took to himself the riches of the shrine, and ordered the name of Thomas to be erased from among the saints. Canterbury contains 1799 houses, and 9000 people.

Maidstone is a large, populous, and flourishing town, on the side of a hill, near the Medway, over which is a bridge of seven arches. The town consists of four principal streets, which intersect each other at the market cross, and extends a mile from north to south, and three quarters of a mile from east to west. It is a very ancient corporation, and was, at first, governed by a portreeve; but after several intermediate disfranchisements and restorations, according to the circumstances of the times, a new charter was granted by George II. in 1748, which confirmed the authority of the mayor, 13 jurats, and 40 common-council men, and extended their jurisdiction over several neighbouring towns and parishes. The navigation of the Medway is of essential service to the town, and several vessels, of considerable burthen, are continually employed in conveying to the dock-yard and town of Chatham, and to Rochester and London, large quantities of stores and provisions, the produce of the county. Maidstone contains 1346 houses, and 8027 inhabitants.

Dover, Sandwich, Hythe, and Romney belong to the description of Cinque Ports, but the nature and effect of that establishment will be considered in another division of this work, and therefore these places will be treated of here, merely as towns within the district of the county.

Dover was formerly of more consequence than at present. From its vicinity to the coast of France, its defence was considered of the highest importance, and its castle was termed the key of England. It was afterwards unduly neglected, but of late the attention of government has been again directed towards it, and the fortifications are assuming a formidable aspect. The cliffs are conspicuously striking; on one Shakespeare employed his pen, and it is still distinguished by his name. The town formerly contained seven churches, of which two only now remain: its greatest period of prosperity is, in time of peace with France, when travellers and traders contribute to employ and enrich the people. The corporation consists of a mayor, 12 jurats, and 36 common-council men. The houses in the town and liberties are 3570; the inhabitants 14,845.

Sandwich is a place of considerable antiquity, and formerly of great note; but the harbour is now so choaked with sand, and by means of a sunk ship, that vessels of small size alone can

enter. There was formerly a manufacture of cloth established, in the reign of Queen Elizabeth, by some refugee Walloons and Dutchmen, but now its principal trade is in shipping and malting. The corporation consists of a mayor, recorder, 12 jurats, and 24 common-council men. The town contains 1398 houses, and 6,506 inhabitants.

Hythe and Romney are places of inferior importance; but besides those which return members to parliament, Kent has the following towns, several of which are entitled to particular notice: Chatham, Woolwich, Greenwich, Deal, Tunbridge, Folkstone, Gravesend, Ashford, Dartford, Appledore, Cranbrook, Eltham, Bromley, Seven Oaks, Wye, Tenderden, Smarden, Goudhurst, Lenham, Malling, Lydd, Margate, Wrotham, Ramsgate, Eltham, Milton, Feversham, Westerham, Deptford, Sittingbourn, Northfleet, Crayford, and Folkeingham.

Chatham, on the Medway, and adjoining the city of Rochester, is principally distinguished for its dock, and the chest for benefit of seamen, which will claim attention in another division of this work. It has also good barracks. It contains 1729 houses, and 10,505 people.

Woolwich and Greenwich are also chiefly remarkable for objects which will hereafter demand separate attention: the former for the royal dock-yard, and the military academy; the latter for the splendid hospital, which national munificence has established for the retreat of disabled seamen. Woolwich has 1362 houses, and 9826 inhabitants. Greenwich 2121 houses, and 14339 inhabitants. These places, though abundantly supplied with the sources of gratification and amusement, are principally the resort of those devoted to business or study; but health or pleasure, during certain seasons of the year, send forth their votaries to the elegant bathing establishments at Margate and Ramsgate, or to the salubrious mineral springs at Tunbridge.

It is not possible in this work, even briefly to touch on every circumstance, or notice every place which contributes to the celebrity of the county of Kent. It has been the subject of encomium to ancient and to modern authors; and the county, and the men of the county, are equally extolled.

Kent is said to have been the first place of Britain which received the Christian religion; and at the time of the Norman conquest, the men of Kent, by their firmness, obtained from the invader the confirmation of their ancient privileges, and averted from themselves the disgrace of being considered as a conquered people. Among these privileges was the gavel-kind tenure, which will be described in another part of this work.

LANCASHIRE.

THIS county, as already has been mentioned, is one of the counties palatine which has been reannexed to the crown; it would, therefore, be unnecessary here to advert to its privileges in that respect; but as there is still a court, with a chancellor and other officers, who sit at Westminster, that court, with other particulars relative to the property and privileges of the duchy, will be introduced to notice in their place.

Lancashire is 74 miles long, from 15 to 44 wide, 170 in circumference, and in area 1806 miles, or 1,155,840 acres. It is composed of six hundreds; namely, Amounderness, Blackburn, Leyland, Lonsdale, Salford, and West Derby, in which are 323 townships, 8 towns, 7 parishes, 4 extra-parochial places, and 2 hamlets: these contain 117,664 houses, and 672,731 inhabitants.

A ridge of mountains, separating this county from Yorkshire, and continuing its course through some other counties, has been called the Backbone of England: this mountain screens Lancashire from the easterly winds, and their attendant evils, and is thought to cause a greater quantity of rain than in the more interior parts of the kingdom; but does not seem to make the climate less wholesome. The air is in general more serene than that of any other maritime county in England; so that the inhabitants are strong and healthy, except near the fens and sea shore, where sulphureous and saline effluvia, which, on the approach of storms are extremely foetid, produce fevers, scurvy, consumptions, rheumatisms, and dropics. There are also certain tracts in the more inland parts of the county, called mosses, which are moist and unwholesome.

Lancashire, possessing the great advantages of coal and water, is famous for its manufactures: the coal lies in vast beds towards the southern and middle parts, and the rivers and springs are no less beneficial to agriculture than to commerce. A species called cannel, or candle-coal, is found in this county, especially in the manor of Haigh, near Wigan. It will not only make a much clearer fire than pit coal, but will bear a good polish, when it looks like black marble; and is manufactured into candlesticks, cups, standishes, snuff-boxes, and other toys. The other minerals found in Lancashire are lead, iron, and copper, antimony, black lead, lapis-calaminaris, besides allum, brimstone, and green vitriol, which are discovered in some of the coal pits. It produces also excellent lime-stone, free-stone, scythe-stones, flags, and slates, both grey and blue. Timber is also in plenty.

The features of this county are, in many places, strongly marked,

marked, and the soil is greatly diversified. There are many large tracts, which come under the denomination of mosses, and some stiff, but not obdurate clay lands. The mosses, or morasses, are generally distinguished into three kinds; the white, the grey, and the black; all which, being drained, bear good corn. They also yield turf for fuel, and marle for manure: trees are sometimes found lying buried in these mosses, and the people make use of poles and spits to discover where they lie. These trees, when dug up, serve also for firing, and they burn like a torch, which some suppose to be owing to the bituminous stratum in which they lie; but others to the turpentine which they contain, being generally of the fir kind.

The chief rivers are the *Mersey*, *Ribble*, *Wire*, *Lon*, and *Ken*. The Mersey abounds with sparlings and smelts; the Ribble with flounders and plaice; the Lon with the best salmon; and the Wire is famous for a large sort of muscle, called Hambleton hookings, (because they are dragged from their bed with hooks), in which pearls, of a considerable size, are often found. The Irk, a small river that falls into the Mersey, is remarkable for eels, so fat, that few people can digest them. There are also several lakes in this county, which abound with fish, particularly Kennington Meer, about five miles from Winandar Meer, in Westmoreland, which has very fine charrs and other fish. On the sea coasts are found cod fish, flounders, plaice, and turbot: the sea dog, inck fish, and sheath fish, are taken upon the sands near Liverpool; sturgeon is caught near Warrington; and along the whole coast are found green-backs, mullets, soles, sand eels, oysters, lobsters, shrimps, prawns, the echin, torculars, wilks, and periwinkles, rabbit fish, and pap-fish; and such abundance of muscles, that the husbandmen use them for manure.

Many uncommon birds have been observed on the coasts of this county; particularly the sea crow, distinguished by its blue body, and its black head and wings, and by its feeding upon muscles; the pullin; the asper, a species of sea eagle; the sparling fisher; the cormorant; the curlew-hilp; the razor-bill; the copped wren, a bird like a water-wag-tail, of a red colour; besides which there are red shanks, perrs, swans, the tropic bird, king's-fisher, and heyhough.

Lancashire is represented in parliament by 14 members, being two for the county, and as many for each of the following places: Lancaster, Liverpool, Preston, Wigan, Clithero, and Newton.

Lancaster, the county town, from which the name of the shire is derived, is situated on the river Lon. It is of considerable antiquity; and the castle, now used as a jail, is said to have been

been originally a station formed by Agricola. On the top of this castle is a square tower, called John of Gaunt's chair, which commands a beautiful and extensive prospect of the adjacent country, and the sea. Here is but one church, which is a handsome structure, with a square tower, and stands on the very top of the castle hill. Lancaster has a custom-house, and a stone bridge of five arches, over the river Lon; but the port is so choaked with sand, that it will not admit of ships of any considerable burthen. It has, however, trade to America, the West Indies, and the Baltic, and the inhabitants export hardware, woollen manufacture, and sail cloth. The circumjacent country is barren, and thinly peopled, but their condition is considerably improved by navigable canals. The corporation consists of a mayor, a recorder, 12 aldermen, 2 bailiffs, 12 capital burgeses, 12 common burgeses, a town clerk, and two serjeants at mace. The town contains 1611 houses, and 9030 people.

Preston is a large handsome borough, seated on a delightful eminence, on the north side of the river Ribble, over which is a fine stone bridge, and was incorporated by King Henry II. It rose out of the ruins of Ribchester, now a village, but anciently a considerable city in the neighbourhood, and is a place of residence for the officers belonging to the chancery of the county palatine. The town was burnt in the year 1715, in a conflict between the king's troops and the rebels, who fired on them from the roofs and windows; but compensation was made by government, and the town arose more beautiful than before. This place is remarkable for its guild or jubilee, held every twentieth year: it commences in August, and continues a month. The corporation is formed of a mayor, recorder, aldermen, four under aldermen, 17 common-council men, and a town clerk. In the town are 2231 houses, and 11,887 people.

Wigan is considerable for its manufacture of checks, linen, and cotton. It is situated on a small stream, called Douglas, which is made navigable to the Ribble, and joins to a canal from Liverpool. A mayor, recorder, 12 aldermen, two bailiffs, and a sword and mace-bearer, form its corporation, and their jurisdiction extends over 2236 houses, and 10,989 people.

Liverpool, situated on the east side of the Mersey, not far from its mouth, in the Irish sea, is one of the most commercial and flourishing ports of the kingdom. The inhabitants trade to all parts of the world, except Turkey and the East Indies. The harbour is artificial, but capable of receiving vessels, of any burthen, up to the town. There are several public docks for the reception of ships, where a thousand may lie in the greatest safety,

safety, all bound by quays, a mile and a half in length, with room for 20,000 ton of shipping. The entrance of the river is dangerous, though every mean is used to render it more secure. In the middle of the sixteenth century, Liverpool was a small place, with only one church, which was a chapel of ease to Waiton. In the year 1699, an act passed to make the town a distinct parish, and erect a new church, since which time it has been gradually advancing in population and commerce. A principal branch is the African and West-Indian trade; but that with America, the Baltic, Portugal, and Ireland, is also very considerable. Several ships are sent annually to Greenland, and many vessels are employed in the country trade for corn, cheese, coals, and other commodities. Here are several manufactories for china ware and pottery, some salt works, glass-houses, and upwards of fifty breweries, from some of which large quantities of malt liquor are sent abroad. Liverpool contains ten churches, besides places of worship for the religious of other persuasions, an exchange, a custom house, a public infirmary, a prison, built on the plan of the humane Mr. Howard, an observatory, a theatre, and other public edifices, among which should not be forgotten the Athenaeum, a library formed on the most liberal and extensive plan. The exchange, which cost 30,000*l.* is erected on the spot where the town-house stood, at the top of Water-Street, and is a grand edifice of white stone, built in the form of a square, about which are piazzas for the merchants to walk in. Above stairs are the mayor's offices, the sessions-hall, the council-chamber, and two elegant ball-rooms. The town is governed by a mayor, annually chosen on St. Luke's day, a recorder, and common-council of forty-one, including the mayor, recorder, and town clerk. Whoever has borne the office of mayor is afterwards styled an alderman. It contains 11,784 houses, and 77,653 inhabitants.

Manchester, an inland town, is more populous even than Liverpool, and not less remarkable for its progressive prosperity, which is owing to its manufactures of fustian, and those articles in cotton and linen, which are generally denominated Manchester goods. Its extensive trade and beneficial industry render not only the town, but the country for many miles round, rich and populous. It has fourteen churches, besides other places of worship for those who do not conform with the establishment; a college, which was founded in 1421, by Thomas de la War, at first rector of the parish church, and brother to Lord De la War, for a master or warden, eight fellow chaplains, four clerks, and six choristers, in honour of St. Mary, St. Dennis, and St. George; an hospital, called Cheetham's, founded for the education and maintenance of forty poor boys;

an infirmary, theatre, exchange, and other public buildings. In 1781, a Literary and Philosophical Society was instituted here, by some men of considerable eminence in the republic of letters. Manchester has no corporation; it contains 12,826 houses, and 84,020 people.

Lancashire contains many other considerable towns, the chief of which are, Blackburn, Bolton, Burnley, Bury, Cartmel, Chorley, Colne, Dalton, Garstang, Haslingden, Hawkhead, Kirkham, Leigh, Ormskirk, Poulton, Prescot, Rochedale, Ulverton, and Warrington.

At Ancliff, about two miles from Wigan, is a curious phenomenon, called the burning well, the water of which is cold, and has no smell, yet so strong a vapour of sulphur issues out with it, that on the application of fire, the top of the water is covered with a flame, like that of burning spirits, which lasts several hours, and emits so fierce a heat that meat may be boiled over it; but this water being taken out of the well, will not emit vapour in quantity sufficient for inflammation.

LEICESTERSHIRE.

THIS county is 48 miles from north to south, and 30 from east to west, and contains 816 miles, or 522,240 acres. The hundreds are six, Framland, Gartree, Goscote East, Goscote West, Guthlaxton, and Sparkenhoe; these form 268 parishes, 35 townships, 10 liberties, 8 hamlets, 3 villages, 2 towns, 2 extra-parochial jurisdictions, and 1 lordship, and contain 26,734 houses, and 130,081 inhabitants.

The soil varies, from a light sand or gravelly loam, to a stiff marly loam, including all the intermediate degrees. The climate is generally temperate, and the land well watered. Leicestershire is to be considered almost entirely as a county of agriculture, having no considerable manufacture, except stockings. The breed of large black draught horses, and horned cattle, as well as of sheep, has been long celebrated; but within these few years the latter have been brought to an astonishing degree of excellence, chiefly through the great judgment and care of Mr. Bakewell, of Dishley, whose plan has been successfully pursued.

The chief rivers are the *Anker*, *Avon*, *Soar*, *Swift*, *Welland*, and *Wrethe*.

The principal towns are Leicester, Ashby de la Zouch, Bosworth, Hallaton, Harborough, Lutterworth, Melton Mowbray, Mount Sorrel, Billesden, Hinkley, Loughborough, and Waltham on the Wold.

Four members are returned to parliament, two for the shire, and

and as many for the county town, which is called Leicester, and said by tradition to have been founded by king Lear. It stands upon a branch of Watling-street, called the Foss Way, and the traces of a Roman wall quite round may, in some places, be still discovered. The Roman town was 2500 feet in length, and 2000 feet in breadth. It appears, in the time of the Romans, to have been a place of considerable note, from the multitude of bones of various beasts, supposed to have been offered in sacrifice, which have been dug up in a part of the town still called Holy Bones, where there are some ruins of a supposed temple of Janus. Before the castle was dismantled, it was a prodigious building, being the court of the great duke of Lancaster, who added to it 26 acres, which he enclosed with a high wall, and called his *Novum Opus*, now the Newark, where are still the best houses in all Leicester, and they continue extra-parochial, as being under castle guard, by an old grant from the crown. The castle hall and kitchen are still entire, the former of which is lofty and spacious.

A parliament was held at Leicester in the reign of Henry V. wherein the first law was made for burning heretics. In the Doomſday-book this town is stiled a city, and the title of mayor was given to its chief magistrate in 1248, 32 Henry III. Its charter is derived from king John, and its freemen are toll free at all fairs and markets in England. It is governed by a mayor, recorder, steward, bailiff, 24 aldermen, 48 common-council men, a town clerk, and other officers. It contains 2290 houses, and 16,953 people.

LINCOLNSHIRE.

THIS county is 77 miles in length, from north to south, 48 from east to west, 170 in circumference, and contains 2787 miles, or 1,783,680 acres. The general division of this county is into the three districts of Holland, Kesteven, and Lindsey, which are subdivided into 29 members, called wapentakes, hundreds, and fokes. These include 611 parishes, 64 townships, 11 hamlets, 8 towns, 7 villages, and 7 extra-parochial districts; the houses are 42,489, the inhabitants 208,557.

The air and climate of this county, in point of salubrity, are, in the highest part, equal to any in the kingdom, and the fenny and marshy parts have been much improved by drainage.

Every species of soil may be found in this county, from the sharpest sand and lightest moor to the strongest clay, in all its various mixtures and qualities. Its higher grounds yield grain of all sorts in great abundance; and its lower, oats, hemp, flax, woad, and other articles of culture; but it is particularly distinguished as a grazing county, and is remarkable for rearing all

all kinds of animals to the greatest size and weight. Its horses, horned cattle, and sheep, are of the largest breed; the latter are clothed with a long thick wool, peculiarly fitted for the worsted and coarse woollen manufactures, of which great quantities are sent into Yorkshire and other counties. Lincolnshire is not in itself a manufacturing county, (at least in a very small degree,) and indeed has declined from its ancient populousness and consequence. A principal reason of this is a singular decay of its sea-ports, which, though formerly numerous, are now almost entirely choaked with sand, and some of them quite deserted by the ocean. The long bow-like coast is fronted by sand hills, or salt marshes; and, like those in the Dutch states, secured from the waves by dykes, and so low as to be visible only at a small distance from the sea.

Of the three districts Lindsey is much the largest, comprehending all the country from Fossilike, and the Witham, northwards. It is, on the whole, the highest part of this county, though without any eminence deserving the name of a hill. Toward the north eastern part is a large tract of heathy land, called the Wolds, of which the southern portion is well inhabited, but the northern very scantily. Great flocks of sheep are bred throughout this tract. In the north western part of Lindsey is the river island of Axholm, formed by the Trent, Dun, and Idle; a rich low tract, in which flax is cultivated. Kesteven contains the western part of the county, from the middle to the southern extremity. It possesses variety of soil; but on the whole, though intermixed with large heaths, is a fertile country. The principal of these heaths are those of Ancaster and Lincoln, forming a very extensive tract, which has, however, been of late years in great part enclosed. Part of the fens are in the district of Kesteven; but much greater part in the remaining and smaller one of Holland, which occupies the south-eastern quarter of Lincolnshire, being contiguous to the shallow inlet of the sea called the Wash.

The principal rivers are the *Welnd*, *Trent*, *Humber*, *Nen*, *Witham*, *Glean*, *Bain*, and *Ancholme*. Many of these, besides fish, afford great profits to the proprietors of decoys, in which vast numbers of wild ducks, and other fowl, are captured.

Lincolnshire is represented in parliament by 12 members, two sitting for the county, as many for the city of Lincoln, and the same number for Grantham, Stamford, Great Grimsby, and Boston.

The city of Lincoln, in the division of Lindsey, is situated on the river Witham. It is of great antiquity, and was originally built in the form of a large square. One of the Roman gates, now called Newport-gate, is still entire. A castle, with many
forts,

forts, was built here by the Romans, and repaired by the Saxons and Normans, and particularly by William I. after his conquest over Harold. John of Gaunt's palace, below the hill, was built by John of Gaunt, duke of Lancaster, and earl of Lincoln, Leicester, and Derby, in the reign of Richard II. *Lincoln was erected into a bishoprick in the year 1088, this see being removed from Dorchester.* The length of the cathedral from east to west (including the walls) is 530 feet. The length of the great transept, from north to south, is 227: from the pavement to the top of the lantern, in the rood tower, is 124 feet. Before the reformation this cathedral was the finest and richest in the kingdom, and the number and splendour of its tombs almost incredible. In the reign of king Henry VIII. there were carried, by the king's orders, from this church, 2621 ounces of pure gold, and 4285 ounces of silver, besides an amazing quantity of diamonds, pearls, sapphires, rubies, turquoises, carbuncles, and two shrines, one of pure gold, called St. Hugh's, the other of silver, called Bishop St. John of D'Alderby. A second plunder was committed on this church in the year 1548, during the presidency of bishop Holbeck, who being a zealous reformist, gave up the residue of treasure which Henry had left. The city is so full of the ruins of monasteries and religious houses, that the very barns, stables, out-houses, and even some of the hog-styes, are built with arched windows and doors. The ruins of the castle are venerable pieces of antiquity. Lincoln is a county of itself, and has a viscountial jurisdiction 20 miles round, a privilege enjoyed by no other city in England. It is governed by a mayor, 12 aldermen, 2 sheriffs, a recorder, 4 chamberlains, a sword-bearer, a coroner, and 48 common-council men. Its houses are 1574, the inhabitants 7398.

Grantham is an ancient and respectable borough in the district of Kesteven, situated on the river Witham. It had in former times a monastery of Franciscan, or Grey-Friars. The spire of its church is remarkable, rising in height 300 feet. It is governed by an ancient corporation, consisting of an alderman, recorder, 12 common burgesses, a coroner, an escheator, and 12 constables to attend the court. The alderman and burgesses have power to act as justices of the peace for the corporation and soke of Grantham, which together contain 1457 houses, and 7014 inhabitants.

Stamford and Great Grimsby, though still places of some consideration, have considerably declined from their ancient wealth, commerce, and prosperity. Boston is more populous and thriving, the seat of an active trade to the Baltic and London. It is governed by a mayor, who is chief clerk of the market,

market, and admiral of the coast, a recorder, 12 aldermen, a town clerk, 18 common-council men, a judge, and marshal of the admiralty, a coroner, 2 serjeants at mace, and other officers, and has 1252 houses, and 5926 people. The other towns of note are Alford, Barton, Binbrook, Bolinbroke, Bourn, Burgh, Burton, Castor, Crowland, Crowle, Deeping, Donnington, Folkingham, Gainsborough, Glamford Briggs, Holdbach, Horncastle, Kerton-Lindsay, Louth, Market Rasen, Saltfleet, Sleaford, Spalding, Spilsby, Stanton, Tatterfal, Wainfleet, and Wragby.

MERIONETHSHIRE

Is a county of North Wales, 35 miles in length, 25 in breadth, in circumference 108, and containing 691 miles, or 442,240 acres. It is divided into five hundreds, Ardudwy, Edernion, Estimaner, Penllyn, and Talybont, which form 33 parishes, and 1 hamlet, and contain 5980 houses, and 29,506 inhabitants.

This county is mountainous, and remarkable for its wild and romantic beauties, excellently adapted for grazing, and produces more sheep than any other district in Wales. Besides these it is well provided with deer, goats, fowl, and all sorts of fish, particularly herrings, which are taken on the coast in great abundance.

It returns only one member to parliament, a knight of the shire. The towns are Harlech, Dolgelly, Bala, Dinafmowdy, and Merioneth. The principal rivers are the *Gwynedd*, the *Drwydd*, the *Mawdoch*, the *Avon*, the *Dee*, the *Dovy*, the *Cayne*, and the *Mothwaye*.

MIDDLESEX

Is nearly 24 miles in length, 14 in breadth, and 115 in circuit, and contains 297 square miles, or 190,080 acres. This county, although one of the smallest, is the richest and most populous in the kingdom, which will naturally be ascribed to the circumstance of its being the seat of the British metropolis. It is formed of six hundreds, and three divisions, namely, Edmonton, Elthorne, Gore, Isleworth, Kensington, and Spelthorne hundreds, and Finsbury, Holborn, and the Tower divisions. Including the cities of London and Westminster, there are within the circuit of Middlesex 191 parishes, 14 extra-parochial districts, (11 of which are inns of courts and chancery, and the other 3, Ely-place Holborn, the Charter-House, and a place in Kensington hundred, called West Twyford,) 8 hamlets, 7 liberties, 6 precincts, 2 towns, and 1 village; the houses are 118,083, the inhabitants 818,129.

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The soil in general is loamy, tending in various places to gravel, clay, and sand; in the neighbourhood of London, where manure is easily to be obtained, the land is mostly employed in gardens and nurseries, or laid down for grass. From these gardens, which are kept in the highest possible state of cultivation, the metropolis receives a copious and early supply of the best vegetables, and many fruits and flowers. The grass lands afford daily an abundant store of milk. At a greater distance, especially towards Buckinghamshire, are considerable tracts of arable land, which produce good crops of corn. There are some very extensive meadows on the side of the rivers Thames, Lea, and Coln.

The cities in Middlesex are London and Westminster; but as a separate portion of this work is allotted to the description of the metropolis in all its parts, the subject will not in this place be touched upon.

The towns are Barnes, Brentford, Edgware, Enfield, Hounslow, Staines, and Uxbridge. Besides these, almost every village in the county is enriched and beautified by the residence of some royal, noble, or wealthy individuals. In every direction the eye is allured by the various exhibitions of prosperity, comfort, and good taste, displayed in neat villas, superb mansions, elegant gardens, and luxurious repositories of alien fruits and curious exotics. To describe all these would exceed the limits of a work intended to comprise, in a moderate space, so many objects; but the abodes of royalty, and the great national establishments, whether of commerce, learning, or charity, will not be omitted in their proper departments.

The rivers of most note in this county are the *Thames*, the *Coln*, and the *Lea*; the New River ought perhaps, in strictness, to be termed a canal; and, as their names often occur in books and conversations, it may be proper merely to mention two insignificant streams, the *Brent* and the *Flect*.

Middlesex returns eight members to the house of commons, two knights for the shire, four for London, and two for Westminster. The sheriff is not, as in other counties, appointed by the king in council; but the sheriffs of London serve also for Middlesex.

MONMOUTHSHIRE

DERIVES its name from the capital town; though now an English county, it may be justly considered the connecting link between England and Wales, uniting the scenery, manners, and language of both. It is 28 miles in length, and 20 in breadth, and in area 516 miles, or 330,240 acres. It is divided into the six hundreds of Abergavenny, Scenfreth, Wentloog, Usk,

Raglan, and Caldecot, which form 129 parishes, 15 hamlets, 3 towns, 3 townships, and 2 villages, and contain 9365 houses and 45,582 inhabitants.

The air of Monmouthshire is temperate and healthy, and the soil fruitful; the eastern parts are woody, and the western mountainous. The animal and vegetable productions are similar to those in the hilly counties of England; and the only fish, not common in the English rivers, are the sterling and the sewin, which principally abound in the Ebwy. The mountainous districts are rich in mineral productions, particularly iron and coal, which have given rise to numerous iron manufactories, and considerably increased the population and riches of the county.

At the arrival of the Romans in Britain, Monmouthshire was inhabited by the Silures, a spirited and warlike nation, who desperately resisted their invaders, and were not finally reduced till the reign of Vespasian, when they were conquered by Julius Frontinus. The Romans formed five stations in the county; Isca, the present site of Caerleon; Venta Silurum, (which was the metropolis of the Silures) now Caerwent; Burrium, now Uik; Gobannium, now Abergavenny; and Blestium, now Monmouth.

From the departure of the Romans in 408, the history of this county is obscure and fabulous. But according to the tradition of the natives, and the legends of the bards, Monmouthshire, under the name of Gwent, became a conspicuous scene, and Caerleon is celebrated as the residence of the British hero, king Arthur. It was afterwards subject to the princes of South Wales, and to a race of petty kings, who probably fixed their residence at Caerleon.

This county is no less distinguished by sublime and stupendous beauties of nature, than by venerable and interesting remains of antiquity, and some beautiful specimens of modern taste. The principal scenes in which nature captivates the mind are the mountains, of which the highest is the Sugar-loaf; the Werndee hills, by which it is supported; the great Skyrrid and the little Skyrrid; and those to the north-west of Abergavenny, and that called the Graig in the north-east part of the county. The remains of antiquity, besides the Roman roads, stations, and encampments, are very numerous, and by the individuals they bring to mind, connected with every period of English history. Many of the churches are beautiful relics of ancient splendour converted to modern use, and inferior in interest only to the remains of the magnificent piles of the abbots of Lanthony, and Tintern. The castles are magnificent even in decay. That of St. Julian is rendered
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illustrious by the memory of the brave and ingenious, but romantic and whimsical, lord Herbert of Cherbury; Raglan castle presents to memory the numerous virtues of the Pembroke family; Oldcastle obliges us to recollect the illustrious martyr lord Cobham; Coldbrook house, the witty and eccentric sir Charles Hanbury Williams; in the castle of Chepstow, or Striguil, is a tower in which was impured Harry Marten the regicide; and while admiring the profusion of beauty and elegance, which embellishes the building and grounds at Piercefield, the mind receives an impression approaching to melancholy, from the contemplation of the hard fate of their late liberal and amiable proprietor Valentine Morris, so feelingly described by Mr. Coxe, in his historical tour in this county.

Monmouthshire is represented in parliament by 3 members, 2 for the shire, and 1 for the town of Monmouth.

This town stands near the conflux of the Wy, and Monnow, and from that situation derives its name. The position is delightful; it is wholly surrounded by gentle hills and swelling eminences, mostly covered from their bases to their summits with rich woods, or laid out in fields of corn and pasture. It is governed by a mayor, 2 bailiffs, and 15 common-council men. There are no manufactures, excepting iron works; the inhabitants are principally supported by the navigation of the Wy, the trade with Hereford and Bristol, the supply of the neighbouring districts with various kinds of shop goods, and the influx of company. Among the articles brought down the river, which give employment to many of the inhabitants, bark must not be omitted; it is conveyed in large quantities from the forests of the Upper Wy, and landed on the banks, where, after being pared and cleaned, it is sent for exportation to Chepstow. Caps once formed a considerable branch of trade in Monmouth. In the days of Henry V., and in subsequent times, Monmouth caps were much esteemed. Fluellen, in Shakspeare's Henry the fifth, alluding to this fashion, addresses the king: "If your majesty is remember'd of it, the Welshmen did good service in a garden where leeks did grow, wearing leeks in their Monmouth caps." It is worthy of notice that this town gave birth to Geoffrey the historian, and Henry V. the English king, who are commonly denominated Geoffrey and Henry of Monmouth. The first, although his work is disfigured by romance, is the most ancient of English historians, and the parent of much of that heroism which is derived from the perusal of heroic national fables: the king, in the extravagances of his youth, the prudence of his more mature age, in

his uncontrollable valour, and brilliant fortune, affords one of those rare instances, in which the task of the historian resembles that of the poet or romance writer; in which fancy may expatiate without prejudice to truth. The houses in Monmouth are 677, the people 3,345.

The other towns of Monmouthshire are Usk, and Newport, (the inhabitants of which join with those of Monmouth in the election of a member of parliament,) Abergavenny, Caerleon, Chepstow, and Pontypool.

Usk, in its modern state, is little entitled to notice; it is situated on the river Usk, over which it has a handsome bridge. Newport, placed on the same river, was anciently called in Welch Castell Newydd, or New Castle; it is the capital of the hundred of Wentloog; its name is probably a mark of distinction from Caerleon, which, in early times, was the old port and the old castle. It is a long, narrow, and straggling town, built partly in a flat on the banks of the Usk, and partly on a declivity. The streets are dirty and ill paved; the houses in general wear a gloomy appearance. It is governed by a mayor, and 12 aldermen, who are chosen from the burgesses, by the mayor and the majority of the aldermen: the election of the mayor is confirmed by the lord of the manor. As Newport is the only port in the south-western part of Monmouthshire, the inhabitants are principally supported by foreign, coasting, and inland trade. The coasting trade is very considerable, and is chiefly carried on with Bristol, in sloops from 12 to 60 tons each. The exports are principally coal, and pig-iron, together with bar-iron, bloomeries, and castings. The imports are shop goods, furniture, and a few other articles, sent up the canal for the consumption of the interior. The canal of Monmouthshire also considerably contributes to the prosperity of this town. It was once surrounded with walls, and had a castle, which is now in ruins. Notwithstanding its trade and situation, the population is very inconsiderable. It contains only 202 houses, and 1135 souls.

Abergavenny, which is generally allowed, by the best antiquaries, to be the *Gobannium* of Antonine, occupies a gentle slope, from the foot of the Derry to the left bank of the Usk. The town is long and straggling, and the streets are in general narrow, although within a few years it has been much improved in appearance. It was once a corporate town, and a place of great population, trade, and importance. Its decline may be dated from the forfeiture of the charter, in the beginning of the reign of William III., on account of disaffection to the new government, which occasioned violent dissensions, tumults, and disorders at the election of a bailiff. It

has

has a free grammar school, which was founded by Henry VIII. and well endowed. Numerous invalids repair every summer to Abergavenny, for the mildness and salubrity of the air, and travellers to enjoy the charming prospect of the surrounding scenery. It contains 546 houses and 2573 inhabitants.

Caerleon, the ancient *Ica Silurum*, is principally remarkable for its numerous vestiges of days of yore. Tradition mentions it as king Arthur's seat of government, and the remains of a Roman amphitheatre are by the common people stiled Arthur's round table. The town is much benefited by tin works established in the neighbourhood, and has a curious wooden bridge over the *Ulk*.

The situation of Chepstow is remarkably beautiful and picturesque; the castle and church are among the venerable remains of antiquity, and the bridge over the *Wy* a curious specimen of building. It has 348 houses, and 2080 people.

Pont-y-pool is a large straggling place, containing 250 houses, and 1500 souls. Several neat habitations, and numerous shops, present an appearance of thriving prosperity, notwithstanding the dusky aspect of the town, occasioned by the adjacent forges. The inhabitants derive great support from the iron works and collieries, and have been recently benefited by the trade of the canal. This place is the principal mart for the natives of the mountainous district; its weekly market is considerable, and well supplied. The appellation is modern, supposed to be derived from a bridge thrown over a large pool, which supplies water for a forge, but is a corruption of *Pont ap Howell*, or *Howell's bridge*. It is singularly placed on the ridge of a steep cliff, overhanging the *Avon Lwyd*, and on the slope of a declivity under impending hills, partly bare and partly mantled with wood. The town principally owes its foundation and increase to the iron works established by the family of *Hanbury*; it is likewise remarkable for the japan manufacture, known by the name of *Ponty-y-pool ware*.

The Welch language is more prevalent in Monmouthshire than is usually supposed: in the north-eastern, eastern, and south-eastern parts, the English tongue is in common use; but in the south-western, western, and north-western districts, the Welch, excepting in the towns, is generally spoken. The natives of the midland parts are accustomed to both languages: in several places divine service is performed wholly in Welch, in others in English, and in some alternately in both. The natives of the western parts, which are sequestered and mountainous, unwillingly hold intercourse with the English, retain their ancient prejudices, and still brand them with the name of

Saxons; this antipathy, however, is gradually decreasing, by means of the establishment of English schools, and the introduction of English manners, customs, and manufactures.

The principal rivers which traverse Monmouthshire are the *Wy*, the *Uſk*, and the *Rumney*. The *Wy* is navigable during its whole course through the county; the *Uſk*, by means of the tide, from New Ridge near Tredonnoe; and the *Rumney* only from the bridge, not three miles from its mouth. The *Trotty* and the *Monnow*, joined by the *Hondy* at Altyrnyns, fall into the *Wy* near Monmouth; and the *Uſk* is swelled by numerous mountain torrents, of which the principal are the *Gavenny*, the *Kebby*, the *Olwy*, the *Berthin*, the *Torwaen*, or *Avon Lwyd*, and the *Ebwy* which receives the *Serwcy*.

MONTGOMERYSHIRE,

A COUNTY of North Wales, is 30 miles from east to west, 24 from north to south, and 95 in circumference, and contains 982 square miles, or 628,480 acres. It is divided into 9 hundreds called *Caurfe*, *Deuddyr*, *Llanfyllin*, *Llanidloes*, *Machynlleth*, *Mathrafel*, *Montgomery*, *Newtown*, and *Pool*, which form 43 parishes, 28 townships, 3 villages, and 3 towns, and contain 89,48 houses, and 47,973 inhabitants.

The air is sharp and cold on the mountains, but healthy and pleasant in the vallies. The northern and western parts being mountainous the soil is stony, and sterile, except in the intermediate vallies, which yield corn, and abound in pasture; but the southern and eastern parts, consisting chiefly of a pleasant vale along the banks of the *SVERN*, are exceedingly fruitful. The breed of black cattle and horses is remarkably large, and the county abounds with fish and fowl, and has some mines of lead and copper, particularly in the neighbourhood of *Llanidloes*.

It returns to parliament 2 members, one for the shire, and 1 for the town of *Montgomery*. This town gives its name to the county, but is only remarkable for its castle, the scene of many martial exploits in old times, but now in ruins. The corporation consists of 2 bailiffs, and 12 burgesſes or common-council men. It contains only 161 houses, and 972 people.

The other towns are *Machynlleth*, *Welchpool*, the most considerable in the county, which has a manufacture of flannel, and contains 563 houses, and 2,872 inhabitants, *Newton*, *Llanidloes*, near which are mines of lead, and copper, and *Llanfyllin*. The chief rivers are the *SVERN*, *Tauat*, and *Tuigh*.

NORFOLK,

OTHERWISE Norfolk, derives its name from its northern situation in respect of Suffolk : it was intended to express the northern people, or northern branch of the East Angles. It is 59 miles in length from east to west, and 38 in its greatest breadth from north to south, in the centre of the county, but considerably less at each extremity, and its area is 2013 miles, or 1,288,310 acres. Its hundreds are 33, namely, Blofield, Brothers Crois, Clacklose, Clavering, Depwade, Difs, Earsham, Erpingham, North and South Eynesford, Flegg, East and West Forchoe, Freebridge, Lynn and Marshland, Gallow, Greenhoe, North and South Grinshoe, Guiltcrofs, Happing, Henstead, Holt, Humbleyard, Launditch, Loddon, Aitford, Shropham, Smithdon, Taversham, Tunstead, Walsham, and Wayland ; these are divided into 586 parishes, 21 townships, 6 towns, and 5 villages, and contain 49,140 houses, and 273,271 inhabitants.

The air of this county near the sea coast is aguish, and otherwise unsalutary ; but in the inland parts, it is healthy and pleasant, though frequently piercing. The face of the country is flat, without hills, but in most parts, the surface is broken by small risings and declivities.

The prime part of the county lies north and north-east of Norwich. It is highly fruitful, and temperate. The districts south and south-east of Norwich, though chiefly sand, are fruitful, but in a less degree than the former. The largest proportion of the county, lying west and north-west of Norwich, is on the whole very inferior to the two preceding districts. Here great farms are to be found, with a thin population. South-west is light sand, where great rabbit warrens are found. The Marshland may be considered as a district by itself. The soil is a rich ooze, evidently a deposit from the sea. The north part of the county is highly productive, but the south part very much injured for want of better drainings. Woodland of an old standing is not considerable, but of late years large plantations have been made of oak, Spanish chestnut, and other forest trees.

Norfolk is very productive in all kinds of grain, cattle, wool, rabbits, honey, and saffron. No county is more conveniently situated, or has a greater share of river and sea navigation, so essential to trade, and advantageous to agriculture : for, besides the sea, which washes the coast about eighty miles, there are several navigable rivers, as the *Nene*, *Waveny*, and *Onse*, besides the *Thyrne*, the *Bure*, the *Wensum*, and the *Yare*. These resources afford to Norfolk the advantages of an excellent

fishery, prosecuted with great industry and success to the adjacent coast and north sea. The fresh water affords all the accustomed tribes, and in the Yare is taken a fish peculiar to itself, called the ruffe. Jet and ambergrease are sometimes found on the coasts.

Norfolk sends to parliament 12 members; 2 for the county, 2 for the city of Norwich, and 2 each for Lynn, Yarmouth, Thetford, and Castle Rising.

The city of Norwich, situated at the conflux of the Wensum and the Yare, is ancient, populous, and industrious; it has a great trade, and adds not a little to that of Yarmouth, by the vast cargoes of coal, wine, fish, oil, and all other heavy goods, which it receives thence by the Yare. Its manufactures are, generally speaking, sent to London, though considerable quantities are also exported to Holland, Germany, Sweden, Norway, and other parts of the Baltic and northern seas, and the Mediterranean. They consist in a great variety of worked stuffs, as fays, bays, ferges, shalloons, druggets, crapes, and other curious manufactures, and stockings. Norwich contains many opulent inhabitants, and good buildings, but its streets are narrow, and ill disposed. Besides the cathedral it has 36 churches, and 1 in the suburbs.

The cathedral was built in 1096 by Herbert de Losinga, whose statue is on the north transept door, and his tomb below the high altar; it was damaged by fire 1171, and repaired and completed 1180, by John, bishop of Oxford. It is now a noble structure, and particularly admired for the workmanship of the roof and cloisters. At Norwich is the ancient palace of the duke of Norfolk, which was formerly a noble and magnificent building, reputed the largest house in England. The castle is seated on a high hill, and surrounded by a deep ditch, over which is a strong bridge, with an arch of extraordinary size. In the market place, is a beautiful town house, and in St. Andrew's parish a guildhall, which was formerly the monastery church of the black friars. The house of correction, called bridewell, is built with square flint stones, so curiously joined together that no mortar can be seen. The market cross is built with free stone, and very lofty; it is a beautiful and commodious piazza. The king's school was anciently a chapel, subject to the prior and convent of the cathedral church; but after the reformation, it was turned into a grammar school, and endowed with the possessions of the chapel, for the maintenance of a school master and usher, since which time the salary has been enlarged. The scholars are nominated by the mayor for the time being, with the majority of the aldermen. Some authors call Norwich an orchard in a city, or a city in an orchard, on account
of

of the variety of gardens and trees in a particular part near the walls. In the city are 12 charity schools, and 4 hospitals. Norwich is a county in itself, but the castle belongs to the county of Norfolk, to which it serves as a jail. The corporation consists of a mayor, a recorder, 2 sheriffs, 23 aldermen, and 60 common-council men. The mayor is nominated by the freemen, who return 2 aldermen to their court, one of whom is elected. The mayor, recorder, and the steward for the time being, are justices of the peace, and of the quorum, in the city and its liberties; the mayor, after his mayoralty expires, is justice of the peace for life. One of the sheriffs is annually elected by the aldermen, and the other by the freemen. The city contains 8763 houses, and 36,854 people.

Lynn, otherwise Lynn-Regis, or King's Lynn, is thus named, by way of distinction from three villages in the county, called West Lynn, North Lynn, and Old Lynn. It was formerly called Bishop's Lynn, from its belonging to the bishops of Norwich; but coming by exchange into the hands of Henry VIII., it obtained its present appellation. It is situated about ten miles from the German Sea, on the eastern bank of the river Ouse, which forms a good harbour, and is divided by four small rivers, over which there are fifteen bridges, and at the north end of the town is a platform of twelve cannon, called St. Ann's Fort. The harbour is capable of containing 300 merchant ships, but sometimes a strong wind will drive them from their moorings. The trade is very extensive, and consists in heavy goods, wine, coals, iron, deals, and timber. Lynn has had fifteen royal charters. It is now governed by a mayor, a high steward, an under steward, a recorder, 12 aldermen, 18 common-council men, with other inferior officers. Its houses are 2012, the inhabitants 10,096.

Great Yarmouth (so called to distinguish it from a small village in its neighbourhood) is still more considerable in extent and population, containing 3159 dwellings, and 14,845 people. It is situated on the German Ocean, at the mouth of the Yare, which is navigable from hence to Norwich; besides which there is a navigation from this town by the Waveny, to the south parts of Norfolk, and the north of Suffolk, while the inhabitants trade to the north part of the county, by the river Thyrne. This port is the chief rendezvous of the colliers between Newcastle and London; for, though there are some dangerous banks of sand in the neighbourhood, the roads on the east side of the town are safe, and the inhabitants are at great expence to keep the harbour clean. Yarmouth carries on a great trade to France, Holland, the north and east seas, and exports immense quantities of corn and malt. The inhabitants

habitants employ 150 vessels in the herring fishery, and between 40 and 50 fail in the exportation: 50,000 barrels of herrings, which some magnify to 40,000 tuns, containing 40,000,000 of herrings, are generally taken and cured here in a year. These herrings are chiefly exported by the merchants of Yarmouth, and the rest by those of London, to Spain, Portugal, and Italy, which with the crapes, camlets, and other Norwich stuffs, occasion much business, and employ a great number of hands and shipping. Yarmouth is governed by a mayor, 17 aldermen, a recorder, and 36 common-council men. This corporation possesses particular and extensive privileges, having both a court of record, and an admiralty: in the court of record, civil causes are tried for unlimited sums; and in the court of admiralty, they can, in some cases, try, condemn, and execute criminals.

Castle Rising is in no respect considerable; Thetford has 492 houses, and 2246 inhabitants, and is governed by a mayor, recorder, 10 aldermen, and 20 common-council men. It was formerly a place of note, but has now no great trade or opulence. The other towns in Norfolk are Alesham, Attleborough, Buckenham, Burnham, Carton, Clay which has a harbour and large salt works, Cromer an excellent fishery for lobsters, Dereham, Diss, Downham, Fakenham, Foulsham, Harleston, Harling, Hingham, Holt, Loddon, Methwold, Reepham, Secking, Snettisham, Swaffham, North Walsingham, South Walsingham, Walsingham, Watton, and Wells, which has a considerable trade with Holland, Wymondham or Windham, where the inhabitants, both old and young, are generally employed in making spigots and faucets, spindles, spoons, and other wooden ware, and Worsted, remarkable for the invention and twisting of that sort of woollen yarn and thread to which the name of the place has been given.

NORTHAMPTONSHIRE

Is about 60 miles in length, from north-east to south-west, from 14 to 24 in breadth, and 120 in circumference, forming an area of 965 miles, or 617,600 acres. It is divided into 19 hundreds, namely Chippingwarden, Clely, Corby, Fawsley, Greens Norton, Gulsborough, Hamfordshoe, Higham Ferrers, Huxloe, King's Sutton, Navisford, Nobottle Grove, Orlingbury, Poiebrook, Rowell, Spelloe, Towcester, Willybrook, and Wymerley, which include 288 parishes, 14 villages, 13 townships, 12 hamlets, and 4 extra-parochial jurisdictions, and contain 27,401 houses, and 131,757 souls.

The air being pure and healthy, the nobility and gentry have

many seats in this county. There is, however, a small tract called Fenland, about Peterborough, which is often overflowed by great falls of water from the uplands. The soil is fruitful both in corn and grass, but produces little wood; and as it is an inland county, and few of its rivers are navigable, the inhabitants find difficulty in supplying themselves with fuel. The rivers yield great plenty of fish, and the county abounds with cattle, horses, and sheep: it produces also much saltpetre, and many pigeons. The land is level, and less of it lies waste than in any other county in England. Its manufactures are serges, tammies, shalloons, stockings, boots, and shoes.

Its chief rivers are the *Nen*, the *Cherwell*, the *Leam*, the *Avon*, the *Welland*, and the *Ouse*.

Nine members are returned to parliament; 2 for the county, 2 for the city of Peterborough, as many for Northampton, and Brackley, and 1 for Ugham Ferrers.

Peterborough is situated on the *Nen*, and although an ancient city, is esteemed the smallest in England, having only one church, besides the cathedral. The houses, however, are well built, and the streets regular, with a handsome market place, in which is a good market-house, where the assizes and sessions for the hundred are held. The jurisdiction of the court of session extends over 32 towns and hamlets, in which the civil magistrates, appointed by the royal commission, are vested with the same power as the judges of assize, and hold their quarterly sessions in the city. The cathedral is the remains of a monastery endowed in the seventh century, afterwards the seat of a mixed abbot, and established as a bishoprick at the reformation. The inhabitants of the city are only 3,439, their dwellings 734, but in its extensive liberties are contained the additional number of 1252 houses, and 6826 people.

The town of Northampton is also situated on the *Nen*, and also the seat of several ancient monasteries. In former times it was walled, and had gates corresponding to the cardinal points of the compass. At one period it contained 7 churches within the walls, and 2 without, at present it has only 4. In the year 1263, some scholars from Cambridge, on a difference with the townsmen, retired hither, and obtained licence of the king to settle an university, which was soon annulled, on account of its vicinity to Oxford. From Oxford, too, a secession to Northampton had happened just before, on a riot against the pope's legate, who laid them under interdict; this, with other disturbances which arose, being ascribed to the great number of students, the king granted leave to found schools here, and so many scholars soon resorted from Oxford, that after the taking of the town, by the king's forces, it was found necessary

fary to oblige them to go back, and forbid their return. The streets are in general straight, the houses handsomely built, of a reddish kind of stone, and the market place is esteemed the most spacious, elegant, and complete in the kingdom. The principal manufactures are shoes, (of which great numbers are sent beyond sea,) stockings, and lace. It was incorporated under a charter of king James I., consists of a mayor, 2 bailiffs, a recorder, and 48 common-council men, out of whom the mayor is chosen, who is ever after reputed an alderman. The houses are 1371, the inhabitants 7,020.

Brackley is situated on the Ouse, and governed by a mayor, 6 aldermen, and 26 burgessees; Higham Ferrers, on the east side of the Nen, has a mayor, 7 aldermen, and 13 capital burgessees: in other respects, they are little worthy of notice. The remaining towns are Daventry, Cliffe, Kettering, which has a manufacture of serges, shallons, and tannies, and in the neighbourhood of which is a petrifying well, Oundle, Rockingham, Rothwell, Thrapston, Towcester, where lace and silk are manufactured, Weedon, and Willingborough, where the manufactures of lace is carried on to a great extent.

NORTHUMBERLAND

Is of a triangular form; its greatest length 64 miles, and greatest breadth 28, about 232 miles in circumference, and its contents are estimated at 1809 miles, or 1,157,760 acres. It is divided into 6 wards, called Bambrough, Cattle, Coquetdale, Glendale, Morpeth, and Tindale, which form 495 townships, 17 parishes, 4 extra-parochial jurisdictions, 3 chapelries, and 1 town, and contains 28,052 houses, and 157,101 inhabitants.

The temperature of the climate is various: upon the mountains, snow will often continue for several months, and may frequently be seen of considerable depth, when there is none in the lower districts. The weather is very inconstant, but mostly in extremes. In the spring months cold, piercing easterly winds, are prevalent: and the largest droughts are always accompanied by them. In some places they have acquired the name of sea pines, from the slow progress vegetation makes, whenever they continue for a few weeks. The mild western and southern breezes rarely take place before June: they are certain harbingers of rain and vigorous vegetation; and are the most prevailing winds through the summer and autumn. In the latter season, they often blow with tempestuous fury; dashing out the corn, and disappointing the hopes of the farmer.

The soil is various: on the rivers and sea coast remarkably fertile; to the north-west and south-west, very mountainous; to the west full of heaths, fens, and lakes, some of the former abounding with mines of ore and coal, and others cultivated, and the mountains feed large quantities of sheep. There are but few considerable woods, but the county abounds in coal, which forms its greatest wealth, and supplies London and many other places with that indispensable article.

The principal rivers are the *Tyne*, the *Tweed*, the *Blythe*, the *Coquet*, the *Alne*, the *Till*, and the *Wansbeck*; they abound with fish, especially salmon and trout; the coasts are rich in cod, ling, turbot, soles, plaice, whittings, &c. Large quantities of salmon are dried and exported.

Two members sit in parliament for the county, and as many for Newcastle, Morpeth, and Berwick-on-Tweed; in all 8. The remaining towns are Alnwick, Belford, Billingham, Blythe, Hatfield, Hexham, Rothbury, Shields, Timmouth, and Wooler.

Newcastle, generally called Newcastle-upon-Tyne, to distinguish it from Newcastle under Line in Staffordshire, is a seaport, situated on the north side of the river Tyne, with an excellent harbour, to which ships of 400 tons may come up with safety; larger vessels generally stop at Shields, situated about eight miles below. The trade is very great: the exports principally coals, wrought iron, lead, glass, salt, bacon, corn, salmon, butter, tallow, and grindstones. It was made a county of itself by Henry VIII. and is governed by a mayor, recorder, 12 aldermen and a sheriff. It has 3296 houses 28,366 inhabitants.

Berwick is situated on the north or Scotch side of the Tweed, and regularly fortified with walls, bastions, and ditches. The river is broad, with a bridge over it of sixteen arches. The town is of much less extent than formerly; the old castle, now gone to decay, lies at some distance from the ramparts. The barracks are large, and capable of containing two regiments of foot with convenience. Berwick formerly belonged to Scotland, was the chief town of the county in that kingdom, still called Berwicksire, and was one of the four towns in which the convention of the royal boroughs of Scotland was held. It was taken from the Scots by Edward I. and has been ever since in the possession of the English. The language and laws of its inhabitants are, however, a mixture of Scotch and English. The exports are wool, and eggs; the chief import is timber from Norway and the Baltic. The salmon fisheries are extensive and highly valuable. Berwick contains 965 dwellings, and 7187 souls.

As great part of the Picts wall passed through this county; it abounds in Roman antiquities.

NOTTINGHAMSHIRE

Is 50 miles in length, 25 in breadth, 110 in circumference, and its area 774 miles, or 495,360 acres. It has 8 hundreds; Basset Law Hatfield division, Basset Law North Clay division, Basset Law South Clay division, Bingham, Broxton, Newark, Rushcliffe, and Thurgarton; they form 209 parishes, 27 townships, 9 towns, 6 hamlets, 3 villages, and 3 extra-parochial demesnes; the houses are 26,153, the inhabitants 140,350.

Being happily situated between the mountainous country of Derbyshire, on the one hand, and the flats of Lincolnshire, on the other, this county enjoys such a temperature of soil and climate, as to render it one of the most fertile and agreeable in England. The noble river Trent, after crossing the counties of Stafford and Derby, enters Nottinghamshire, at its south-western extremity; and thence, passing obliquely to the east, coasts along its whole eastern side, becoming, towards the northern part, the boundary between this county and that of Lincoln. During this whole course, the Trent is a large navigable river, imparting fertility to the wide tract of meadows through which it flows, and affording a ready conveyance for the products of the country. Its chief inconvenience is that of being subject to frequent and great floods. The vale of Belvoir or Bever, one of the richest and most beautiful tracts of cultivation in the kingdom, lies chiefly in the south-eastern part of Nottinghamshire, stretching towards the Trent. Almost all the middle and western part of the county was formerly occupied by the famous forest of Sherwood, or Shirewood, popularly known as the scene of many fabulous adventures of that noted outlaw Robin Hood, and his companions. By inclosures and cultivation, the bounds of this woody tract are now much contracted; and great part of what was formerly thronged with trees, is now a naked heath; a fate common to many of the English forests. New plantations, however, of great extent have of late years been formed on the hills of the forest land, which may afford materials for future navies. From the middle and north-western parts of this county several streams unite to form the Idle, a river which joins the Trent, at the north-eastern angle of Nottinghamshire. To the eastward of this river, the soil, quite to the Trent, is a strong clay, which is expressed in the names of two districts in this quarter, the North and South Clay Divisions. Nottinghamshire

shire was, in ancient times, famous for its bread and beer; and to this day, its chief products and exports are corn and malt. It is also of no small consequence as a manufacturing county; and its fabrics, particularly shoes, hose, glass, and earthen ware, are at present in a most thriving state. Near Mansfield is found a good free-stone, proper for building or paving. Lime-stone is obtained near Newark, and several other places; and gypsum, or plaster, is dug near Newark and Red Hill, a few miles to the south-west of Nottingham, and sent, in great quantities, to London. Other commodities are cattle, corn, mals, wool, coal, wood, liquorice, cheese, butter, leather, and tallow.

Nottinghamshire sends to parliament eight members; two for the county, two for the town of Nottingham, and as many for East Retford and Newark.

The town of Nottingham, which gives its name to the county, is situated on an eminence, by the side of the river Trent. It is, undoubtedly, one of the most ancient towns in Great-Britain. John Rouse, a monk, of Warwick, who wrote in the reign of king Henry VII. places its foundation nine hundred and eighty years before the birth of Christ, but this seems a most improbable exaggeration. It is, however, undisputed, that this was a residence of the Britons before the arrival of the Romans. Nor does it appear to have been a Roman station, being situated at a distance from any of their roads, and no Roman antiquities having been found. The whole town is, in a manner, undermined with caverns, of an amazing depth and extent; so that it is even questioned, whether all the buildings on the surface of the rock would fill up the vacancies underneath. Hence the cellars, cut in the rocks, are frequently as deep as the higher houses; and in digging for foundations of new houses, there have been discovered spacious vaults, before unknown. Some of these are said to have been arched, in a regular manner, to have been supported by columns, and to have had a communication with each other, by passages leading to very distant parts. These are supposed to have been formed during the Heptarchy, when the Danish pagans made frequent inroads into this part of the kingdom, and intended as places of refuge for the exercise of religious worship. From the time of Alfred, history makes frequent mention of this town, as the scene of many striking events.

Nottingham is large, populous, and handsome, and is one of the principal seats of the stocking manufacture, chiefly of the finer kinds, as silk and cotton; and the trade is extended to the neighbourhood, and to some distant towns. The stockings are chiefly conveyed to the different ports and places of consumption by land. A great quantity of them is exported to various

parts of Europe, America, and the West Indies. The cotton for this manufacture is spun by machinery, worked by water. Nottingham has also a manufacture of coarse earthen ware. There were formerly considerable establishments of dyers and tanners, but they are decayed. This town was incorporated long before king Henry II. gave it a charter; for in Edward the Confessor's time, it had a hundred and seventy-three burghesses. Many kings have, in this town, kept their court, and assembled parliaments. It was anciently governed by two bailiffs, coroners, and a common-council. Henry VI. made it a county of itself, changed the bailiffs into sheriffs, and appointed it to be governed by a mayor and burghesses. The town is divided into seven wards, answering the number of aldermen, each of these having one committed to his care, though he is not confined to live in it; and, as a justice of peace, his power extends throughout all the liberties of the town. Its corporation consists of a mayor, 6 aldermen, a recorder, 2 sheriffs, and 24 common-council men; but, in consequence of the tumults which prevailed at the time of the general election, in the year 1802, a statute passed in the ensuing session of parliament, empowering the county magistrates to act in the town. It contains 5077 dwellings, and 28,861 people.

Newark is situated about 14 miles north-east of Nottingham, on the Trent, by which it is completely insulated. It is a handsome, flourishing, well-built town, with a market-place so spacious, that lord Bellasyfe drew up ten thousand men in it, when he defended the town for king Charles I. against the Scotch army: the chief trade is in malt. The parish church is esteemed one of the finest Gothic structures in England, all its windows being beautifully painted. Here are also several meeting-houses, a free-school, founded by Thomas Magnus, and a charity-school for thirty-six boys, supported by voluntary contributions. The corporation consists of a mayor, twelve aldermen, and as many assistants. There are 139 houses, and 6,730 souls.

The remaining towns are Bingham, Blythe, Mansfield, Southwell, Tuxford, and Worktop.

OXFORDSHIRE

Is in shape very irregular: from north-west to south-east it measures above fifty miles in length; but in breadth it varies much, being in the centre, near Oxford, barely seven, towards the south about twelve, and towards the north nearly forty miles: its circumference is 130 miles, and the contents of its area are 742 miles, or 474,880 acres. Its hundreds are 14; namely,

namely, Bampton, Banbury, Binfield, Bloxam, Bullington, Challington, Dorchester, Ewelme, Langtree, Lewknor, Pirton, Ploughley, Thame, and Wooton: these contain 224 parishes, 39 townships, 23 hamlets, 7 towns, 2 liberties, 1 extra-parochial demefne, and the univerfity of Oxford, which is alfo extra-parochial. The houfes are 21,149, the inhabitants 109,620.

The foil of Oxfordfhire is of great variety, but the greater portion fertile and productive. The fouth-weft corner contains the foreft of Whichwood; in the part contiguous to and fouth of Oxford, is comprifed a confiderable traët of woodland, and much land in the Chiltern Hills is appropriated to the growth of beech. There are no fteep or high hills, except thofe of Chiltern. The climate of Oxford may be accounted in general cold, particularly the weftward part of the north divifion, where the fences confift chiefly of ftone walls, and confequently afford little fhelter. The climate of the Chiltern country is very cold and moift, on account of the fogs, which are more frequent on the hills and woods than in the vales. The productions of Oxfordfhire are chiefly thofe common to the midland farming counties. Its hills yield ochre, pipe-clay, and other earths, ufeful for various purpofes. Corn and malt are tranfmitted from it, by means of the Thames, to the metropolis. Good cheefe is made in the grazing parts. The greateft want in this county is that of fuel; for moft of the woods, with which it once abounded, being cut down, or greatly diminished, it was neceffary to fupply the deficiency of fire-wood with fea coal, brought by a long and troublefome navigation from London.

Oxfordfhire has the following rivers: the *Thames*, which divides it from Berkfhire, the *Windrufh*, the *Wenlode*, the *Ifis*, the *Cherwell*, and the *Thame*; this river and the *Ifis*, at their confluence, lofe their feparate appellations, and affume jointly the name of *Thames*.

The Britifh fenate receives from Oxfordfhire nine members; two for the county, two for the city, and two for the univerfity of Oxford; two for Woodftock, and one for Banbury.

The city of Oxford is moft delightfully fituated on the Thames, and was anciently furrounded with walls, of which confiderable remnants are yet to be feen. Oxford was the refidence of Alfred and his three fons, and the fcene of many remarkable tranfactions, in various periods of hiftory. It is, at prefent, very flourifhing and populous, containing 1909 houfes, and 11,649 inhabitants; but its profperity and celebrity are chiefly derived from the univerfity, the defcription of which belongs to another part of this work. The corporation of Oxford confifts of a mayor, recorder, four aldermen, eight

assistants, two bailiffs, and 24 common-council men. The mayor, for the time being, officiates at the coronation of our kings, in the buttery, and has a large gilt bowl and cover for his fee. The magistracy of the city is subject to the chancellor and vice-chancellor of the university, in all affairs of moment, even in those relating to the city: the vice-chancellor annually administers an oath to the magistrates and sheriffs, that they will maintain the privileges of the university; and, on the 10th of February, the mayor, and 62 of the chief citizens, in a solemn manner, pay each one a penny at St. Mary's church, in lieu of a great fine, laid on the city, in the reign of Edward III. when sixty-two of the students were murdered by the citizens.

Woodstock was, in ancient times, a place of great celebrity; it was the retreat which the royal Alfred selected, when he applied his mind to the translation of Boetius de Consolatione Philosophiæ. Ethelred convoked a council, and issued laws at Woodstock, and Henry I. inclosed the park with a stone wall; and romantic fiction, exaggerating the truth, has celebrated the fate of Rosamond Clifford, generally called Fair Rosamond, the mistress of Henry II. who is said to have fallen, in a labyrinth in the park, a victim to the jealous rage of the slighted queen Eleanor. More authentic history informs us, that, at this place, Rhys, prince of Wales, did homage to Henry II. for his realm; and that it was the place in which Elizabeth, afterwards the illustrious queen of England, was detained a prisoner, during the sanguinary reign of Mary; but it is among the many glorious pages of our annals recorded, that British gratitude, expressed through the medium of parliament, settled the honour and manor of Woodstock on the great John, duke of Marlborough, in gratitude for his eminent military services, and built for him a palace, called Blenheim, in commemoration of the signal victory which he gained on the 2d of August, 1704, over the troops of France and Bavaria. The house is extremely magnificent, and the grounds spacious and beautiful. Being held of the crown by the tenure, called knight's service, the proprietor is obliged annually, on the 2d of August, to present to the king, at Windsor, a silken banner. The town of Woodstock contains 214 houses, and 1322 people: it is distinguished by the manufacture of gloves, and of polished steel. It has a corporation, consisting of a lord high steward, recorder, town clerk, five aldermen, one of whom is always mayor, and 17 common-council men.

The other towns in Oxfordshire are Bampton, celebrated for a great market for leather, Banbury for cheese, Bicester, Burford, noted for saddles, Churlbury, Chipping-Norton, Dod-dington,

dington, Henley-upon-Thames, a handsome town, which has a great trade in malt, Tame, Watlington, and Witney, celebrated for the manufacture of rugs and blankets.

PEMBROKESHIRE

Is the most western county of South Wales. Its extent, from north to south, is nearly 35 miles, and from east to west 29, comprehending 575 square miles, or 368,000 acres. It is divided into seven hundreds; namely, Castle-Martin, Dewland, Dungleddy, Kemefs, Kilgerron, Narberth, and Roose, which include 133 parishes, 10 villages, 6 hamlets, 3 chapels, and one liberty, and contain 12,267 houses, and 56,280 inhabitants.

The air of this county is healthy, the land, for the most part, composed of swells, or easy slopes, but not mountainous, except a ridge of hills, which runs from the coast, near Fisguard, to the borders of Caermarthenshire. By these hills the people distinguish the portions of the county, the north side being termed above, and the south side below the mountains. The county abounds with cattle, sheep, goats, and wild fowl of various kinds, some of which are seldom seen in any other part of Britain, and among which are the falcons, called peregrins, the puffins, and the Harry birds. These last, with several other species, among which are the elgug and razor-bill, generally appear twice in the year on the rocks off St. David's Head, called the bishop and his clerks. They generally arrive about Christmas, and stay a week, or more; return in April, about the time of incubation, and leave the rocks before August. It is remarkable, that they constantly come and retire in the night; for in the evening, when they are about to depart, the rocks are covered with them, and in the morning not a bird remains; on the other hand, at the season when they return, not a bird appears in the evening, and the next morning the rocks are full of them. Some hatch their eggs on the bare rocks, without any nest, and some in holes, like rabbits. Pembrokeshire is well supplied with fish, of all kinds; and among the rocks, on some parts of this coast, is found that sort of sea weed, called laver. Woods are towards the western coast, but more plenty in the interior: the growth is, for the most part, slow; but the oak is remarkably full of heart.

The commerce of this county is small, and cannot be said to have any influence on its agriculture. At a place, called Rhos, Henry I. permitted a colony of Flemings to settle, who left their own country in consequence of the sea breaking down the dykes. In Camden's time, this colony was called Little England

beyond Wales; and the people becoming offensive, the Welch united all their forces, and invaded their country several times, but to no purpose, the Flemings always maintaining their ground. Rhos is still inhabited by their descendants, who may be distinguished by their speech and customs.

Pembrokeshire contains the city of St. David, and the seven following market towns; Fishguard, Haverfordwest, Killgaring, Newport, Pembroke, Tenby, and Wilton. None of these are places of much note: the county, the town of Pembroke, and that of Tenby, send each one member to parliament.

On a cliff which hangs over the sea, about half a mile from the city of St. David's, is a stone, so large, that it is supposed to exceed the draught of an hundred oxen: it is called by the Welch, *y maen sigl*, or the rocking stone, from its having been mounted up about three feet high, upon other stones, in such an equilibrium, that a slight touch would rock it from one side to the other; but the parliament soldiers, in the days of Charles I. regarding this stone as the object of a superstitious tradition, destroyed its equipoise.

Near Stackpoor Bother, upon the sea coast, not far from Pembroke, is a pool of pit water, called Botherston Meer, so deep, that it never could be founded; before a storm it is said to bubble, foam, and make a noise so loud as to be heard at the distance of ten miles. It is supposed to have a subterraneous communication with the sea.

At Killgaring is a steep cataract of the river Tivy, called the Salmon Leap. When a salmon, in its way up the river from the sea, arrives at this cataract, it forms itself into a curve, by bending its tail to its mouth; and sometimes, in order to mount with greater velocity, by holding its tail between its teeth; then, disengaging itself suddenly, with elastic force it springs over the precipice.

There are in this county several rude stone monuments: the most remarkable is called *y Cromlech*, near *Pentre Evan*, in the parish of *Nevern*: it consists of a circle of rough stones, pitched on one end, about 150 feet in circumference, in the middle of which is a large rude stone, about eighteen feet in length, nine in breadth, and three feet thick, supported upon eight stone pillars, about eight feet high. A portion of this stone, about ten feet long and five broad, is broken off, and lies by the side of it, and under it is a neat pavement of flags.

RADNORSHIRE

Is a county of South Wales, 25 miles in length, from east to west, 22 in breadth, from north to south, in circumference 90, and

and in its area 455 miles, or 291,200 acres. Its hundreds are six; Colwyn, Kefeullys, Knighton, Paiceastle, Radnor, and Rhaiaider; they form 50 parishes, 20 townships, and 3 towns, and contain 3887 houses, and 19,050 inhabitants.

This county has proportionally more cultivated land than some of the others in Wales, its eastern and southern parts being tolerably level, and productive of corn. The other parts are rude and mountainous, and chiefly devoted to the rearing of cattle and sheep. The north-western angle is an absolute desert, almost impassable. This was the retreat of the British king, Vortigern, after he had felt the fatal effects consequent on his imprudent act of calling in the Saxons to his assistance.

The river *Wye*, which divides it from Brecknockshire, crosses the west angle of the county, and in its rapid course through the rocks, forms several cataracts, and receives the *Ithon*, *Wrecely*, and other streams. It is parted from Shropshire by the river *Terud*; but the river, which it has peculiarly to itself, is the *Ithon*, into which run the *Dulas*, the *Clewedock*, and the *Cameran*. It rises among the hills, in the north side of the shire, and, forming its course southward, falls into the river *Wye*, a little below *Dyflart*, on the *Llanhadern*: it winds about so short, that it runs nearly six miles in a mile and an half distance from that town. There are, besides, the *Lug* and the *Terne*; and in all these rivers is plenty of salmon, and other fish.

One member is returned to parliament for the shire, and one for the town of Radnor, but the burgesses of Rhaiaider, Knighton, Knucklas, and Reventiel, share in the right of election. Radnor is a town of considerable antiquity, and was formerly fenced with a wall, and a strong castle; but both were, in a great measure, destroyed by Owen Glendower, when he assumed the title of Prince of Wales, on the deposition of Richard II. It has the extraordinary privilege of holding a court of pleas for all actions, without being limited to any particular sum. Its corporation consists of a bailiff, and 25 burgesses. Old Radnor contains only 79 houses, and 355 inhabitants, but jointly with New Radnor the dwellings are 379, the residents 1921. The other towns are Presteign, where the county jail is situated, and the assizes are held, Knighton and Rhaedrgwy.

At Llandrindod are medicinal waters of some repute: tumuli, called cars, are dispersed in various parts; and the projected boundary, called *Ossa's dyke*, may be traced through the whole extent of the county.

RUTLANDSHIRE,

THE smallest county in England, is almost of a circular form, 15 miles in length, 10 in breadth, in circumference 48, and in area 200 miles, or 128,000 acres. Its hundreds are five; Alltoe, East, Martinley, Oakham, Soke, and Wrandike, which form 57 parishes, and one township, and contain 3261 houses, and 16,365 inhabitants.

The face of the country is diversified by small and gently-rising hills, which run east and west, with vallies intervening, about half a mile wide. The soil is generally fertile, feeding great numbers of cattle, especially sheep, whose wool is observed to be more red than in other counties, from the red quality of the soil. The vale of Catmor, where Oakham stands, is not inferior in fertility to those of White Horse and Belvoir.

The *Gusber-Wash* is the chief river; its course is from east to west, through the middle of the county. Several brooks run into this river, supplying the inhabitants with water, and with plenty of fish.

No town in this county returns members to parliament: it is represented by two knights of the shire.

Oakham, the shire town, is remarkable only for the following curious custom. Every peer of the realm, the first time he comes within the precincts, forfeits a shoe from his horse, to the lord of the manor and cattle, unless he agrees to redeem it with money; in which case a shoe is made, according to his direction, ornamented, in proportion to the sum given by way of fine, and nailed on the castle-hall door. Some shoes are of curious workmanship, and stamp'd with the names of the donors: some are made very large, and some gilt. Oakham Lord's-hold, and Oakham Dean's-hold, with Burleythorpe, contain together 457 houses, and 1613 inhabitants.

The other town is Uppingham, in which are 277 dwellings, and 1393 people.

SHROPSHIRE,

OTHERWISE called Salop, is 40 miles in length, 36 in its greatest breadth, in circumference 130 miles, and in its area 1403 miles, or 897,920 acres. It is divided into twelve hundreds; namely, Bradford North, Bradford South, Brimstrey, Caudover, Chirbury, Ford, Munslow, Oswestry, Cavers, Pimhill, Purflow, and Soddefden; which form 216 parishes, 12 townships, 9 chapelries, 3 extra-parochial places, 2 towns, 2 villages, and one liberty, and contain 32,111 houses, and 167,639 inhabitants.

Shropshire,

Shropshire, being a frontier between England and Wales, was better fortified than any other county in England, having no less than thirty-two castles, besides walled towns. The extremity towards Wales, from its being the limit of both countries, was called the marches of Wales, and governed by some of the nobility of this county, who were stiled Lords of the Marches. These lords, within their several jurisdictions, acted with a kind of palatinate authority, which nearly resembled sovereign power; but being exercised with great insolence over the inhabitants, it was, after the reduction of Wales, gradually abolished.

The river Severn runs through the county, from north-west to south, dividing it into two parts, and is every where navigable for boats. Along the banks are meadows, and some good corn lands. The soil in the other parts of the county is various, but neither chalk nor flint is found. Coal-pits are numerous, and there are some good mines of iron and lead, with quarries of lime-stone, free-stone, and, in several places, pipe-maker's clay.

The Severn, which has already been mentioned, is the principal river in Wales, and second only to the Thames in England, belonging alternately to both countries. It finds its origin in the northern districts of the county of Montgomery; and then, pervading great part of Shropshire, Worcestershire, and Gloucestershire, becomes an æstuary below Gloucester, and takes the name of the Bristol Channel, on its union with the Wye and the lower Avon, thus rejoining the ancient borders of its native principality, as it divides Monmouthshire, Glamorganshire, Caermarthenshire, and Pembrokeshire, from Gloucestershire, Somersetshire, Devonshire, and Cornwall. The principal of the sources of the Severn rises in a small lake, on the eastern side of Plimlinmon, not far from the heads of the Wye; and the Rhydol, bearing the title of the Hafren river, as it flows through a wild district, towards the south-east, to Llanidloes. It then turns to the north-east, between hills pleasantly fringed with wood, as it approaches Newtown, assuming its proper name of the Severn. From thence its course is almost due north, through the delightful vale of Montgomeryshire, which is highly cultivated, and adorned with numerous towns, villages, and seats. Beyond Welchpool it enters the great plain of Shropshire, and, making a considerable compass, turns abruptly to the south-east: it then almost encircles the town of Shrewsbury, pursuing the same direction, till it has passed Colebrook Dale; soon after which it flows southward to Bridgnorth, Bewdley, Worcester, and Gloucester, dividing, near the latter city, into two channels; which, reuniting soon afterwards, constitute

stitute a great tide river. Except a large semi-circle, which the Severn makes at Newham, its course is chiefly to the south-west below Gloucester, till it assumes the title of the Bristol Channel, expanding and insensibly losing itself in the Atlantic ocean, between the Land's-End of Cornwall, and the extreme point of Pembrokehire, just at the entrance of St. George's Channel, which separates Great Britain from Ireland. In its course it soon loses its native rapidity, forming large vales, and generally burying itself within deep banks. Soon after leaving Welch Pool, it enters the great plain of Shropshire, where it glides almost undistinguished till it approaches Shrewsbury, whose walls it nearly girds with its encircling stream; the churches, public buildings, walks, and two grand bridges of this county town, present very striking objects from the heights they occupy above it. The Severn then pervades a pleasant district, near the foot of the Wrekin hill, by a fine feat of Lord Berwick, where the Tern joins it; and, passing under an old bridge, by the ruins of Buildwas-Abbey, sinks at once into that deep abyss, profusely clothed with wood, which is crowded with the almost innumerable works of Colebrooke Dale, and the incessant forges of Broseley. A most abundant population, with all the busy aspect of trade, pervades this footy region: vast manufactories, of various kinds, are dispersed every where about it; and the river, filled with vessels to transport its craft, rolls, in gloomy state, between the livid glare of furnaces, and the deafening clangour of their hammers, through a curious bridge of cast-iron, the produce of these works. This is the only part of the course of the Severn, which can properly be called picturesque; for, as soon as it emerges from the smoke of Colebrooke Dale, it forms an enchanting object, as viewed, in two great reaches, from the terrace of Apley-Park, descending almost perpendicularly, in red rocks, and profusely clothed with wood, from the very margin of the river to its summit. The latter of these leads to the singular town of Bridgnorth, which, built on a high cliff, descends abruptly to its ancient bridge, and presents several striking objects to the adjacent country, in the contracted buildings of its old and modern churches, and the leaning tower of its castle. The other rivers of Shropshire are the *Culen*, the *Cowe*, the *Rea*, the *Roden*, the *Tern*, the *Teme*, the *Stour*, and the *Wort*.

Salop sends to the British Legislature twelve members; two for the shire, and as many for each of the following towns, Shrewsbury, Bridgnorth, Ludlow, Wenlock, and Bishop's-Castle.

Shrewsbury, situated on a peninsula formed by the river Severn, was originally built by the Britons, in the sixth century;

in the time of Alfred, was called a city; in the reign of Edward the Confessor, had a mint; and by Roger de Montgomery, to whom it fell by gift from the conqueror, was fortified with a castle, on a rising cliff, facing the north. Of this, however, only one part, with two round towers, remains, and the walls on the north-east. The town walls, on the south and east sides, are kept in good repair, and form pleasant walks; those on the north-west sides are entirely covered with houses. The streets are spacious, but irregularly built, and some steep. This town suffered severely for its adherence to the cause of the royal martyr, but has now fully recovered its prosperity. Its market is of great resort for the sale of friezes and Welch flannels, and the brawn sold here is in high repute in all parts of England. The corporation consists of a mayor, recorder, steward, town-clerk, 24 aldermen, and 48 common-council men, who have a sword-bearer, 3 serjeants at mace, and other inferior officers. They have the power of trying causes within themselves, even in capital cases, high treason excepted. Here are twelve incorporated trading companies, who, every year, on the Monday fortnight after Whitsuntide, repair, in their formalities, to a place called Kingland, on the south side of the town, and on the opposite bank of the Severn, where they entertain the mayor and corporation in arbours, or bowers, erected for that purpose, each of which is distinguished by some motto or device, alluding to their several arts. Shrewsbury, with its liberties, contains 3205 dwellings, and 16,631 inhabitants.

In describing the course of the Severn, mention has already been made of the situation of Bridgnorth. It consists of two towns, separated by the Severn, but united by a stone bridge of eight arches, with a gate. It has been walled, and two of the gates remain at the ends of the High-Street. The part without South-gate belonged to the castle, which was more in compass than one-third of the town. It is governed by two bailiffs, annually elected out of 24 aldermen, by a jury of 14 men, together with a recorder, 48 common-council men, a town-clerk, and other officers. It has 945 houses, and 4408 inhabitants.

Ludlow is situated on the river Teme; it is divided into four wards, and is encompassed with walls, in which are seven gates. It has an old castle, erected by Roger de Montgomery, soon after the conquest, great part of which is in ruins: some apartments are, however, entire and furnished: the battlements are very high, thick, and adorned with towers. It has a neat chapel, in which are the coats of arms of several of the Welch gentry, and over the stable doors are those of queen Elizabeth, the earl of Pembroke, and others. The walls of the castle were
originally

originally a mile in compass, and before it was a lawn, extending near two miles, a considerable part of which is now enclosed. The church is an ancient venerable edifice, in the upper part of the town. In the choir is an inscription relating to prince Arthur, brother to Henry VIII. whose bowels were deposited there. The corporation consists of two bailiffs, 12 aldermen, 25 common-council men, a recorder, town-clerk, steward, chamberlain, and other officers. It contains 804 houses, and 3397 people.

Wenlock is in itself not much entitled to notice, but its liberties are very extensive, and contain several considerable towns, particularly Broseley and Madeley. Wenlock is composed of two parishes, called Little Wenlock and Much Wenlock, which jointly contain 696 houses, and 2961 souls; but the town, with its liberties, has 3396 inhabitants, and 16,304 people.

Near Broseley is a well, which exhales a vapour that, when contracted to a small rent, catches fire from any flame applied to it, and burns like a lamp, so that eggs, or even meat, may be boiled over it. The water is extremely cold, and derives no warmth from the inflammation of the vapour.

SOMERSETSHIRE

Is in form oblong, being in length, from north-east to south-west, upwards of eighty miles; in breadth, from east to west, between thirty and forty; in circumference 200, and in area 1549 miles, or 991,360 acres. Its hundreds, which are no less than forty-two, are Abdick and Bullstone, Andersfield, Bath Forum, Bumpstone, Brent with Wrington, Bruton, Cannington, Cachampton, Catnach, Chew and Chewton, Crewkerne, Curry North, Ferris Norton, Frome, Glaston, Hartelsic with Bedminster, Horethorne, Hounborough, Keynsham, Kilmerston, Kingbury, Martock, Milverton, Petherton North and South, Pitney, Portbury, Somerton, and Stone, Taunton Dean, Tintinhull, Wellow, Wells Forum, Whitestone, Whitley, Willerton and Freemanners, and Winter Stoke: they form 455 parishes, 8 towns, 7 tythings, 4 villages, 4 hamlets, 2 extra-parochial places, and one liberty, and contain 50,176 dwellings, and 273,750 souls.

In Somersetshire the hills, plains, vallies, rivers, and seas, abound with commodities useful to mankind, and adequate to the necessary wants of life. The vallies, whether distributed into meads, pasture, or tillage, are in general very rich; and many of the hills, by recent improvements in husbandry, are made to produce large crops of grain. Hemp, flax, teazels, and woad,

woad, are cultivated in considerable quantities. The plains are remarkable for their luxuriant herbage, particularly the moors, on which are fattened great numbers of nearly the largest cattle in England. The cheese made in this county is esteemed remarkably fine. The sheep are generally of the smaller kind, and the Mendip mutton peculiarly sweet. The hills produce various sorts of valuable ore; in those of Mendip are dug immense quantities of lead, and lapis calaminaris, and some copper: the Quantock hills also afford lead, and copper; the Broadfield downs, and other wilds, have their mines of calamine; and iron ore has been found, though little worked, in various parts of the county; on the rocks near Porlock, silver in small quantities is discoverable. The coal mines in the northern parts are valuable treasures to the neighbourhood, and supply great part of the cities of Bath, and Bristol, with fuel. The former city has in great measure been raised by the fine free stone of its neighbouring quarries. The blue Kenton stone is admirable for paving. The rocks on the coast contain marble, alabaster, and talk, and those in the inland parts are generally composed of lime stone, and abound with pyrites, spar, lava, and curious petrifications. In this county are found yellow ochre, and that species of red ochre commonly called ruddle. The sea coast is extremely irregular, in some parts projecting into large, lofty, and rocky promontories, and others receding into fine bays, with flat and level shores.

The chief rivers are the *Avon*, the *Axe*, the *Yare*, the *Brue*, the *Parrett*, the *Thone*, the *Cheav*, the *Ex*, and the *Frome*.

Somersetshire gives 18 members to the house of commons, 2 for the county, and as many for each of the following places; Bath, Bristol, Wells, Taunton, Bridgewater, Minehead, Ilchester, and Milbourne Port.

Bristol has already been described in treating of Gloucestershire.

The cities of Bath and Wells form jointly an episcopal see. Bath, one of the most ancient cities in England, and one of the most beautiful in the world, owes its name and its prosperity to its medicinal springs. It is situated in a deep narrow valley, bounded on the north, south, and south-west by lofty hills, forming a pleasant natural amphitheatre, and affording the city the double advantage, of a barrier against the winds, and fountains of the purest waters. These hills abound with white freestone, of which the houses are built. On the north-west side the valley widens, divided into rich meadows, watered by the river Avon. The discovery of the medicinal waters is, by ancient historians, attributed to Bladud, son of Lud Hudibras,

who was king of this county 890 years before the birth of Christ ; but the antiquity of the city, and the baths themselves, we are not to refer to any higher period than the arrival of the Romans, a people peculiarly happy in converting the gifts of nature to the properest uses, and in supplying her deficiencies by admirable works of art. In the year of our Lord 44, and in the reign of the emperor Claudius, the Roman forces, under the conduct of Flavius Vespasian, after having reduced all the Belgic colonies, and the western parts of Britain, sat down in this territory. The report of such genial waters as flowed with spontaneous heat from the bosom of the earth, in a rude and barbarous country, was a sufficient inducement to a people who had so lately left the luxuries of Italy, where every art was employed in erecting the most superb baths and sudatories, and in fabricating, with immense labour and expence, that article of indulgence, which in this spot nature spontaneously furnished. Such an extraordinary and unexpected bounty they could not fail ascribing to that orb, which imparts heat and vigour to the universe, and they at once bestowed on the waters the appellation of *Aque Solis*, or the waters of the sun. Here they stationed the first detachment of the second legion, building proper habitations for the officers, and the military in general ; and at length, by the arrival of other legions, the place grew into a city, endowed with Roman liberties, and governed by Roman laws. Walls, gates, and temples, were erected, and a little Rome began to adorn a dreary inhospitable wild. The old Roman city was built in the form of a pentagon, the area 1200 feet in length, and the greatest breadth 1150. It was surrounded by a strong wall, composed of layers of stone, brick, and terras, nine feet in thickness, and twenty feet in height : this wall was flanked by circular towers at each angle, and had four gate-ways, answering nearly to the cardinal points of the compass, from which, in subsequent times, the principal streets had their denominations. After the departure of the Romans, the city was the scene of many vicissitudes, as the state of the realm, or the events of war directed ; but favoured as it is by nature, it was also eminently prosperous, and at one time a place of great trade in cloth. Its modern state, however, is not supported by ordinary means of commerce, but by a general resort of visitors of every class, invited by every motive. At an early period of the last century, a gentleman named Nash, who is commonly called Beau Nash, laboured with great assiduity to render Bath the rendezvous of the gay, and the fashionable, without excluding those whom want of birth and connexion would have kept at a distance from such a scene. Blessed with a good understanding, and endowed with accom-

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plished manners, he brought this city under a peculiar police, calculated to afford the advantages of splendour to the great, without denying comfort to those whose incomes are more restricted, to protect a general system of social equality, without affording to the ill bred, or the presumptuous, means or pretexes for offending their superiors by unwarranted intrusion. Illness being the ostensible motive for the collection of company, all means are used to augment the comforts which are required in that state, by regulating the prices of many necessaries and conveniencies of life, and insuring easy access to cheerful society and elegant recreation. But as it is known that many must resort to such a scene, without even the plea of indisposition, so, as may be expected, dissipation, profusion, and all the irregularities of wealth and idleness, may be found in those places, where the general regulations do not interpose a restraint. The waters flow from three principal springs, or baths, the king's-bath, the hot-bath, and the cross-bath. The queen's-bath is merely an expansion of the waters of the king's-bath. The heat of the king's-bath is 116 degrees on Fahrenheit's thermometer, of the hot-bath 117, and of the cross-bath 111. The crescents, and parades of Bath, are formed of beautiful houses, built with the stone from the neighbouring hills, which is at once light and clean; the abbey or cathedral church is much admired, and there are besides three parish churches, several chapels belonging to the church of England, and places of worship for Roman Catholics, Presbyterians, Moravians, Unitarians, and Quakers. The general hospital or infirmary does honour to the city, the playhouse is neat and elegant, and the various rooms for the resort of company are eminently beautiful. The corporation of Bath consists of a mayor, 9 aldermen, a recorder, two bailiffs, and 20 common-council men. The city contains 4463 houses, and 32,200 inhabitants.

The city of Wells receives its name from a remarkable spring, called St. Andrew's well, vulgarly bottomless well, which rises near the episcopal palace, and emitting a copious stream, surrounds that structure with its waters, and thence transmits them through the south-west part of the town. The city is small and compact, in general well built, and neatly paved. It is divided into four verderies, in the manner of wards. The market place is on the east side of the city, and is wide and airy. In it stood till lately a curious market cross, built in the year 1542, by bishop Knight and dean Woolman, for the accommodation of the poor people. Near the site of this cross is the city conduit, the water of which is derived by leaden pipes, from an aqueduct, built by bishop Beckington, near

near the source of St. Andrew's well, between the cathedral and the palace. The cathedral is a venerable structure, said to have been first erected by king Ina, about the year 704, but was afterwards so effectually repaired by bishop Fitz-Joceline, that it was considered as a new work. The front, which has been built upwards of five hundred years, is admired for its imagery and carved work in stone, and particularly for a window most curiously painted. Adjoining to the church are spacious cloisters, and a chapter-house of a circular form, supported by one pillar in the middle. The corporation consists of a mayor, recorder, 7 masters, and 16 common-council men. There are in Wells 796 houses, and 4237 souls.

Taunton, which is delightfully situated on the river Thone, is a populous borough, and thought to be one of the largest in the kingdom. It has a spacious market place, with a commodious market house, over which is the town hall. The castle was a building of great extent; its hall, with the outward gate, and porter's lodge, are still standing; and in the hall, which is very large, are generally held the assizes for the county. At the entrance into the court, is the exchequer, where the clerk of the bishop of Winchester keeps his office; and a court is held every Saturday for the bishop's tenants. King Charles II. caused the walls to be demolished, and took away the charter from the town, on account of the inhabitants having adhered to the parliament in the reign of his father; after which they were seventeen years without one, till the same prince granted them a new charter. On the 18th of June, 1685, the duke of Monmouth arrived at Taunton, which he made his head quarters; and having won many considerable persons to his cause, procured himself to be proclaimed king, on the Cornhill, by the title of James II., and then published three several proclamations, against the king, the parliament, and the duke of Albemarle. After his defeat, the assize was held here by judge Jefferies, for the trial of the rebels, which has been emphatically called the bloody assize. The corporation consists of a mayor, recorder, 2 aldermen, and 20 capital burgessees. The mayor and aldermen are annually chosen out of the burgessees. The mayor's officers have no power to arrest, and the town contains no prison, except a bridewell for vagrants; debtors and criminals being sent to the county gaol at Uxhester. Though this is one of the most flourishing towns in the county, its corporation possesses neither lands, houses, nor joint stock in money. Taunton has 1194 houses, and 5794 inhabitants.

Bridgewater is a sea-port town, situated near the Bristol Channel, on the river Parrett. It was formerly the private estate of William de Brewere, one of the great barons of king John,

John, to whom a charter was given, dated at Cléron in France the 26th June, 1200, for erecting Bridgewater into a free borough, with privileges to his tenants. It has a spacious town hall, and a high cross, with a cistern over it, to which water is conveyed by an engine from a neighbouring brook, and carried from thence to most of the streets. This town was regularly fortified in the civil wars, and sustained more than one siege. The manufactures of Manchester, Liverpool, and Birmingham, for the internal parts of Devon and Cornwall, are brought to this port. About 40 vessels, from 30 to 100 tons, are employed in carrying coals from Wales to this place, and hence the neighbourhood is supplied at a moderate rate. The river is navigable for large barges to Taunton and Langport. About six miles south of the town, the rivers Thone and Parrett meet. The corporation consists of a mayor, recorder, 2 aldermen, who are justices of the peace, and 24 common-council men. There are annually chosen out of the common-council 2 bailiffs, who are invested with a power equal to that of a sheriff; for the sheriffs of the county cannot send any process into the borough. A receiver is also annually chosen out of the common-council, to collect the town rents, and make payments. The revenues of the corporation, consisting of the manor of the borough, the great and small tithes, and some estates in Dorsetshire, are valued at 10,000*l.* a-year; and the freemen are free of all the ports in England and Ireland, except London, and Dublin. In Bridgewater are 493 houses, and 3654 people.

Minchhead is a sea-port in the Bristol channel, formerly a place of much trade, but now gone to comparative decay, though its population is still considerable, and its commerce not altogether stagnant: it has 339 dwellings, and 1168 souls.

Uchester, otherwise Ivelchester, is a place of great antiquity, and was formerly the assize town, it still contains the county jail, and the election of the knights of the shire is still held at this place; but it has neither trade nor manufactures of any importance. Its corporation is a bailiff, and 12 burgeses. It has 138 houses, and 817 people.

The other towns are Axbridge, Burton, Castle Cary, Chard, Cheddar, celebrated for cheese and cyder, Crewkerne, Delverton, Dunster, Frome, Glastonbury, Ilminster, Keynsham, Langport, Milverton, Netter Stowey, North Curry, Norton St. Philip, North Petherton, South Petherton, Perlock, Shapton Mallet, Somerton, Stogumber, Watchet, Wellington, Wineaunton, Wivelcomb, Wrington, and Yeovil. The manufactures of the county comprize all sorts of cloth, as broad and narrow kerseys,

kerseys, druggets, ferges, duroys, and shalloons, together with crape, stockings, and buttons; and in the south-east parts are made great quantities of linen.

STAFFORDSHIRE

Is about 54 miles in length, from north to south, from 18 to 36 in breadth, 141 in circumference, and in area 1196 miles, or 765,440 acres. It is divided into 5 hundreds, namely Cuttlestone, Offlow, Pirehill, Seifdon, and Fotmouflow, which form 112 parishes, 105 townships, 33 liberties, 6 hamlets, 5 towns, and 4 extra-parochial places, and contain 47,193 houses, and 239,153 inhabitants.

The air is in general pure and healthy; but in some parts it is sharp and cold, particularly in the mountainous places, north-west of a market town called Stone.

The soil is various; from a stiff clay to a loose sand, loamy, and in some places a thin light black earth, with a gravelly bottom. According to the agricultural report, the horned cattle, sheep, and swine of this county seem to be of a quality equal, if not superior, to most others of the kingdom. Besides plenty of turf and peat for firing, Staffordshire yields three sorts of coals, which are distinguished by the names of pit-coal, peacock-coal, and cannel-coal. The pit-coal is dug chiefly at Wednesbury, Dudley, and Sedgley, not far from Wolverhampton. The peacock-coal, so called from its reflecting various colours, like those of a peacock's tail, is found at Henley Green, near Newcastle-under-Line, and is better for the forge than for the kitchen. The cannel-coal has already been noticed. Under the surface of the ground, in several parts of this county, are found yellow and red ochres, tobacco pipe clay, potters-clay, fuller's earth, and a sort of brick earth, which when burned becomes blue, and is supposed to be the material of which the Romans made their urns. Here also are found stones and minerals of various sorts; as fire stone, for the hearths of iron furnaces, and ovens, lime stone, iron stone, or ore, the best kind of which is called mufh, and is found at Rushal, near Walfall, a market town. This is the ore from which the best iron is extracted. Some of these iron stones being hollow on the inside, contain about a pint of sharp cold liquor, grateful to the taste. Copper stones, or ore, lead ore, the hæmatites or blood-stone, alabaster, divers kinds of marble, quarry-stones, mill-stones, and grind-stones, of several colours, are obtained in various parts of the county.

The

The principal manufactures are cloth, shoes, earthen ware, and iron utensils, all kinds of which are made in great perfection.

The chief rivers of Staffordshire are the *Trent*, the *Churnel*, the *Dove*, the *Blithe*, the *Line*, the *Teau*, the *Sow*, the *Pink*, and the *Manifold*, which afford almost every species of fresh water fish. There are also in this county medicinal springs of various qualities; some impregnated with bitumen, some with salts, and others with sulphur. The bituminous are at Bereford and Mints; of the saline, the strongest are the brine pits at Chartley, near Stafford, from the water of which excellent white salt is made; a weaker is in Blue Hill, near Leek. Of the sulphureous sort are St. Erasmus's well, at Ingestre, and a spring at Colliad. There are also other medicinal waters in this county, not reducible to either of these classes, as Salter's well, near Newcastle-under-Line, which has the reputation of curing the king's evil; Elder well, at Blimhill, near Penkridge, said to cure disorders of the eyes; and a well, called the Spa, near Wolverhampton, which is reputed to have cured diseases of various kinds.

Staffordshire returns to parliament ten members; being two each for the county, the city of Litchfield, and the towns of Stafford, Newcastle-under-Line, and Tamworth.

Litchfield, jointly with Coventry, forms the see of a bishop. It stands in a valley, three miles south of the Trent, and is divided by a stream which runs into that river. That part south of the stream is termed the City, and that on the north the Close, from its being encompassed with a wall and dry ditch on every side, except that next the city, which is much the largest part, and is joined to the Close by two bridges. The cathedral was first built in the year 300, and has been several times rebuilt and enlarged, particularly by bishop Hacket, after the restoration, and in the year 1789, when it underwent a thorough repair. Here are three other churches, and formerly there was a castle, now destroyed. Litchfield is governed by 2 bailiffs, a recorder, sheriff, and 24 burgessees. It is a county of itself, and contains a jurisdiction of about ten or twelve miles in compass; on which account the sheriff, on the 19th of Sept. rides round the bounds, and gives a feast to the corporation and neighbouring gentry. It contains 916 houses, and 4512 inhabitants.

Stafford is situated on the river Sow, over which it has a handsome stone-bridge, and is, in doomsday-book, called a city; but it does not appear to have been incorporated before the reign of king John. On a lofty hill, to the westward of the town, stood Stafford castle; but now a few ruins of the

walls alone remaining. The custom called Borough English prevails in this town. It is governed by a mayor, a recorder, 10 aldermen, and twenty common-council men. Here the county assizes and quarter sessions are kept. The houses are 783, the inhabitants 3898.

Newcastle-under-Line is an ancient populous and thriving town. It derives its name from a castle new in ruins, built in the reign of Henry III., which was called new, to distinguish it from an older castle, which stood at Chesterton, a village in its neighbourhood, and was afterwards called Newcastle-under-Line, from its situation upon the east side of a branch of the Trent, called the Line; but the castle has long been levelled with the ground. In the neighbourhood are many coal pits, and several manufactories of stone-ware. It is governed by a mayor, 2 bailiffs, and 24 common-council men, who have a court for holding pleas, for any sum under 40*l*. It contains 1058 dwellings, and 4604 people.

Of Tamworth, part only is in Staffordshire, the residue in Warwickshire. The other considerable towns are Brewood, Bromley Abby, Burslem, Burton-upon-Trent, Bettey (the market discontinued), Cannock (market discontinued), Cheadle, Ecclelhal, Leek, Longnor, Penkridge, Rugely, Stone, Tutbury, Uttoxeter, Waial, Wednesbury, and Wolverhampton.

SUFFOLK

Is 47 miles in length, and 27 in its mean breadth; and in area 1566 miles, or 1,003,240 acres; its shape inclines that of a crescent. It has 23 hundreds, namely, Babergh, Blackbourne, Caesard, Hartibere, Hoxne, Luckford, Plumsgate, Resbridge, Stow, Thredwery, Thredling, Blything, Bosmore and Claydon, Chalford, Coinceis, Loes, Mutford, and Lothingland, Sanford, Thingoe, Wangford, and Wilford in which are 453 parishes, 21 villages, 16 townships, 5 towns, 5 hamlets, and 2 extra-parochial jurisdictions, 32805 houses, and 210,431 inhabitants. This county is also divided into two parts; the western, called the franchise or liberty of St. Edmund, and the eastern called the geldable land. Each of these furnishes a distinct grand jury at the assizes. In the franchise, the issues and forfeitures are paid to the lords of the liberties, and in the geldable part, to the king. There is also another general division of this county, into High Suffolk, and Low Suffolk.

The air is healthy, the surface of the county in general level, with few eminences. The soil is principally a strong loam, with some fen land, and some sand. The cows are highly esteemed for their copious supply of milk; they are rather small
and

and without horns. The draught horses are excellent; the sheep fine and numerous. Butter and grain form the most considerable exports of the county. Hemp is cultivated in the northern part, and there are some plantations of hops on the borders of Essex. The manufactures are inconsiderable; chiefly woollen and linen.

The principal rivers are the *Little Ouse*, *Waveney*, *Stour*, *Orwell*, *Deben*, *Blyth*, *Alde*, and *Larke*.

Suffolk sends sixteen members to parliament: two knights for the shire, and two burgesses for each of the following boroughs: Ipswich, Dunwich, Orford, Oldborough, Sudbury, Eye, and St. Edmund's Bury.

Ipswich, the county town, is situated on the river Orwell, about twelve miles from the German Sea. It is ancient, and was formerly of much greater note than at present; the harbour was more convenient, and had a greater number of vessels. The principal trade for the shipping of this port is the Greenland whale fishery, for which it is well situated, as the same wind which conveys the ships out of the river, will serve them for the whole voyage. Great quantities of corn are sent to London, and timber conveyed to the different dockyards. The tide rises to the height of twelve feet, but as the harbour is almost dry at low water, vessels of large size are obliged to moor below the town. Ipswich is of great antiquity, and had charters and a mint as early as the reign of king John. It enjoys several considerable privileges, such as the passing of fines and recoveries, trying both civil and criminal causes, and even holding pleas of the crown. The assize of wine, bread, and beer, is also appointed by the magistrates. The corporation has an admiralty jurisdiction, including the whole coast of the county, and that of Essex beyond Harwich, and is entitled to all waifs, estrays, and goods cast on shore. No freeman can be compelled to serve on juries out of the town, or to bear any office for the king, except that of sheriff. Ipswich contains a town-hall and a council chamber; a shire-hall for the county sessions; and in a part of an ancient monastery, are held the quarter-sessions for the Ipswich division; another part of the same building is converted into a jail. It is governed by 2 bailiffs, a recorder, 10 portmen, and 24 common-council men. The bailiffs and 4 of the portmen are justices of the peace. The town has 2221 houses, and 11,277 people.

Bury St. Edmunds owes its name to an abbey, one of the largest and richest in the kingdom, founded in honour of Edmund, king of the East Angles, who was born, crowned, murdered, and buried there. The town, situated in a healthy spot, has been termed the Montpelier of England. It is a place of great

antiquity, and parliaments have been held at it, particularly one called by Henry VI. in the year 1446, when Humphry duke of Gloucester was imprisoned, and shortly afterwards died, as it was generally believed by clandestine means. The corporation consists of an alderman, recorder, 12 capital burgeses, and 24 common-council men; the dwellings are 1397, the inhabitants 7,655.

Sudbury on the river Stour, and borders of Essex, is said to have been one of the first towns, in which the woollen manufacture was established by the Flemings, in the reign of Edward III. It contains three churches, 612 houses, and 3283 people, and is governed by a mayor, recorder, 6 aldermen, and 24 capital burgeses, or common-council men.

The remaining towns are Beccles, Bilton, Mythborough, Brandon, Bottefdale, Bungay, Clare, Debenham, Framlingham, Hadley, Haleworth, Haveril (in part), Ixworth, Lavenham, Lowestoff, which has an excellent fishery, particularly for cod, Mendlesham, Mildenhall, Needham, Neyland, Southwold, Stow Market, Saxmundham, Woodbridge, and Woolpit.

SURRY

Is 39 miles in length, from east to west, and 26 from north to south. Its circumference is 112 miles, its area 811 miles, or 519,040 acres. It is divided into thirteen hundreds, called, Blackheath, Brixton, Copthorne and Effingham, Elmbridge, Farnham, Godalming, Godley and Chertsey, Kingston, Reigate, Tandridge, Wallington, Woking, and Wooton, which contain 134 parishes, 10 towns, 5 tythings, 4 hamlets, 3 extra-parochial places, and 1 liberty, 47,386 houses, and 269,043 inhabitants.

The soil is various, sandy, gravel, chalk, loam, and mould of different depths, principally with chalk and gravel underneath. In the interior parts, the air is mild, and the crops abundant; to the south-west, the air is cold. On the downs, particularly those of Banstead, which stretch thirty miles in length, from Croydon to Farnham, and are covered with a short herbage, perfumed with thyme and juniper, the mutton, though small, is remarkably sweet. Near Ryegate, is dug up great plenty of fullers earth.

The manufactures of this county are starch, snuff, tobacco, leather, gunpowder, hats, pottery, paper, and vinegar. In the neighbourhood of the metropolis are large distillers, callico printers, and wax bleachers.

The principal rivers which water Surry are the *Thames*, the *Wandle*, the *Wey*, and the *Lodden*, which in general afford a good

good quantity of fish : the Wandle in particular is celebrated for trout.

Surry sends to parliament 12 members, two for the county, and the same number for Southwark, Guildford, Ryegate, Haslemere, Bletchingley, and Gatton.

Southwark, called in common speech, especially by the inhabitants of London and Westminster, the Borough, is both by situation and charter an appendage to the metropolis, which it resembles in number of houses, activity of commerce, and all circumstances of external appearance. Southwark separated from London, by the river Thames, but connected with it by London bridge, is larger than many cities, being divided into four parishes, which contain 11,321 houses, and 67,448 inhabitants, besides the patients in the two hospitals called St. Thomas's, and Guy's, who in 1801 were 810. The general extent of this borough is apparently, though not really, augmented by its joining on the east with Horleydown and Rotherhithe, on the west with the new buildings erected in the parish of Lambeth, and on the north with Newington Butts. It contains, besides the prisons of the Marshalsea, the new jail for malefactors, and extends to the large and well-built prison of the King's-Bench. Southwark is mentioned in history in the year 1052, when earl Godwin arriving there with a powerful fleet, and having cast anchor till the return of the tide, passed London bridge without opposition, in order to engage the royal navy, which consisted of fifty ships of war, lying opposite to Westminster. However affairs being accommodated, the earl returned without coming to an engagement. The borough of Southwark was governed by its own bailiffs till the year 1327, when the city of London, finding great inconvenience from the escape of the malefactors, out of the reach and cognizance of the city magistrates, obtained a grant, by which the mayor of London was constituted bailiff of Southwark, and impowered to govern it by deputy. However, the inhabitants, some time afterwards, recovered their former privileges, which they enjoyed till Edward VI. granted Southwark to the city of London, for the sum of 647l. 2s. 1d. ; and about a month after the passing of this patent, Southwark was made one of the city wards, named Bridge Ward Without, in consideration of the city's paying to the crown an additional sum of 500 marks, upon which the number of aldermen was increased from twenty-five to twenty-six, a new one being chosen to govern that borough. Hence Southwark has ever since been considered as subject to the lord mayor, who has under him a steward and bailiff, the former of whom regularly holds a court of record, in the hall of St. Margaret's hill, for all debts, damages, and

trespasses within its limits; and the lord mayor proclaims a fair held at Southwark, on the 19th of September. It is divided into two parts; the Borough Liberty, in which the lord mayor's steward or bailiff holds the above courts; and the Clink, or Manor of Southwark, which is subdivided into the Great Liberty, the Guildhall, and the King's Manor; for each of which subdivisions, a court leet is held, where constables, ale conners, and flesh tasters are chosen, and other business transacted. The Clink Liberty is under the jurisdiction of the bishop of Winchester, who, besides a court leet, keeps a court of record, by his steward and bailiff, for pleas of debt, damages, and trespasses. Courts leet are also kept at Bermondsey and Rotherhithe. The military government of Southwark is under the lord lieutenant of the county of Surry, and eleven deputy lieutenants. Opposite the west end of St. George's church was anciently a magnificent structure, belonging to the duke of Suffolk, which coming to Henry VIII., he erected a mint in it for the coining of money; it being afterwards pulled down and converted into streets, they still retained the name; and being a privileged place, it became a harbour for bankrupts and fraudulent debtors. Although the privilege of this place was taken away in the reign of William III., they still kept their station, in defiance of the laws, and of the civil power, till an act of parliament was made in the latter end of the reign of George I. which obliged them to disperse. In this borough were anciently a number of brothels, called stews, situated on the bank side, Southwark, and licensed by the bishop of Winchester. At first there were eighteen of these houses, but afterwards twelve only were allowed. They stood in a row, and had signs on their fronts facing the Thames, which were not hung out; but painted on the walls; as the cardinal's hat, the cross keys, the bell, the castle, the swan, the boar's head, &c. These houses were under strict regulations, confirmed by act of parliament in the reign of Henry II., which were to be observed, under great penalties. No single woman, desirous of forsaking her sins, was to be kept against her will; and every lewd woman was forbidden the rites of the church, and denied christian burial, if she was not reconciled to the church before her death. Hence there was a plot of ground, termed the single woman's church-yard, appointed for these lewd women, at a distance from the parish church. These houses were put down by order of Henry VIII. in the year 1546, when their suppression was proclaimed by sound of trumpet.

Guildford, seated on the river Wey, was in the Saxon times a royal villa, given by king Alfred to his nephew Ethelwald. The
ruinous

ruinous walls of an old castle, of prodigious thickness, are still visible. This town, which was incorporated by Henry I., gives title of earl to the noble family of North. Being the county town, the summer assizes are held here alternately, and the election of knights of the shire always. It is governed by a mayor, 7 magistrates, and 16 bailiffs, and contains 483 dwellings, and 2,634 souls.

Ryegate, or Reigate, is seated on a branch of the river Mole: its castle, of which little now remains, is said to have been the rendezvous of the barons who took arms against king John. It has 434 houses and 2246 people.

The other towns are Chertsey, Croydon, Dorking, Egham, Ewel, Farnham, Godalmin, and Kingston. Besides these, Surry abounds in rich and beautiful villages, the residence of persons of the highest rank and greatest opulence, some of which as well as the towns are entitled to notice.

Chertsey, situated on the Thames, was formerly the residence of some of the Saxon kings, and has the remains of an abbey founded in the year 664. It contains 565 houses, and 2819 inhabitants. Near Chertsey is St. Ann's hill, one of the most beautiful situations in England.

Croydon has the summer assizes alternately with Guildford. It had also formerly a palace of the archbishop of Canterbury, which was alienated and sold by authority of parliament in the year 1780, and is now employed as a cotton manufactory. The church is said to be one of the largest and handsomest in the county. Croydon contains 1074 habitations, and 5743 people.

Dorking is celebrated for its market for poultry, and has a great trade in malt; its church is collegiate, and it retains the custom called Borough English. Its population is 3058 persons, the dwellings 583.

Egham as well as Epsom is greatly resorted to, on account of races established in the neighbourhood of each, and both are places of considerable population and trade. Near Egham is Runnymede, celebrated as the place where the barons extorted from king John the signature of Magna Charta. Epsom has a mineral spring, which was at one time in high repute. Farnham is a large and populous town, with a market for wheat; and in its neighbourhood hops are produced in great abundance, and in quality not inferior to those of Kent.

Godalming (pronounced Godliman) is also a town of great extent and commerce, containing 1296 houses, and 3405 inhabitants. Its situation on the river Loddon affords it the advantage of many corn and paper mills.

Kingston-upon-Thames is a place of great antiquity, and now

sufficiently prosperous, though in former times this town, as well as Finsbury, obtained by request an exemption from the expensive honour of sending members to parliament. It contains 682 houses, and 3793 inhabitants, and the Lent assizes are constantly held there.

Among the villages or parishes in Surry, which are embellished by wealth, or enriched by commerce, Richmond is entitled to peculiar notice. It is most delightfully situated on the banks of the Thames, and enjoys all the advantages of a pure air, and beautiful and extensive prospects. It has a royal palace, with an extensive park and gardens, and the place and its vicinity are thronged with the nobility and gentry, who have selected it for an elegant retreat from the bustle and smoke of town, and yet sufficiently near to enable them to attend the calls of duty, or the invitations of pleasure. It has 888 dwellings, and 4628 inhabitants.

The parish of Lambeth contains the palace of the archbishop of Canterbury; it forms to Westminster such a district, as Southwark does to London. Buildings touching Westminster bridge are extended in every direction to the number of 5009, which contain 27,939 souls. Many of these houses are good and substantial, but a great portion are badly erected, and form the residence of the needy and the abandoned. Formerly temples of debauchery, under the name of tea gardens abounded in this district, but of late years they have been suppressed by the honourable vigilance of magistracy. Still, however, this part of Surry forms, in common contemplation, so absolutely a portion of the metropolis, that it will again meet attention in the portion of this work dedicated to that subject.

Bermondsey and Rotherhithe, placed on the Thames, opposite the greatest scenes of business in the county of Middlesex, are enriched and rendered populous by industry, particularly those branches which are exercised about shipping. There are also parts in each where the wealthy and prosperous can enjoy the blessings attending their state, without removing too far from the scene from which they are derived. Bermondsey has a mineral water, to which the name of Spa has been given, and some virtues ascribed: it has afforded a motive for licensing a place of amusement on the plan of Vauxhall. The houses in Bermondsey are 3203, the inhabitants 17,169: in Rotherhithe, 1696, and 10,296.

Battersea is for the most part laid out in gardens, for the supply of the metropolis with vegetables; Camberwell is rendered populous and prosperous, both by the residence of the wealthy, and the labour of the industrious; Clapham exhibits, in every direction, the elegant mansions of those who have
derived

derived riches from successful commerce, and of many who still continue those pursuits which formed the basis of their fortune. The population of these villages, and others similarly circumstanced, may be regarded as matter of curiosity, and therefore is given :

	Houses.	Inhabitants.
Battersea —	648	3365
Camberwell —	1224	7059
Clapham —	487	3864
Newington —	2940	14847
Wandsworth —	722	4445

Dulwich and Streatham have also mineral springs, but their virtues are not in these days much relied on; at the former place is a college and hospital for a master, four fellows, twelve poor men and women, as many poor boys, a chaplain, school-master, and usher.

SUSSEX

Is 75 miles in length, from east to west, 20 in its mean breadth, from north to south, in circumference 158, and in area 1461 miles, or 935,040 acres. It is divided into six rapes, called Arundel, Bramber, Chichester, Hastings, Lewes, and Pevensey; these are subdivided into 61 hundreds, and form 271 parishes, 19 villages, 10 towns, 9 townships, 2 hamlets, 1 liberty, 1 borough, 1 precinct, and 1 extra-parochial jurisdiction. The houses are 25,993, the inhabitants 159,311.

The soil, towards the north, is generally a clay, with some sand, a stiff rich loam, and chalk, on a range of hills, called the South Downs, which extend from the county of Hants to East Bourne, in an unbroken chain, at least fifty miles in length, though seldom five miles in breadth. Sussex is remarkable for timber, especially oak; and the sheep, fed on the South Downs, are particularly celebrated. In the north part of the county, bordering upon Kent and Surry, or in the woody tract of the three counties, is the Weald, or Wild, which is said to be 120 miles long, and in some parts 30 broad. Here is found the mineral called talc; and in the eastern parts of the county, toward the borders of Kent, is dug great plenty of iron ore, and many forges, furnaces, and water mills, both for cast and wrought iron, are established. The principal manufactures of this county are cast and wrought iron, and the excellent gun-powder made at a market town called Battel.

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The rivers are the *Arun*, the *Adur*, the *Ouse*, the *Cockmere*, the *Brede*, and the *Rother*.

Suffex returns to parliament 28 members: 2 for the county, 2 for the city of Chichester, 2 each for the boroughs of Arundel, Bramber, East Grinstead, Horsham, Lewes, Medhurst, Shoreham, and Steyning, and 2 for each of the following cinque-ports, Hastings, Rye, Seaford, and Winchelsea.

The city of Chichester, situated on the river Lavant, by which it is surrounded on every side but the north, is a neat, compact city, of great antiquity; seeming to have been of some strength in the time of the Britons. That it was a Roman station, the antiquities discovered leave no room to doubt. The cathedral, which is dedicated to the Virgin Mary, is a handsome, though small structure, and is adorned with a spire, much admired for its strength and curious workmanship. The city is encompassed by a stone wall, which has four gates, answering to the cardinal points of the compass. From each of these gates is a street, that takes its name from the gate, and terminates in the market place, which is the centre of the city. It had formerly a considerable manufacture of needles, which is now decayed, but there is one of baize, blankets, and coarse cloth. An act of parliament was obtained in the reign of James I. to make the Lavant navigable up to the city, but not put into execution. The branch, or arm of the sea, near which the city is situated, is spacious and well sheltered, and capable of receiving ships of great burthen. The corporation consists of a mayor, recorder, and 38 common-council men. The habitations are 831, the people 4744.

Arundel is so called from its situation in a dale or valley, on the bank of the river Arun, which is navigable up to this town by ships of 100 tons burthen. Arundel was famous in the time of the Saxons for its castle, which is said to have been a mile in compass, and was given by William the Conqueror to Roger de Montgomery his kinsman, who repaired it. One of his descendants forfeited it, by engaging in a rebellion against king Henry I. Adeliza, that prince's consort, had it in dower; and her second husband, William d'Albani, defended it against king Stephen, in favour of the empress Maud, who, to recompence his services, created him earl of Arundel, which title is, in limitation, different from others; that honour being so annexed, that whosoever is possessed of this castle and feignory is, without creation, earl of Arundel. From the Albani it descended by marriage to the Fitz-Alans; and from them, in the year 1579, it went with the heiress of that family to Thomas Howard duke of Norfolk. In the civil wars between the king
and

and parliament, it was taken by lord Hopton, but recaptured by Waller. The houses in the town are at present 355, the inhabitants 1855; it is governed, under a charter of queen Elizabeth, by a mayor and 12 burgesſes. The mayor is annually choſen, and is judge at a court leet of the lord of the manor, held every three weeks. He has the authority of a juſtice of the peace, though he ſeldom executes the office; he appoints collectors of the package, and ſtallage, ale conners, and ſiſh taſters; and no writ can be executed within the borough without his permiſſion.

Horſham, which is ſaid to derive its name from Horſa, the brother of Hengiſt the Saxon, is one of the largeſt towns in the county, and has a fine church, a county jail, and a well endowed free ſchool. It is a borough town, governed by 2 bailiffs, annually choſen at the court leet of the duke of Norfolk, by a jury, who return 4 to the ſteward of the court, out of which number he nominates 2. The ſpring aſſizes are held here. It contains 573 houſes, and 3204 people.

Lewes, which is ſituated on an eminence on the weſt-ſide of the river Oufe, on the edge of the South Downs, is pleaſant and populous. It was formerly fortified with a caſtle and walls, of which there are ſtill ſome remains. Here was formerly a celebrated monaſtery, founded in the year 1078. It is a borough by preſcription, but not incorporated, being governed by two conſtables, annually choſen at the court leet. It is a place of conſiderable trade, and in ſummer, the aſſize town. Its inhabitants are 3309, the houſes 512.

The other towns in Suffex are Battel, Brighthelmſtone, Cuckfield, Eaſtbourne, Haylſham, Newhaven, Petworth, and Tarring.

Of theſe Brighthelmſtone, or as it is frequently called Brighton, is moſt entitled to notice. It is ſituated at the bottom of a bay formed by Beachy Head, and Worthing Point, in the Engliſh Channel. It has no harbour, but veſſels of 150 tons can lie cloſe to the ſhore to unload in calm weather. In the road, about a mile from the coaſt, there is good anchorage for veſſels of any ſize. The ſea has made great encroachments on the town at different times, and great pains have been taken to ſecure it, by means of piles, from further damage. Nearly one hundred boats are employed in fiſhing, which carry three, four, or five men each: the ſale of mackarel and herrings is very conſiderable. In time of peace a packet ſails every week to Dieppe; and veſſels may be had at a ſhort notice for any other port of France. But as a mere fiſhing town, Brighton would ever have remained obſcure and unnoticed, had not faſhion fixed on it as an eligible ſummer retreat from the metropolis, and

and the prince of Wales made it one of his residences. The pavilion built by his royal highness, on the great public walk called the Steyne, is the chief ornament of the place; and for the accommodation of the numerous persons of wealth and fashion, who repair to it in summer, elegant buildings have been provided in every quarter, besides assembly rooms, libraries, and a theatre. The resort of company to this place rather increases than declines, which may perhaps in a great degree be attributed to the smallness of its distance from London, being by the shortest road only 54 miles. Brighton has 1424 houses, and 7339 people.

WARWICKSHIRE

Is 50 miles in length, from north to south, 35 where widest from east to west, in circumference 170 miles, and its area is computed at 984 miles, or 629,760 acres. It is divided into four hundreds called Barlichway, Hemlingford, Kington and, Knightlow, besides the county of the city of Coventry; these are subdivided into 201 parishes, 28 hamlets, 12 townships, 8 extra-parochial demesnes, 7 villages, 6 towns, 1 liberty, and 1 chapelry, and contain 43,783 houses, and 208,190 inhabitants.

The principal natural productions of the county are corn, malt, wool, timber, iron, coal, and cheese, but various manufactures, and particularly that of steel at Birmingham, are pursued with unbounded activity and success.

The chief rivers are the *Avon* and the *Tame*.

From Warwickshire 6 members are returned to parliament, 2 for the county, 2 for the city of Coventry, and 2 for the county town of Warwick.

The city of Coventry is a county within itself, and has jurisdiction over several circumjacent parishes. It is ancient, and has for several centuries been enriched by its manufactures, which are now principally ribbons, gauzes, and tammies. In the fourteenth century, it was surrounded with walls, the expences of which were defrayed by money arising from taxes on wine, malt, oxen, hogs, calves, and sheep, consumed in Coventry. These walls were in great strength and grandeur, furnished with thirty-two towers, and twelve gates; and continued till the 22d of July, 1661; when great part of the wall, most of the towers, and many of the gates, were pulled down by order of Charles II. Two parliaments have been held in this city. The first in 1404, by Henry IV., which was stiled parliamentum indoctorum, from a special injunction in the writs for calling it, prohibiting the return of any man skilled

in the law. The other in 1459, by Henry VI. and was called *parliamentum diabolicum*, by reason of the multitudes of attainders passed against Richard, duke of York, and his adherents. Coventry contains three parish churches, besides several places of worship for Dissenters, Methodists, and Quakers. When the cathedral was standing, Coventry possessed a matchless group of churches, all standing within one cemetery. St. Michael's is a specimen of the most beautiful steeple in Europe; its exquisite proportions were highly extolled by sir Christopher Wren. It is almost unnecessary, in speaking of this city, to remind the reader of the traditional narrative of the oppression exercised by Leofric, lord of the place; of the terms which he imposed on his wife as the price of compliance with her intercession; or of the fate of the too curious tailor, so well known by the name of Peeping Tom. Whatever may have given rise to this account, an annual commemoration of the event is celebrated at Coventry, and the effigy of Peeping Tom, still preserved at the window which was the scene of his delinquency, is regularly dressed in new clothes for the occasion. The corporation consists of a mayor, recorder, 2 sheriffs, 10 aldermen, 31 superior and 25 inferior common-council men. The population of this city has fluctuated in a remarkable manner. Before 1549, the inhabitants were found to have been 15,000; but on the dissolution of monasteries, the decline of trade occasioned a desertion of people which reduced them to 3000. To remedy this evil, Edward VI. granted the city a charter for an additional fair. In 1644, when the inhabitants were numbered from the apprehension of a siege, they were found to amount to 9500. In 1748, and 1749, there were 2065 houses, and 12,117 people, and the return to parliament in 1801, gave 3134 houses, and 16,034 souls; but in the parishes which form the county of the city of Coventry, were the additional number of 1155 dwellings, and 5447 people.

Warwick, which gives its name to the county, is a very ancient town. The Romans erected in it a fort, which was destroyed by the Picts, and several times rebuilt. On the 5th of September, 1694, this town was almost burned down, by an accidental fire; but was rebuilt with free stone, dug on the spot. In its rocks are also made its wells and cellars; the streets are spacious and regular, and meet in the centre of the town, which is served with water by pipes, from springs half a mile off. Though it is populous, it has but two parish churches; it once had six, and as many monasteries. It was protected by a strong castle, formerly the seat of the earls of Warwick. This fortress is erected on a rock, forty feet higher than the Avon, but on the north side even with the town. The corporation
consists

consists of a mayor, a recorder, 12 aldermen or brethren, and 24 burgeses or common-council men. The county assizes and general quarter sessions are held in this town. It has 1084 houses, and 5775 inhabitants.

The remaining towns are Alcester, Atherston, Birmingham, Colehill, Henley, Kineton, Nuneaton, Polesworth, Rugby, Southam, Stratford-upon-Avon, and Sutton Colefield.

Birmingham is a surprising and glorious instance of the advancement to which industry and ingenuity can attain, in a country blessed with a free constitution. In the year 1676, it was not even a market town; tanning of leather was the chief business carried on, but of that not a trace now remains. Before the revolution, the manufactures of Birmingham were confined to coarse iron ware; shortly after that period, some of the inhabitants obtained a contract for furnishing a supply of fire arms to government; soon afterwards the button and buckle trade became extensive. Birmingham being conveniently situated, labour, coals, and the necessaries of life were cheap; and manufactories were erected on a general and extensive scale. Whatever could be deemed either useful or ornamental, in the endless variety of buttons, buckles, trinkets, and jewellery, silver and plated wares, fire arms, cast iron work, mill work, and in all the various branches of hard-ware, are abundantly supplied by Birmingham, where some of the most extensive manufactories in the kingdom are established. Inland navigations have increased the trade, and will still augment it much more by fresh communications. The air is exceedingly pure, and, notwithstanding the disadvantages which must result from its close population, the noxious effluvia of various metallic trades, and the continual smoke arising from the vast quantity of coals consumed, it is remarked to be one of the healthiest towns in England. The foundation being a dry reddish sand, the lowest apartments are perfectly free from damp, and hence it follows, that agues, and the numerous tribe of distempers, incident to moist situations, are unknown: the instances of longevity are strikingly numerous. All means for the preservation of health have been adopted in this great town, and particularly bathing; one of the most extensive and complete sets of baths in the kingdom being erected at Lady Well. As almost every artizan occupies a separate house, they are spread over a great extent of surface, and consequently free from the disadvantages so remarkable in other great towns, where the habitations are larger, and every floor occupied by one or more families: the dwellings, however, of the merchants and principal manufacturers, are equal to those of the same rank in any other part of the kingdom; and Birmingham boasts of some streets which would
even

even do honour to the capital. Birmingham has two parish churches, and four chapels of ease. Of the former, St Philip's is justly admired for the beauty of its architecture and situation. In each steeple is a set of musical chimes, which play every three hours, and a different set of tunes every day in the week. The chapels are all modern handsome edifices, particularly St. Paul's. There are also meeting houses for Presbyterians, Independants, Quakers, Anabaptists, and Methodists, a Roman Catholic chapel, and a Jews' synagogue. There is also a general infirmary, handsomely built by a liberal public subscription. The town contains 16,403 houses, and 73,670 inhabitants.

Stratford-upon-Avon is a large town, containing 530 houses, and 2,418 people; it has a stone bridge over the river with which its name is connected, and a considerable trade in grain and malt; but it is chiefly noticed as the birth place of Shakspeare that immortal poet, who has fixed the taste of the country, and by the models he has supplied, founded the peculiar character of the British drama. In the church is a handsome monument to his memory, and in the year 1769, the town was the scene of a splendid festival called a jubilee, celebrated in honour of this great man, by Mr. Garrick, who had gained the highest renown by representing his principal characters.

South of Kington, in this county, is a valley, called the vale of the red horse, from the rude figure of a horse cut out upon a red soil on the side of a hill, and supposed, like the white horse in Berkshire, to have been a Saxon monument. The trenches which form this figure, are trimmed and kept clean by a freeholder in the neighbourhood, who enjoys his lands by that service.

King's Newnham, near Rugby, is remarkable for three medicinal springs, the water of which is strongly impregnated with alum, of a milky colour, and reckoned a good medicine for the stone. It is observed of this water, that being drunk with salt, it is aperient, but with sugar, restraining.

WESTMORELAND

Is about 40 miles in length, 24 in breadth, nearly 120 in circumference, and in its area 722 miles, or 462,080 acres. The customary division into hundreds, rapes, or wapentakes, was not adopted in this county, on account, as is alleged, of the duty that is imposed on the inhabitants of performing border service, in consideration of which they were exempt from the payment of subsidies. The great divisions of the county are

2 baronies, called Westmoreland, and Kendal, which form 4 wards, denominated East Ward, Kendal Ward, Lonsdale Ward, and West Ward. In this county are 85 townships, 20 parishes, 3 towns, 8,212 habitations, and 41,617 people.

The air is cold, but wholesome; the hills are generally barren and moory, chiefly affording pasture for sheep; the vallies are fertile in corn. The barony of Westmoreland, which comprehends the north part of the county, is an open champaign country, 20 miles long, and 14 broad, consisting of arable land, and producing great plenty of corn and grais. That of Kendal, which comprehends the south part of the county, is very mountainous; the vallies, however, are fruitful, and even the mountains yield pasture for sheep and cattle. There are several forests and parks, and both baronies afford great plenty of wood. The mountains also produce plenty of grouse, or moor game, abound with rivulets, which water the vallies, and yield a great fund of minerals, lead and coal, copper and oker, and silver band, or fell silver; and, in the western fells, is found fine blue slate, which supplies several parts of the kingdom, not to mention spars and imitations of diamonds, coralloids, fossils, and marbles.

The rivers of this county are but small, and only three carry their names to the sea, the *Eiden*, *Lure*, and *Ken*. In the hollows among the mountains are found divers large lakes, having small rivulets running through them, which preserve the water clear, as the lakes have commonly a pebbly or rocky bottom. All these bodies of water abound in trout, eel, bass, perch, tench, roach, pike, char, and divers other species of fish. The lake called Winander Mere is esteemed one of the largest in England, and adorned with every beauty of nature.

The earl of Thanet is hereditary sheriff of the county.

Four members, 2 being knights of the shire, and 2 burgessees of Appleby, represent this county in parliament.

Appleby is the county town; its corporation consists of a mayor, recorder, 12 aldermen, 2 bailiffs, and 16 capital burgessees. Its houses are 121, in which are 711 souls.

Kendal, or Kirkby Kendal, the most considerable town in the county, is situated in a valley surrounded with hills, on the river Ken; and celebrated for its manufactures, the principal of which are cottons, coarse woollens, knit worsted stockings, fish hooks, &c. It is governed by a mayor, aldermen, and burgessees. It contains 1,424 houses, and 6892 inhabitants.

The other towns are Ambleside, Brough, Burton, Kirkby Lonsdale, Kirkby Stephen, Milthorpe, Orton, Sedbergh, and Shap.

The only natural curiosity of this county beside the lakes is a petrifying spring, called the Dripping Well, in Betham Park near Burton.

WILTSHIRE.

THE name of this county is derived from Wilton, now a borough, but formerly its chief town. It is 54 miles in length, 34 in its greatest breadth, in circumference 140, and in its area 1283 miles, or 821,120 acres. It is divided into 28 hundreds, called Alderbury, Amesbury, Bradford, Branch and Dole, Calne, Cawden and Cadsworth, Chalk, Chippenham, Damerham North and South, Downton, Dunworth, Eistubb and Everley, Frustfield, Heilsbury, Highworth Cricklade and Staple, Kingsbridge, Kinwardstone, Malmesbury, Mere, Melksham, Pottern and Camings, Ramsbury, Selkley, Swanborough, Underditch, Warminster, Westbury, and Whorwellsdown. In these are 277 parishes, 27 tythings, 17 townships, 17 villages, 8 towns, 4 extra-parochial jurisdictions, 3 liberties, and 1 chapelry. The houses are 20,589, the inhabitants 185,107.

Wiltshire is generally considered as forming two divisions, called North and South Wiltshire. The northern part abounds with pleasant risings and clear streams, forming a variety of delightful prospects; the southern part is very rich and fruitful, and the middle called Salisbury Plain, from the city of Salisbury in its neighbourhood, consists chiefly of downs, which afford the best pasture for sheep. The soil of the hills and downs in general is chalk and clay, but the vallies between them abound with corn fields and rich meadows, and here are made great quantities of as good cheese as any in England. Wilts was once a well wooded county, and, at a recent period, wood was the principal fuel in farm houses and villages; but the general introduction of pit-coal has decreased the consumption, and in some degree lessened the attention to its preservation. The sorts of timber most natural to the county, are oak, ash, and elm.

The manufactures are considerable, but the woollen is by far the most general.

The principal rivers are the *Iffs*, the *Kennet*, the *Avon*, the *Stoure*, the *Willey*, the *Deverell*, the *Bourne*, and the *Nadder*.

Wiltshire sends to parliament 34 members, being two for each of the following places, the County, the city of Salisbury, or New Sarum, Wilton, Downton, Hinton, Heytesbury, Westbury, Calne, Devizes, Chippenham, Malmesbury, Cricklade, Great Bedwin, Lugershall, Old Sarum, Wooten Bassett, and Marlborough.

Salisbury or New Sarum, so called because its foundation is owing to the removal of the clergy, and subsequently of the population in general from Old Sarum, is a large well built, pleasant city. Besides the manufacture of flannels, druggets, and the cloths in particular, called Salisbury Whites, for the Turkey trade, here is a considerable trade for bone lace and cutlery. In Salisbury is a handsome court-house, and a cross of considerable antiquity, but the great ornament of the city is its Cathedral which was completed in 1258. This beautiful structure is described and criticised by Sir Christopher Wren, in the following terms. "The whole pile is large and magnificent, and may be justly accounted one of the best patterns of architecture of the age wherein it was built. The figure of it is a cross, upon the interfection of which stands a tower, and a steeple of stone, as high from the foundation as the whole length of the nave, and is founded upon four pillars and arches of the interfection. Between the steeple and the east-end, is another crossing of the nave, which on the west-side only has no aisles: the main body is supported on pillars with aisles annexed, and buttresses without the aisles, from whence arise bowes, or flying buttresses to the walls of the nave; which are concealed within the timber roof of the aisles. The roof is almost as sharp as an equilateral triangle, made of small timber after the ancient manner, without principal rafters. The whole church is vaulted with chalk between the arches and cross springers only, after the ancient manner, without orbs and tracery; excepting under the tower, where the springers divide, and represent a sort of tracery; and this appears to me to have been a later work, and to have been done by some later hand than that of the first architect, whose judgment I must justly commend for many things beyond what I find in divers Gothic fabrics of later date, which though more elaborated with nice and small works, yet want the natural beauty that arises from proportion of the first dimensions; for here the breadth to the height of the naves, and both to the shape of the aisles, bear a good proportion: the pillars and the intercolumniations (or spaces betwixt pillar and pillar) are well suited to the heights of the arches. The mouldings are decently mixed with large planes, without an affectation of filling every corner with ornaments, which, unless they are admirably good, glut the eye, as much as in music too much division cloyes the ear. The windows are not made too great, nor yet the light obstructed with many mullions and transoms, of tracery work, which was the ill fashion of the next following age; our artist knew better, that nothing could add beauty to light; he trusted in a stately and rich plainness

which

which his marble shafts gave to his work; I cannot call them pillars, because they are so long and slender, and generally bear nothing, but are added only for ornament to the outside of the great pillars, and decently fastened with brads. These pillars show much greater than they are, for the shafts of marble that encompass them, seem to fill out the pillar to a proportionable bulk; but indeed they bear little or nothing, and some of them that are pressed, break and split; but this is no way so enormous as under the steeple, which being 400 feet high, is borne by four pillars; and therefore, out of fear to overburthen them, the inside of the tower, for 40 feet high above the nave, is made with a slender hollow work of pillars and arches; nor hath it any buttresses; the spire itself is but nine inches thick, though the height be above 150 feet. Almost all the cathedrals of the Gothic form are weak and defective in the poise of the vault of the aisles: as for the vaults of the nave, they are on both sides equally supported and propped up from spreading, by the bowes or flying buttresses, which rise from the outward walls of the aisles. But for the vaults of the aisles, they are indeed supported on the outside by the buttresses, but inwardly they have no other stay but the pillars themselves, which as they are usually proportioned, if they stood alone, without the weight above, could not resist the spreading of the aisles one minute; true indeed, the great load above of the walls and vaulting of the nave, should seem to confine the pillars in their perpendicular station, that there should be no need of abutment inward; but experience has shewn the contrary, and there is scarce any Gothic cathedral that I have seen at home and abroad, wherein I have not observed the pillars to yield and bend inwards from the weight of the vault of the aisle." The choir has been lately much improved and beautified under the care of Mr. Wyatt. The number of windows, pillars and gates is described in the following lines:

Mira canam, soles quot continet annos, in una,
 Tam numerosa serunt, æde, fenestra micat:
 Marmoreisque capit fufas tot æb arte columnas,
 Comprensas horas quot vagus annus habet.
 Totæque parent portæ quot mensibus annus abundat,
 Res mira, at vera res celebrata fide.

The Chapter House is a most curious piece of ancient architecture, and the clofe is singularly spacious, airy and handsome. The corporation of Salisbury consists of a mayor, recorder, deputy recorder, 24 aldermen, (ten of whom besides the last mayor and recorder are justices of the peace,) 30

assistants, a chamberlain, and town clerk. The houses are 1534, the inhabitants 7668.

Of the city of Old Sarum nothing remains but the ruins, which have a very august appearance. Its origin cannot be traced with certainty through the obscurity of far distant ages. The general appearance of the remains is thus described. "This ancient fortress seems to have been formed on the extreme end or termination of a hill, which commands an extensive prospect: from this it was separated by the removal of vast quantities of earth, and thereby reduced to the circular figure it now is. The whole work occupies a space of near 2000 feet diameter: but the ancient city stood to the south-west of the castle, and, as it were, under its ramparts. The castle was fortified by a deep entrenchment, with a very strong wall upon its inner ramparts, consisting of flint, chalk, and rubble, cased on the outside with hewn stone, as may be seen by a part still remaining towards the north. It had two entrances, the principal towards the south-east, guarded by a mole without, but so near it, as to admit but of a very narrow passage. The outer was to the south-west, for bringing water to the garrison from the river Avon, which runs through the vale below, at the distance of about half a mile. Near, and towards the north of this last mentioned entrance, are seen part of the foundations of the old church; likewise the traces of many other buildings, which very probably were the habitations of the bishop and clergy. This large space was divided into parts by entrenchments, with ramparts thrown up. At the centre of the large area, bounded by the preceding entrenchment, there is another enclosure, guarded with a deep entrenchment and very high rampart inwards, having upon its summit the visible traces of a wall, with the remains of a portal towards the south-east, and of a watch tower towards the north-west, which may, therefore, be reckoned the citadel. Here also are discovered the foundations of ruined structures. From the said watch tower, which overlooks the church, and that quarter inhabited by the clergy, we need not doubt but the soldiers were more immediately troublesome, by the frequent insults, riots, and irregularities they committed; which added to the other inconveniences of the place, were the reasons for the Pope granting his bull for translating the church to a more commodious situation." Not far southward from the old watch tower, a remarkable subterraneous passage was lately discovered. The earth and timber by which the mouth of it was before concealed, having been loosened by the thawing of a deep snow, the whole suddenly fell in, disclosing a vault (cut in the solid chalk) that extends from the edge of the outer

area of the castle to the depth of more than forty yards, and runs nearly parallel to the declivity on the outside. Towards the bottom there are traces of steps, which might probably continue still further than the present termination of the passage, though whether the latter was intended for a Sally port, or whether it conducted to some subterraneous apartment, it is difficult to determine. It is possible that the original design of it might never have been completed, for the stoppage seems occasioned by something more than mere rubbish. Nearly on the opposite side of the castle, is a similar sinking in the ground, contiguous to the ditch; and one cannot doubt that a cavity for the same purpose, as the other was cut in this corresponding part of the works. Roman coins, particularly of the latter Emperors, have also at different times been dug up here.

The town of Devizes is of great antiquity; containing two churches and a chapel, besides a place of worship for dissenters. The Romans inclosed it with a vallum and ditch; in the last of which the inhabitants have made a road almost round the town; but in several places both the ditch and the vallum are still visible, and took in the castle, which was originally a Roman work, erected in a fine situation, where it was fortified by nature. In aftertimes it was made almost impregnable, by Roger, bishop of Salisbury, though it is now nearly destroyed. Many Roman coins of different Emperors have been found in the neighbourhood of Devizes, together with pots and other earthen vessels, supposed to be Roman. Just without the town, in a pleasant plain called the Green, a large urn full of Roman coins was discovered in the year 1714; and near the same place were found buried, under the ruins of an ancient building inclosed with Roman brick, several brass statues of heathen deities, supposed to have been deposited there about the year 234, when the Roman troops were called out of Britain. These were carried about the kingdom as a show, and consisted of a Jupiter Ammon, about four inches long, weighing somewhat above four ounces: Neptune with his trident, the prongs of which were much shorter than they are usually represented; this figure was about four inches in length, and weighed four ounces: a Bacchus much of the same weight and dimensions: a Vulcan, somewhat less than any of the above figures: a Venus, about six inches in length, with the left arm broken off, but much the best finished of any in the collection: a Pallas, with her helmet, shield, and spear, between three and four inches in length: a Hercules, about four inches long, weighing six ounces and a half, besides these, there were a Mercury, the wolf with Romulus and Remus, a vestal Virgin, some Egyptian deities, and a coin of the emperor

Alexander Severus. Very considerable manufactures are carried on here, particularly of serges, kerseymeres, and broad cloth. In the market place is erected a stone and inscription purporting it to be a memorial of Divine vengeance, inflicted on an unhappy woman who called God to witness a falsehood. The corporation consists of a mayor, recorder, 10 magistrates, and 24 common-council men, who have liberty of making burgesfles. The houses are 1593, the inhabitants 7909.

The other towns in Wiltshire are Auburn, Ambresbury, Bradford Corsham, Highworth, Melksham, Mere, Swindon, Trowbridge and Warminster.

Roman remains, as camps, roads, and coins, are frequent in many parts of the county, but the curiosity which most engages attention is, that stupendous pile called Stonehenge. Without attempting to investigate the origin or antiquity of this wonderful structure, it will suffice in this work to transcribe the accounts of it, which are given by two accurate and learned observers. "Within a trench about thirty feet broad and on a rising ground," says Inigo Jones, "are placed huge stones in three circles, one within another, in the figure of a crown; from the plain it has three entrances, the most considerable lying north-east; on each of which were raised, on the outside of the trench, two stones gatewise; parallel whereunto, on the inside, were two others of less proportion. The outward circle is about 100 feet diameter; the stones of it very large, four yards in height, two in breadth, and one in thickness. Two yards and a half within this circle, is a range of lesser stones. Three yards further is the principal part of the work called the cell, of an irregular figure, made up of two rows of stones; the upright ones in height are twenty feet, in breadth six feet, and in thickness three feet; these are coupled to the top by large transom stones, like architraves, which are seven feet long, and about three feet and a half thick. Within this, was also another range of lesser pyramidal stones of about six feet in height. And in the inmost part of the cell, was a stone lying towards the east, which measured four feet broad, and sixteen long, supposed to be the altar stone. Dr. Stukeley says, "Take a staff ten feet, four inches, and three quarters long, and divide into six equal parts; these are palms, the original measure. The founder's intention was to form a circle, whose diameter was to be sixty cubits; accordingly, each stone was to be four cubits broad, and each interval two cubits. Now thirty times four cubits is twice sixty, and thirty times two cubits is sixty; so that thrice sixty cubits completes a circle, whose diameter is sixty cubits; thus a stone and an interval, in the outward circle, make three squares; two allotted

allotted to the stone, one to the interval. This general design may be seen in the seven stones, now remaining at the grand entrance. The stones of the outward circle are four cubits broad, two thick, and nine high; on the top of every two of them are placed headstones, as imposts or cornices; these imposts are six cubits long, two broad, and one and a half high; the uprights diminish a little every way, so as at the top to be but three cubits and a half broad, whereby the imposts project over the uprights, both within and without. In its perfection, the outward circle consisted of sixty stones, viz. thirty uprights and thirty imposts; of these seventeen uprights are left standing, eleven contiguous to the grand entrance, and five imposts upon them; another upright leans on a stone of the inner circle; there are six more lying on the ground, whole or in pieces; there is but one impost more in its proper place, and but two more lying on the ground; so that twenty-two are carried away by rude and sacrilegious hands. Five cubits inward, there is another circle of lesser stones. The stones of this circle are truly parallelograms; their proportion is two cubits broad, one thick, and four and a half high, and were forty in number: nineteen only are left, eleven of which stand in situ. The walk between these two circles is three hundred paces in circumference. Having passed the second circle, you behold the cell, or aditum, which is an ellipsis: it is composed of trilithons, two uprights, and one impost: they are five in number, and still remain. Each trilithon stands independent of its number; they also diminish to the top, which takes off from their weight. The tenons, or mortises, are particularly formed, being about ten inches and a half diameter, and resembling half an egg rather than an hemisphere, and so, effectually, keep both uprights and imposts from luxation. The whole number of stones is thus computed. The great oval consisted of ten uprights; the inner with the altar, of twenty; the great circle of thirty; the inner of forty: these with five imposts of the great oval, thirty of the great circle, and some more broken and scattered, completed the temple, making in all one hundred and forty stones."

WORCESTERSHIRE.

THE form of this county is very irregular; and it is remarkable for having several detached portions dispersed in the neighbouring counties; a consequence probably, of its having no natural boundaries. Its measurements, on this account, cannot be accurately stated, but the greatest length may be nearly

30 miles, the breadth 20, and its area is computed at 674 miles, or 431,360 acres. It is divided into five hundreds called Blackenhurtt, Doddingtree, Halfshire, Oswaldslow, and Pershore. These contain 175 parishes, 18 hamlets, 14 townships, 8 villages, 5 towns, 4 chapelries, 1 liberty, and 1 extra-parochial jurisdiction. The houses are 27,820, the people 139,333.

The principal rivers are the *Severn*, which passes through a rich vale in its whole length, the *Terne*, the *Avon*, the *Stour*, and the *Arrow*. Besides the vale in which the Severn flows, is another called the vale of Evesham, on the banks of the Avon, which stream flows along the south eastern parts of the county, in its course to meet the Severn. In this vale, the usual objects of agriculture abound, and garden stuff is cultivated in great quantities for the supply of neighbouring, and even distant towns. The products of Worcestershire are corn, cattle, fine wool, hops, cyder and perry; the latter especially, is in great reputation. Fine white salt is made from the brine springs at Droitwich, and sent to Bristol and other places. The Severn in this county and Gloucestershire abounds with lampreys, which by some are much valued as a delicacy.

In the Malvern hills, a spring rises of uncommon purity, which is much resorted to in scrophulous and scorbutic cases.

Worcestershire sends nine members to the House of Commons, two knights of the shire, two citizens for Worcester, two burgessees, each for Droitwich and Evesham, and one for Bewdley.

The city of Worcester is situated on the river Severn, over which a new bridge has been built. In the year 1041, it was sacked and burnt by Hardicanute the Dane, who put all the inhabitants to the sword, except those who saved themselves in an island in the Severn, because the citizens had killed the officer appointed to collect the tax called Danegelt: it however soon after recovered, and in Edward the Confessor's reign, had many burgessees and a mint. In the year 1113, an accidental fire consumed the castle, and much damaged the cathedral. In the wars which happened in the reign of Stephen, it was more than once set on fire, but chiefly suffered when taken by Stephen from the earl of Mellent. In the cathedral is the tomb of King John, supposed to be the oldest royal monument remaining in England; he was buried in the choir, between two bishops. Near this city, in the year 1651, a battle was fought between Charles II. and Cromwell, which proved a decisive blow to royalty. Charles, after beholding the ruin of his cause, and giving many proofs of personal valour, was obliged to

to have recourse to flight. The duke of Hamilton who made a desperate resistance was mortally wounded, and the Scots were almost all either killed or taken. The prisoners, to the number of 8000, were treated with great cruelty, and sold as slaves to the American planters. The principal manufacture of Worcester is that of gloves, with one of elegant china ware, Worcester is a county of itself; and by charter of James I., its corporation consists of a mayor, recorder, sheriff, 6 aldermen, 24 common-council men, and 48 assistants. It contains 2370 houses, and 11,352 inhabitants.

The remaining towns in Worcestershire are Dudley, Kidderminster, Pershore, Shipston, Stourbridge, Tenbury and Upton. Of these the most considerable is Kidderminster, which is celebrated for the manufacture of carpets, poplins, crapes, and bombazeens. It has 1295 houses, and 6119 inhabitants.

YORKSHIRE

Is by far the largest county in England, being 360 miles in circumference, in its area 6013 miles, or 3,848,320 acres, and having 174,857 houses, and 858,892 inhabitants. It is always divided into 3 great districts called ridings, which are denominated from their position, the West, North, and East Ridings, and it will be most commodious to treat of each separately.

THE WEST-RIDING

Is the most considerable of the three for fertility, and number of inhabitants. It is bounded on the north by the North-Riding, on the east by the Ouse, on the south by the counties of Nottingham, and Derby, and on the West by Lancashire, Cheshire, and Westmoreland. This Riding is situated nearly in the centre of the kingdom, and, though an inland district, is watered by numerous rivers and navigable canals, it is about 95 miles in length, and 48 in breadth, and in area 2633 miles, or 1,685,120 acres. It is divided into 9 Wapentakes, called Aybrigg, Barkston Ath, Claro, Morley, Osgoldness, Skyrack, Staincliffe, Stainerofs and Strafforth, and Tickhill, which form 550 townships, 62 parishes, 13 towns, 3 extra-parochial places, and 1 village, and contain 115,896 houses, and 563,953 people.

The air in the West-Riding is sharper, but more healthy, than in either of the two other Ridings. The soil on the western side of this division is hilly and stony, and consequently not very fruitful, but the intermediate vallies afford plenty of good meadow

meadow and pasture ground; and on the side of this Riding, next the river Ouse, the soil is rich, producing wheat and barley, though not in such abundance as oats, which are cultivated with success in the most barren parts of the district. The West-Riding is famous for fine horses, goats and other cattle; and it has some native trees, which are seldom found wild in any other part of England, particularly the fir, the yew, and the chestnut; it abounds with parks and chaces; and mines of pit-coal and jet. At Tadcaster is a lime-quarry; and at Sherborn, a sort of stone is dug up, which is soft when newly taken out of the ground, but when exposed to the weather, becomes very hard and durable. In many parts of this Riding, are mines of stone, which, after being calcined, and otherwise prepared, is made into alum. The riches of this part of the county arise from the extensive woollen and other manufactures carried on in many of the towns, for which no place can be more conveniently situated, the raw materials being abundant, coals plentiful and cheap; and the woodland supplying oak, and ash, to the manufacturing towns, and for exportation.

Its principal rivers are the *Ouse*, the *Don*, the *Calder*, the *Aire*, and the *Wharfe*.

This Riding contains 28 towns: Aldborough, Barnesley, Bawtry, Boroughbridge, Bradford, Doncaster, Gilsburn, Halifax, Huddersfield, Keighley, Knaresborough, Leeds, Otley, Pontefract, Ripley, Ripon, Rotherham, Selby, Sekle, Sheffield, Sherborn, Skipton, Snaith, Tadcaster, Thorn, Tickhill, Wakefield, and Wetherby.

Doncaster, situated on the river Don, is a handsome town with considerable woollen manufactures, and contains 1435 houses, and 6736 inhabitants; it is celebrated for the horse races which are run in the neighbourhood.

Halifax, seated on a branch of the river Calder, stands on a barren soil, and in a mountainous country. In its township and parish are many rivulets, favourable to trade, and affording eligible situations for mills, for the woollen and other manufactures. The woollen manufacture has been long established in this parish, and appears to have been very peculiarly fostered and protected in early times, as the town had the grant of a criminal jurisdiction within itself, for the trial by jury, and execution by decollation of offenders, found guilty of theft to the value of thirteen pence halfpenny. For the convenience of trade, the manufacturers have erected an elegant edifice, called the Piece Hall, or Manufacturers Hall. It is in the form of an oblong square, occupying 10,000 square yards, and containing 315 distinct rooms for the lodgment of goods. It

is open for sale once only in every week, from ten o'clock till noon. The form of this building is well adapted to its use, and unites elegance, convenience, and security. The principal articles of manufacture are shalloons, (of which considerable quantities are sent to Turkey, and the Levant,) tammies, duroys, callimancoes, everlastings, ruffels, figured and flowered amens, denims, lays, moreens, and shags; also kerseys, half-thicks, serges, houlies, baizes, narrow and broad cloths, coatings, and carpets. Here are also erected many mills for the cotton manufacture, which is rapidly increasing. This parish is esteemed the largest in England; it is upwards of sixteen miles long, and from six to eight broad. The church is old but stately and venerable, and has in it many extraordinary monuments, of great antiquity. The vicar is a justice of peace. In Halifax are 1975 houses, and 8886 people.

Huthersfield has a considerable share in the cloathing trade; it contains 1399 dwellings, and 7268 souls. At Kirkstrees, about three miles distant, is a funeral monument erected in memory of the celebrated outlaw Robin Hood, with an inscription in rhyme.

Leeds is situated on the river Aire, and on the the great canal, which is navigable from Liverpool. Although one of the largest and most flourishing towns in the county, it had but one church till the reign of Charles I. It now contains three, a Presbyterian meeting house erected in 1691, called the New Chapel, which is the most stately, if not the oldest, of that denomination in the north of England; and in the town and its suburbs several others. The antiquity of Leeds is very great, but it was not incorporated till the reign of Charles I. Its manufacture and trade are principally in cloth, the market for which is not, perhaps, to be equalled in the world. There are two spacious halls for the accommodation of the clothiers, and a third, where worsted goods are exposed to sale. At about six o'clock in the summer, and seven in the winter, the market bell rings; upon which, in a very few minutes without hurry, noise or the least disorder, the whole market is filled, all the benches covered with cloth, as close to one another as the pieces can lie longways, each proprietor standing behind his own piece. As soon as the bell has ceased ringing, the factors, and buyers of all sorts enter the hall, and walk up and down between the rows, as their occasions direct. When they have pitched upon their cloth, they lean over to the clothier, and by a whisper, in the fewest words imaginable, the price is stated; one asks, the other bids, and they agree or disagree in a moment. In a little more than an hour all the business is done, ten or twenty thousand pounds worth of cloth, and
sometimes

sometimes much more, are bought and sold with a whisper only; the laws of the market here being more strictly observed than at any place in England. On account of the trade, the rivers Aire and Calder were made navigable, at the expence of several private merchants, without calling in the assistance of the nobility and gentry. By these means a communication was opened from Leeds, and Wakefield, to York and Hull; so that all the woollen manufactures exported are carried by water to Hull. Since the opening of the above navigation, the carriage of coals from Wakefield and Leeds, has become a considerable source of commerce. They are transported to the Ouse, and then either got up that river to York, or down to the Humber, where the Trent and Ouse meet, and which in a few miles falls into the sea. In this passage several large towns are advantageously supplied with coal. Leeds has 11,599 houses, and 53,162 inhabitants.

Sheffield has been noted several hundred years for cutlers' and smiths' manufactures, particularly files, and knives, or whittles; for the last of which, especially, it has been a staple more than three hundred years; and it is reputed to excel Birmingham in these wares, though it yields the pre-eminence in locks, hinges, nails, and polished steel. The first mills in England for turning grind-stones were set up at Sheffield. In this town are about 600 master cutlers, incorporated by the stile of the cutlers of Hallamshire, and employing not less than 40,000 persons in the iron manufactures. Each master gives a particular stamp to his own wares. By means of the river Dun, which is navigable within two or three miles of the town, it receives iron from Hull, and conveys thither its manufactures for exportation to America, the West Indies, and various parts of Europe. Its neighbourhood, as well as all this part of the country, abounds with coals. There are also at Sheffield lead works, and a silk mill, and its manufactories extend several miles over the country. Sheffield contains 7,161 dwellings and 31,314 people.

THE NORTH-RIDING

Is bounded by the county of Durham on the north, the German Sea on the north-east, the East-Riding on the south-east, the West-Riding on the south, and the county of Westmoreland on the west. The length of the Riding, from east to west, is 83 miles, the breadth, from north to south, 47 miles, and it contains 2112 miles, or 1,351,680 acres. The whole Riding may be divided into the following districts; the Coast, Cleveland, the Vale of York, with the Howardian Hills, Ryedale, with East and West
Marshes,

Marshes, and the Eastern and Western Moorlands. It is divided into 10 Wapentakes, and 1 liberty called Allerton Shire, Birdforth, Bulmer, Gilling East, Gilling West, Hallikeld, Hang East, Hang West, Langbrough Liberty, Pickering, Rydall, and Whitby Strand Liberty, which form 469 townships, 46 parishes, 2 towns, 2 villages, 2 hamlets, and 1 extra-parochial place, and contain 22,526 houses, and 155,506 people. The district described by the term Coast, comprehends the land lying between the Eastern Moors and the ocean. It is hilly, bold, and bleak, but in some of the vales which are sheltered from the westerly winds and the sea, corn ripens well. The hills along the coast abound with alum shale, and works for perfecting this mineral are carried on in several parts of it. The fertile district of Cleveland lies on the north-west side of the Eastern Moors; being divided by a range of cliffs, from which probably it derives its name: it is lightly featured with hills, and has few fields, except near the sea, which have not a gentle slope. The climate is cold; but the soil is rendered dry and stiff by culture, which also brings forward the harvest to the time of warmer climates. The Vale of York is extensive, the soil and fertility variable. In the Howardian hills the climate is cold, and the corn late in ripening. The surface of the lower parts of Ryedale is very flat, and a large proportion of it liable to be flooded; the climate is mild and particularly favourable to the production of crops. The Eastern Moorlands are a wild and extensive tract of mountains, which occupy a space of about thirty miles by fifteen, penetrated by a number of fertile cultivated dales. The great elevation of these moors, renders the climate extremely cold and bleak, which will always be a bar to their improvement. The surface of some of the higher hills is entirely covered with large free-stones; on others, large beds of peat, (which in many places are very deep, frequently not to be passed, and never without danger,) extend themselves to a great distance. The minerals are coals and alum: the first of but an ordinary quality, and thin in the seam; the last of great thickness, and inexhaustible. The climate is colder than in the country surrounding this district, yet corn will ripen very well where sown in a good aspect. The Western Moorlands are a part of the long range of mountains, which extend northward from Staffordshire, through Derbyshire, Yorkshire, Lancashire, Westmoreland, and Cumberland, into Scotland: that part of it which lies within the North-Riding, differs materially from the Eastern Moorlands; instead of black heath, many of the mountains are covered with a fine sweet grass, others with extensive tracts of bent; some produce heath, but it is mostly mixed with a large portion of

grafs, bent, or rushes. In the lower part of these moors is some fine loamy soil, in many places a stiff loam upon blue lime-stone. The hills covered with grafs, consist, with scarcely any exception, of lime-stone. There are many lead mines upon these moors, some of which have been, and still are, very valuable. Coals are also obtained; they are not good. The quantity of woodland in this part of the county is estimated at 25,500 acres.

The principal rivers are the *Ouse*, the *Derwent*, the *Swale*, the *Rife*, and the *Yfe*.

This Riding contains 19 towns, namely Askrigg, Bedale, Easingwold, Gifborough, Hawes, Helmsley-blackmoor, Kirby-moor-side, Malton, Masham, Middleham, Northallerton, Pickering, Reethe, Richmond, Scarborough, Stokesley, Thirsk, Whitby, and Yarn.

Scarborough is situated on a rocky and almost inaccessible cliff. The quay is very convenient, and the harbour reckoned the best between Newcastle and the Humber. King Henry II. erected a castle here, to which Piers Gavestone, the favourite of Edward II. retired from the resentment of the nobility, but he was compelled to surrender. Herrings are taken here in great numbers, from the middle of August to November; with which and cod, makarel, turbot, and variety of other fish, they supply the city of York. The drying, pickling, and sale of the herrings is a great advantage to the inhabitants. The wealth of this town must chiefly be ascribed to the numbers of people of all ranks, who flock hither in the hottest months of the year, to drink its waters, which are purgative and diuretic. The top of the high cliff, south of the town of Scarborough, at the bottom of which is this spa, was fifty-four yards above high water mark, till the 29th of December, 1737, when part of the cliff, containing above an acre of pasture land, sunk, by degrees, for several hours, with cattle feeding on it, and, at length, settled about seventeen yards below its former perpendicular height. By the pressure of such a weight, computed at no less than 561,360 tons, the sandy ground beyond the cliffs towards the sea, where the wells were, rose for about one hundred yards in length, twenty feet above its former level; the spa, and the buildings around it, being on the ground that was thus elevated, the water entirely failed; but on a diligent search the spa was recovered; and the water, upon trial, seemed rather to be more efficacious than before. The corporation consists of 2 bailiffs, and 36 burgeses; the houses, including the suburb of Talgrove, are 1665, the inhabitants 6688.

Whitby is situated at the mouth of the Esk, on the German Sea.

Sea. It is a tide haven, and almost dry at low water. The harbour is convenient, and in the reign of Queen Anne the pier was rebuilt, and repaired by act of parliament. Some of the best and strongest vessels employed in the coal trade, are built here, and several are employed in the Greenland fishery. The exports are alum, coals from Sunderland and Newcastle, canvas, butter, tallow, hams, bacon and fish. The houses are 2871, the people 13018.

In this Riding was born the celebrated Henry Jenkins, who died at the surprising age of 169, and was buried at Bolton on the river Swale, in 1670. At York assizes he was admitted to swear to 140 years memory. He frequently swam rivers after he was 100 years old; and retained his sight and hearing to his death. He had been a fisherman an hundred years, but towards the latter end of his days, he begged.

THE EAST-RIDING

Is bounded on the north by the river Derwent, which separates it from the North-Riding, on the east by the German Ocean, on the south by the Humber and the Ouse, and on the west by the West-Riding. The contents of its area are 1268 miles, or 811,520 acres. It is divided into 6 Wapentakes called Buckrose, Dickering, Harthill, Holderness, Howdenshire, and Ouse and Derwent. These form 211 parishes, 211 townships, and 3 extra-parochial demesnes, and, including the city of York, contain 26,462 houses, and 139,433 inhabitants.

In this Riding almost every variety of soil is found. The produce of wheat is greater than the consumption; the manufactures are not extensive; and the exports consist of grain, bacon, butter, horses, cattle, sheep, hogs, and potatoes, chiefly to London. The coals used in this Riding are usually imported from Newcastle, or supplied from the West-Riding.

The towns are Beverley, Bridlington, Cave, Driffield, Haden, Howden, Hull, Hunmanby, Horsea, Kilham, Patrington, Pocklington, and Weighton.

Beverley is a place of great antiquity; it first began to be noticed as the retreat of John de Beverley, archbishop of York, in 717, who built a monastery, and died in 721. In honour of this prelate, several kings, particularly Athelstan, who chose him guardian saint, endowed the place with many privileges and immunities, and particularly, that the freemen should be exempt from all manner of tolls throughout England. This so increased its trade and extent, that it was found necessary to draw a channel of six furlongs from the river to the town, for conveyance of foreign commodities by barges,
and

and other craft. The sessions for the East-Riding of York are always held here, and in this town is the office for the registering of all deeds, wills and other conveyances that affect lands in the Riding. The principal manufactures are malt, oat meal, and tanned leather, and salt. The trade here is much increased since the act of parliament in 1727, in pursuance of which, the cut called Beverley Beck, from the town to the river Hull, which runs into the Humber, was cleaned, deepened, and widened, so as to be navigable for large vessels. The corporation consists of a mayor, recorder, 12 governors, or superior, and 13 inferior burgessees. The town contains 1335 houses, and 6001 souls.

Hull, or Kingston-upon-Hull, is situated on the north side of the river Humber, at the mouth of the river Hull, from which it takes its name. It was built in the year 1296, by Edward I. after his return from Scotland; he made it a free borough, and endowed it with many privileges. In the year 1440, it was erected into a county, including a district of some miles distance, and the government vested in a mayor, sheriff, recorder, and 12 aldermen. Hull being in a low situation, was formerly subject to great inundations, but by proper drains that complaint is remedied. The commerce of Hull has for some time been constantly increasing. Its situation is extremely advantageous; for, besides its communication with the Yorkshire rivers and canals, it has also access by means of the Humber to the Trent, and all its branches and communications: hence it has the import and export trade of many of the northern and midland counties. The foreign commerce is chiefly to the Baltic; but it has also a regular traffic with the southern parts of Europe, and with America. More ships are sent hence to Greenland than from any other port, except London. The coasting trade for coals, corn, wool, and manufactured goods, is very extensive. A dock has been constructed, in which eighty ships may ride safely and conveniently. There are two churches, an exchange, infirmary, and trinity house, which is a corporation composed of a society of merchants, for the relief of aged and distressed seamen, their wives and widows. Hull was in ancient times protected by a strong wall, ditches and ramparts; it is now defended by three forts, which have a governor, lieutenant-governor, and other officers, and a garrison. In this town are 4767 dwellings, and 29,516 people.

The city of York, which is the see of an archbishop, is placed on a point where the boundaries of the three Ridings meet, at the distance of two hundred miles from London. The origin of this city is not well known; it was, however, the station

station of the sixth legion, called *Victrix*, which Adrian brought out of Germany, and a Roman colony. The emperor Constantius Chlorus is said to have died here, and his son Constantine the Great, being in England at the time of his father's death, to have been proclaimed Emperor. Being from its situation exposed to the first assaults of the northern barbarians, York was frequently ravaged by the Danes; and these invaders having, in the time of William the Conqueror, put a Norman garrison to the sword, that ferocious tyrant wreaked vengeance on the city, which he burned, murdering the inhabitants, and desolating the circumjacent country. Peace succeeding these turbulent times, York recovered itself, though often devoted to destruction by the Scots and the seditious. In the reign of Stephen, it suffered by an accidental fire, which consumed the cathedral, St. Mary's abbey, and other religious houses, together, as is generally thought, with a well furnished library, founded by archbishop Egelred. The rebuilding of the cathedral, which still remains, was begun in the reign of king Edward I. It extends in length 525 feet, in breadth 110 feet, and in height 99 feet. The length of the cross isles is 222 feet; the nave, the largest of any, except that of St. Peter's church at Rome, is four feet and a half wider, and eleven feet higher, than that of St. Paul's cathedral in London. At the west end are two towers, connected and supported by an arch, which forms the west entrance, and is reckoned the largest Gothic arch in Europe. In the south tower, on the west side, is a deep peal of twelve bells, the tenor weighing fifty-nine hundred weight. At the south end of the church is a circular window, called from the colour of the stained glass, the *Mari-gold window*; and at the north end is a very large painted window, said to have been erected at the expence of five maiden sisters. The other windows are exquisitely painted with scripture histories. The front of the choir is adorned with statues of all the kings of England, from William the Conqueror to Henry VI.; and here are thirty-two stalls, of fine marble with pillars, each consisting of one piece of alabaster. This cathedral has a neat chapter house, of an octagon form, sixty-three feet in diameter, without any pillar to support the roof, which rests on one pin placed in the centre. The windows are finely painted and finished, with an arch at the top; and within is the following monkish verse, in gilt letters:

Ut rosa flos florum, sic est domus ista domorum.

Of the parish churches, three only are remarkable. Allhallow's, a Gothic structure, has the most magnificent steeple in

England; St. Mary's has a steeple in the form of a pyramid; and St. Margaret's church has a steeple like St. Mary's, with a magnificent porch, on the top of which is a crucifixion cut in stone.

The walls of this ancient city are all entire, being repaired every year if there is occasion. The city is divided into four wards, Micklegate, Botbain, Monk, and Walingate, and has four principal gates, and six posterns. The latter of these gates is supposed to derive its name by corruption from Watling-street. In the reign of Henry V., York had forty-four parish churches, besides seventeen chapels, sixteen hospitals, and nine religious houses. At the reformation there were reduced to little more than half the number of parish churches, eighteen of them being united to the rest, three hospitals, and one or two chapels. Clifford's Tower, a round shell, is beautifully situated on an artificial mount, commanding an extensive view over the river. It is said to be as old as the Conquest, and may have been raised by the Conqueror, or, as its mount exactly corresponds with the old bank on the west side of the river, it may have been a Roman work. It was used as a garrison in the civil war, and till the year 1683, when the magazine blowing up, reduced it to its present form. The bridge over the Ouse consists of five arches, the middlemost eighty-one feet, or twenty-seven yards wide, and seventeen high. It was built about the year 1566, after the old one had been broken down by a sudden thaw.

William the Conqueror is said to have built the castle which was repaired in 1701, and is now the place where the assizes are held; part of it is also used for a prison. It has a handsome chapel, with a good stipend for a preacher, and a gift of a large loaf of fine bread to every debtor that attends the service; the walls are all kept clean; the very felons are allowed beds; and there is an infirmary separated from the common prison, where the sick are properly attended.

The city of York is a county of itself, incorporated by Richard II., with a jurisdiction over thirty-six villages and hamlets, in the neighbourhood called the liberty of Anstry. It is governed by a lord mayor, 12 aldermen in the commission of the peace, two sheriffs, 24 prime common-council men, 8 chamberlains, 72 common-council men, a recorder, a town-clerk, a sword bearer, and a common serjeant. The city is divided into four wards: and the lord mayor and aldermen have the conservancy of the rivers Ouse, Humber, Wharfe, Derwent, Aire, and Don, with certain limits; and the representatives of this city in parliament have a right to sit on the privy counsellors' bench, next to the citizens of London; a
privilege

privilege which the representatives of both cities claim on the first day of the meeting of every new parliament. The Guildhall was built in the year 1446; the lord mayor's house in the year 1726; and an elegant assembly room in the year 1736, from a design of the earl of Burlington. Manufactures have not succeeded in York. The district situated to the south and south-west of the city, is called the Ainstie. The houses in the city, and Ainstie, and a district, called the Liberty of St. Peter, are 5196, and the inhabitants 30,032.

Yorkshire returns to parliament 30 members, being 2 for the shire, and 2 for each of the following places, York, Hull, Knaresborough, Scarborough, Rippon, Richmond, Heydon, Borough-bridge, Malton, Thirk, Aldborough, Beverly, North-allerton, and Pontefract.

The subjoined comparative view of the number of houses, in each county of England and Wales, as they appeared in the Hearth-books of Lady-day 1690; as they were made up at the Tax-Office, in 1708, 1750, 1781; and as they appear from the enumeration of 1801, is taken from "An Estimate of the comparative Strength of Great Britain, &c." by George Chalmers Esq. It affords means of judging of the progress of population, in the counties already described.

COUNTIES.	No. of Houses, 1690.	No. of Houses charged, 1708.	No. of Houses charged and chargeable, 1750.	No. of Houses charged and chargeable, 1781.	No. of Houses enumerated, 1801.	
					Inhabited.	Uninhabited.
Bedfordshire	12,170	5,479	6,302	5,300	11,888	185
Berks	16,996	7,558	9,762	8,277	20,573	622
Bucks	18,688	8,604	10,687	8,670	20,443	543
Cambridge	18,629	7,220	9,334	9,088	16,139	312
Caerlle	25,592	11,656	16,006	17,201	34,482	1,139
Cornwall	26,613	9,052	14,520	15,274	32,906	1,472
Cumbreland	15,279	2,509	11,914	13,419	21,573	872
Derby	24,944	8,260	13,912	14,046	31,822	1,369
Devon	56,202	16,656	30,049	28,612	57,955	3,235
Dorset	17,859	4,133	11,711	11,132	21,437	825
Durham	53,345	6,293	10,475	12,418	27,195	1,171
York	121,052	44,779	70,816	75,224	163,439	6,418
Essex	40,545	16,250	19,057	18,389	31,371	1,027
Gloucester	34,476	13,285	16,251	14,950	45,457	1,715
Hereford	16,744	6,913	8,771	8,092	17,003	941
Hertford	17,485	7,447	9,251	8,628	17,681	491
Huntingdon	8,713	3,992	4,363	3,847	6,936	136

COUNTIES.	No. of Houses, 1690.	No. of Houses charged, 1708.	No of Houses charged and chargeable, 1750.	No. of Houses charged and chargeable, 1781.	No. of Houses enumerated, 1801.		
					Inhabited.	Uninhabited.	
Kent	46,674	21,371	30,029	30,975	51,556	1,413	
Lancashire	46,961	22,588	33,273	30,956	114,270	3,394	
Leicester	20,448	8,584	12,957	12,545	25,992	742	
Lincoln	45,019	17,571	24,999	24,591	41,395	1,094	
London, &c.	111,215	47,031	71,977	74,704	112,912	5,171	
Norfolk	56,579	12,097	20,697	20,056	47,617	1,523	
Northampton	26,904	9,218	12,464	10,350	26,665	736	
Northumber-land	} included in Durham }	6,787	10,453	12,431	26,518	1,534	
Nottingham		17,818	7,755	11,001	10,872	25,611	542
Oxford	19,627	8,502	10,362	8,698	20,599	594	
Rutland	3,661	1,438	1,773	1,445	3,274	82	
Salop	27,471	11,452	13,332	12,895	31,182	929	
Somerset	45,900	19,043	27,522	26,407	48,040	2,136	
Southampton, &c.	28,557	14,331	18,045	15,828	38,284	906	
Stafford	26,278	10,812	15,917	16,483	45,521	2,003	
Suffolk	47,537	15,301	18,834	19,589	32,253	552	
Surrey, &c.	40,610	14,071	20,037	19,381	46,072	1,514	
Suffex	23,451	9,429	11,170	10,574	25,060	718	
Warwick	22,400	9,461	12,759	13,276	41,069	2,946	
Westmoreland	6,691	1,904	4,837	6,144	7,897	315	
Wilts	27,418	11,373	14,703	12,856	28,059	1,170	
Worcester	24,440	9,178	9,967	8,791	26,711	1,109	
Anglesea	} South and North Wales }	1,040	1,334	2,264	6,679	127	
Brecon		3,370	3,234	3,407	3,407	6,315	459
Cardigan		2,042	2,542	2,444	2,444	8,819	221
Carmarthen		3,985	5,020	5,126	5,126	13,449	371
Carnarvon		1,583	2,366	2,675	2,675	8,348	129
Denbigh		4,753	6,091	5,678	5,678	12,621	427
Flint		2,653	3,520	2,990	2,990	7,585	194
Glamorgan		5,020	6,290	5,146	5,146	14,225	537
Merioneth		1,900	2,664	2,972	2,972	5,787	193
Monmouth		3,239	4,950	4,454	4,454	8,948	417
Montgomery		4,047	4,890	5,421	5,421	8,725	223
Pembroke		2,764	2,803	3,224	3,224	11,869	398
Radnor		7,921	2,092	2,425	2,076	3,675	212
		1,319,215	508,516	729,048	721,351	1,574,902	57,529

A TABLE, shewing the Population of England and Wales, according to the Returns made to Parliament in 1801, and 1811; the Statements in preceding Pages having been taken from the earlier of the two Returns.

	1801.		1811.	
	Houses.	Inhabitants.	Houses.	Inhabitants.
Anglesea - - -	6,804	33,806	7,291	37,045
Bedfordshire - -	12,073	63,393	13,505	70,213
Berkshire - - -	21,195	109,215	22,677	118,277
Brecknockshire -	6,794	31,633	7,909	37,735
Buckinghamshire -	20,986	107,444	22,386	117,650
Caermarthenshire -	13,820	67,317	15,189	77,217
Caernarvonshire -	8,433	41,521	9,523	49,336
Cambridgeshire -	16,451	89,346	17,489	101,109
Cardiganshire - -	9,040	42,956	9,794	50,260
Cheeshire - - -	35,621	191,751	42,426	227,031
Cornwall - - -	34,378	188,269	39,371	216,667
Cumberland - - -	22,445	117,230	24,552	133,744
Denbighshire - -	13,048	60,352	13,359	64,240
Derbyshire - - -	33,191	161,142	36,854	185,487
Devonshire - - -	61,190	343,001	64,793	383,308
Dorsetshire - - -	22,262	115,319	24,051	124,693
Durham - - -	28,366	160,361	29,923	177,625
Essex - - -	39,398	226,437	43,841	252,473
Flintshire - - -	7,779	39,622	8,971	46,518
Glamorganshire -	14,762	71,525	17,758	85,067
Gloucestershire -	48,172	250,809	54,040	285,514
Hampshire - - -	39,257	219,656	44,240	245,080
Herefordshire - -	17,943	89,191	19,296	94,073
Hertfordshire - -	18,172	97,577	20,781	111,654
Huntingdonshire -	6,976	37,568	7,719	42,208
Kent - - -	52,998	307,624	63,734	373,095
Lancashire - - -	117,664	672,731	148,552	828,309
Leicestershire - -	26,734	130,081	30,649	150,419
Lincolnshire - - -	41,489	208,557	47,467	237,891
Merionethshire - -	5,980	29,506	6,137	30,924
Middlesex - - -	118,083	818,129	134,939	953,276
Monmouthshire - -	9,365	45,582	12,127	62,127
Montgomeryshire -	8,948	47,978	9,523	51,931
Norfolk - - -	49,140	273,371	52,807	291,999
Northamptonshire -	27,401	131,757	28,857	141,353
Northumberland - -	28,052	157,101	29,384	172,161
Nottinghamshire -	26,153	140,350	32,298	162,900
Carry over,	1,070,563	5,910,208	1,214,202	6,790,609

	1801.		1811.	
	Houfes.	Inhabitants.	Houfes.	Inhabitants.
Brought over	1,070,563	5,910,208	1,214,202	6,790,609
Oxfordshire - -	21,193	109,620	23,201	119,111
Pembrokeshire - -	12,267	56,280	12,874	60,615
Radnorshire - -	3,887	19,050	4,165	20,900
Rutlandshire - -	3,361	16,356	3,402	16,380
Shropshire - -	32,111	167,639	36,635	194,268
Somersetshire - -	50,176	271,750	54,134	303,180
Staffordshire - -	50,193	239,153	56,617	295,153
Suffolk - -	32,805	210,431	37,851	234,211
Surry - -	46,586	269,043	57,124	323,851
Suffex - -	25,993	159,311	30,680	190,083
Warwickshire - -	43,783	208,190	45,849	228,735
Westmoreland - -	8,217	41,617	9,019	45,922
Wiltshire - -	30,589	185,107	38,281	193,828
Worceftershire - -	26,820	139,333	31,010	160,456
Yorkshire - -	174,855	858,892	193,480	973,113
Total	1,633,399	8,872,980	1,848,524	10,150,615

If thefe returns were in all particulars correct, it would fhew, in ten years, an increafe of 215,125 houfes, and 1,777,635 people: but fome allowance muft be made in the firft returns, for inexpertnefs in the parifh officers who were directed to make them, and for the unwillingnefs felt by fome perfons at that time to difclofe the exact ftate of their families, from a fear that the information was fought for, as the bafis of fome meafure of taxation or of military requifition. The evident futility of fuch apprehenfions, and the better underftanding of the returning officers, will, in courfe, have helped to fwell the latter return; but ftill the advance in population which muft really have taken place is prodigious.

OF THE
BRITISH CONSTITUTION
IN GENERAL,
AND THE
COUNTRIES SUBJECT TO THE LAWS OF ENGLAND.

THE nature of our constitution is that of a limited monarchy, in which the legislative power is vested in the king, lords, and commons; but the king is intrusted with the executive part.

This power being thus lodged in a single person, the laws have all the advantages of strength and dispatch, that are to be found in the most absolute monarchy: and as the legislature of the kingdom is intrusted to three distinct powers, entirely independent of each other; first, the king; secondly, the lords spiritual and temporal, which is an aristocratical assembly of persons selected for their piety, their birth, their wisdom, their valour, or their property; and, thirdly, the house of Commons, freely chosen by the people from among themselves, which makes it a kind of democracy: as this aggregate body, actuated by different springs, and attentive to different interests, composes the British parliament, and has the supreme disposal of every thing, there can no inconvenience be attempted by either of the three branches, but will be withstood by one of the other two; each branch being armed with a negative power sufficient to repel inexpedient or dangerous innovations.

On this frame of constitution, the author, from whom the preceding paragraph is derived, adds the following just remarks. "Here then is lodged the sovereignty of the British constitution; and lodged as beneficially as is possible for society. For in no other shape could we be so certain of finding the three great qualities of government so well and so happily united. If the supreme power were lodged in any one of the three branches separately, we must be exposed to the inconveniencies

of either absolute monarchy, aristocracy, or democracy; and so want two of the three principal ingredients of good polity, either virtue, wisdom, or power. If it were lodged in any two of the branches; for instance, in the king and house of lords, our laws might be providently made, and well executed, but they might not always have the good of the people in view: if lodged in the king and commons, we should want that circumspection and mediatory caution, which the wisdom of the peers is to afford: if the supreme right of legislature were lodged in the two houses only, and the king had no negative upon their proceedings, they might be tempted to encroach upon the royal prerogative, or perhaps to abolish the king's office, and thereby weaken (if not totally destroy) the strength of the executive power. But the constitutional government of this island is so admirably tempered and compounded, that nothing can endanger or hurt it, but destroying the equilibrium of power between one branch of the legislature and the rest. For if ever it should happen that the independence of any one of the three should be lost, or that it should become subservient to the views of either of the other two, there would soon be an end of our constitution. The legislature would be changed from that, which (upon the supposition of an original contract, either actual or implied) is presumed to have been originally set up by the general consent and fundamental act of the society: and such a change, however effected, is, according to Mr. Locke, (who perhaps carries his theory too far,) at once an entire dissolution of the bands of government; and the people are thereby reduced to a state of anarchy, with liberty to constitute to themselves a new legislative power."

The blessings of this constitution were originally extended to a small portion of those territories which form the dominions of the crown of England, or, in a more comprehensive term, the British empire. By the common law, the municipal regulations of England had no jurisdiction in Wales, Scotland, or Ireland; but each of these countries, at separate periods, and with local peculiarities, has become subject to the laws and customs of this realm, bound in general by its statutes, though retaining some separate rights, and preserving some anomalous authorities.

Wales, the retreat of the Christian Britons from the Saxon pagans, their invaders, was first reduced by conquest to the crown and law of England, and its independence annihilated by Edward I. who, in 1282, abolished the line of their ancient princes, and made his eldest son titular prince of the country. By statute he annexed his conquest inseparably to his crown, and brought their laws nearer to the English standard, though
many

many of their customs were still left in force; but in the 27th and 34th and 35th years of Hen. VIII. further acts of parliament abrogated every material distinction between Wales and the English dominions of the crown.

The crowns of England and Scotland were united by the accession of James, the Sixth of Scotland, the First of Great Britain, to the throne in 1603, but the kingdoms were not united till the year 1706. The union then effected will be further discussed when Scotland peculiarly engages attention; but as the statute has provided that the municipal laws of that part of the island shall still be observed there, unless altered by parliament; and as parliament has not yet thought proper, except in a few instances, to change them, they still (with regard to the particulars unaltered) continue in full force, and the municipal or common laws in England are, generally speaking, of no force or validity in Scotland. Acts of the British parliament extend to Scotland; but where they would not be applicable, or the extension is not intended, a declaratory proviso is added.

Ireland was, from the reign of Hen. II. till very lately, a kingdom distinct from, though subordinate to, that of Great Britain; but the laws of England generally prevailed there, after the abolition of an ancient unwritten system called the Brehon law. In this the difference between Ireland and Scotland was deemed remarkable, that Ireland, though not united, and having a parliament of her own, received the English laws, while Scotland, though without a parliament, and united to the kingdom of England, retained separate, and, in some respects, essentially different forms of jurisprudence. In 1801, however, all distinctions between Great Britain and Ireland were terminated by an act of parliament passed in the preceding year, declaring that those two kingdoms shall be for ever united in one by the name of the united kingdom of Great Britain and Ireland, and represented in one and the same parliament.

With respect to minor dominions of the crown, such as Berwick upon Tweed, the isles of Wight and Portland, and some others which are generally considered as parts of English counties, their subjection to the general law of the land has been mentioned in its proper place, or the degree in which either may stand excepted will be specified, if material, in treating of some local jurisdictions. The isles of Man, Jersey, Guernsey, Gibraltar, and some other European possessions acquired by agreement or conquest, will be separately considered, as will other more ample and productive territories in the remaining quarters of the globe. Suffice it here generally to say, that all the inhabitants of these places owe allegiance to the crown of

Great Britain, and are subject to the operations of laws framed by the grand council of the realm, although local necessities, or the rights of colonists establishing themselves by charter, may vary the forms of administration.

It may be proper to add, in this enumeration of places subject to the law of England, that it extends also over a portion of the sea. The main, or high seas, are part of the realm of England, for thereon our courts of admiralty have jurisdiction; but they are not subject to the common law. This main sea begins at the low-water-mark. But between the high and low-water-marks, where the sea ebbs and flows, the common law and the admiralty have an alternate jurisdiction; one upon the water, when it is full sea; the other upon the land, when it is at an ebb.

THE KING.

As first component part of the government already described, the king claims notice, and under this head will be displayed his title, rights and prerogatives, duties, revenues, and royal family.

TITLE. The crown of England is, by common law and constitutional custom, hereditary; and this in a manner peculiar to itself: but the right of inheritance may, from time to time, be changed or limited by act of parliament, under which limitations the crown still continues hereditary.

The proposition that the crown is hereditary, by no means includes that of a *jure divino* title to the throne, nor have they any necessary connexion. The founders of the English monarchy established originally a succession by inheritance, which having been acquiesced in by general consent, ripened by degrees into common law, and forms the very same title that individuals have to their estates. Lands are not naturally descendible any more than thrones: but the law has thought proper, for the benefit and peace of the public, to establish hereditary succession in the one as well as the other.

Nor does the doctrine of hereditary right imply an indefeasible right to the throne. It is unquestionably in the breast of the supreme legislative authority of this kingdom, the king and both houses of parliament, to defeat this hereditary right; and, by particular entails, limitations, and provisions, to exclude the immediate heir, and invest the inheritance in another. This is strictly consonant to our laws and constitution; as may be gathered from the expression so frequently used in the statute book, of "the king's majesty, his heirs, and successors." In which we may observe, that as the word

"heirs"

“heirs” necessarily implies an inheritance or hereditary right, generally subsisting in the royal person; so the word “successors,” distinctly taken, have been construed to imply that this inheritance may sometimes be broken through; or, that there may, in a case of extreme necessity, be a successor, without being the heir of the king. But however the crown may be limited or transferred, it still retains its descendible quality, and becomes absolutely hereditary in the wearer of it, unless by the rules of limitation it is otherwise ordered and determined.

On the death or demise of the king, his heir is that moment invested with the kingly office and regal power, and commences his reign from the moment of his ancestor’s death; whence it is held as a maxim, that the king never dies. The particular mode of inheritance, in general, corresponds with the feudal path of descents chalked out by the common law in the succession to landed estates; but with some material exceptions. For although the crown descends lineally, and, as in common descents, and the preference of males to females, and the right of primogeniture among the males are strictly adhered to, yet the ordinary rule, that possession by the brother shall make the sister of whole blood to be heir, does not hold in the descent of the crown or its possessions: neither is half blood any impediment in such case; for the brother of the half blood shall be preferred to the sister, in the enjoyment of the crown, as the most capable by the advantages and prerogative of his sex. And among the females the crown descends by right of primogeniture to the eldest daughter only and her issue, and not, as in common inheritances, to all the daughters at once; the evident necessity of a sole succession to the throne having occasioned the royal law of descents to depart from the common law in this respect; and therefore queen Mary, on the death of her brother, succeeded to the crown alone, and not in partnership with her sister Elizabeth.

The history of England, from the establishment of monarchy to the present times, demonstrates, amid all the variety of events, this fact, that the crown is hereditary, but limited, and not indefeasible. It is true, the succession, through fraud or force, or sometimes through necessity, when in hostile times the crown descended on a minor or the like, has been frequently suspended; but has generally returned back into the old hereditary channel, though sometimes a considerable period has intervened. And even in those instances where the succession has been violated, the crown has ever been looked upon as hereditary in the wearer; of which the usurpers themselves were so sensible, that they, for the most part, endeavoured to fabricate

fabricate some feeble shew of a title by descent, in order to amuse the people, while they gained possession of the kingdom. And when possession was once acquired, they considered it as the purchase or acquisition of a new estate of inheritance, and transmitted, or endeavoured to transmit it to their own posterity by a kind of hereditary right of usurpation.

To elucidate this important point, it will be proper to compress the historical deductions of a learned author, who has written with great clearness on the subject, and whose authority is undisputed.

About the year 800, Egbert found himself in possession of the throne of the West Saxons, by a long and undisturbed descent from his ancestors of above 300 years. The other kingdoms of the heptarchy he acquired, some by conquest, but most by a voluntary submission. And as it is an established maxim in civil polity and the law of nations, that when one country is united to another in such a manner, as that one keeps its government and states, and the other loses them, the latter entirely assimilates with, or is melted down in the former, and must adopt its laws and customs; so, in pursuance of this maxim, there has ever been, since the union of the heptarchy in king Egbert, a general acquiescence under the hereditary monarchy of the West Saxons, through all the united kingdoms.

From Egbert to the death of Edmund Ironside, a period of above 200 years, the crown descended regularly, through a succession of 15 princes, with only slight and occasional deviations, which the state of the times, the invasions of the Danes, and the accession of minors to the throne, rendered inevitable.

Edmund Ironside was obliged, by the hostile irruption of the Danes, at first to divide his kingdom with Canute king of Denmark; who, after his death, seized the whole, Edmund's sons being driven into exile. Here the succession was suspended by actual force, and a new family introduced, in whom, however, this acquired throne continued hereditary for three reigns; when, upon the death of Hardiknute, the ancient Saxon line was restored in the person of Edward the Confessor, brother of Edmund Ironside. Edward was not indeed the true heir to the crown, but the circumstances of the realm rendered his usurpation necessary, though to the injury of the son of his elder brother, who was in Hungary. On the death of Edward without issue, Harold II. usurped the throne; and almost at the same instant came on the Norman invasion: the right to the crown being all the time in Edgar, surnamed Atheling, (which signifies, in the Saxon language, illustrious, or of royal blood.)

blood,) who was the grandson of Edmund Ironside, and son of Edward surnamed the Outlaw, in whose absence Edward the Confessor assumed the throne.

William the Norman claimed the crown by virtue of a pretended grant from Edward the Confessor; a grant which, if real, was in itself invalid: because it was made, as Harold well observed in his reply to William's demand, "*absque generali senatus, et populi conventu et edicto,*" which also plainly implies, that it then was generally understood that the king, with consent of the general council, might dispose of the crown and change the line of succession. The title of William, however, was altogether as good as that of Harold, who was a mere private subject, and an utter stranger to the royal blood. Edgar Atheling's undoubted right was overwhelmed by the violence of the times; though frequently asserted by the English nobility after the conquest, till he died without issue: but all their attempts proved unsuccessful, and only served the more firmly to establish the power of William, who, obtaining the crown by conquest, still held it under the English law, with all its inherent properties; the first and principal of which was its descendibility.

William the Conqueror becoming thus, for a time at least, the founder of a new race of kings, independent of the Saxon succession, the crown descended from him to his sons, William II. and Henry I. Stephen, though a grandson of the Conqueror, usurped the throne to the prejudice of the empress Maud or Matilda, daughter of Henry I. Her son Henry II. reigned by clearer title, and was additionally endeared to the Saxon inhabitants of England, as the lineal descendant of Edmund Ironside; on which account, historians affirm that in him the Saxon line was restored. Henry II. was succeeded by his son Richard I., who, dying childless, the throne was occupied by his brother John, to the unjust exclusion of his nephew Arthur, then an infant; but Arthur and his sister Eleanor, both dying without issue, the crown vested by indisputable right in Henry III. son of John, from whom it passed through the first three Edwards to Richard II. without the slightest interruption or infringement of the right of descent.

Such was the transmission of the crown of England during a period of three hundred and thirty-three years; and although sometimes the rules of succession and primogenitureship were apparently disregarded, they seem rather to have been understood in a different sense from that now adopted, or to have been suspended, as in that warlike age they easily might, in favour of some present claimant, who had address sufficient to render himself popular, and the courage and force requisite to maintain his usurped authority by the sword.

Thus

Thus William II. and Henry I. by their arts and violence excluded their elder brother Robert from the throne, but he was absent, and they might perhaps proceed upon a notion, which prevailed for some time in the law of descents, that when the eldest son was already provided for, as Robert was, being constituted duke of Normandy by his father's will, the next brother was entitled to enjoy the rest of the paternal inheritance. But, as he died without issue, Henry at last had a good title to the throne. Stephen, assuming the sceptre without the shadow of a title, attempted to ground his claim on election; but this was evidently a mere pretext, and he did not consider it of much weight, when in a compromise with the empress Matilda, he restored succession to its due course in the person of Henry II. The usurpation of king John was less flagrant than that of Stephen, since, as appears by his charters, he claimed the crown by hereditary right; that is to say, he was next of kin to the deceased king, being his surviving brother: whereas Arthur was removed one degree further, being his brother's son, though by right he stood in the place of his father Geoffrey. And however flimsy this title, and those of William Rufus, and Stephen of Blois, may appear at this distance to us, after the law of descents has been settled for so many centuries, they were sufficient to puzzle the understandings of our brave, but unlettered, ancestors. Nor indeed can we wonder at the number of partizans, who espoused the pretensions of king John in particular, since, in the reign of his father Henry II., it was a point undetermined, whether, even in common inheritances, the child of an elder brother should succeed to the land in right of representation, or the younger surviving brother in right of proximity of blood; a question which, in the collateral succession to the fiefs of the empire, remains undecided. When, however, the laws of descent began to be better understood in England, it was declared in parliament in the 25th Edward III. Stat. 3. "That the law of the crown of England is, and always hath been, that the children of the king of England, whether born in England or elsewhere, ought to bear the inheritance after the death of their ancestors. Which law our sovereign lord the king, the prelates, earls, and barons, and other great men, together with all the commons in parliament assembled, do approve and confirm for ever."

The compulsory resignation of the crown by Richard II. was in its consequences, though not immediately, productive of events which clearly and strongly enforced the doctrine of hereditary succession. Henry IV. seated himself on the throne, not only to the prejudice of the deposed Richard, but also

also of the descendants of Lionel duke of Clarence, third son of Edward III.; he being the son of John of Gaunt, fourth son of that monarch. He advanced several pretences, for the purpose of gracing his usurpation with a shew of legal title; but the parliament which allowed him the throne, cautiously abstained from sanctioning his fallacious assertions. They declared by Stat. 7 Henry IV. c. 2. "That the inheritance of the crown and realms of England and France, and all other the king's dominions, shall be set and remain in the person of our sovereign lord the king, and in the heirs of his body issuing." Under this authority he retained the crown, and Henry V. and Henry VI., his son and grandson, succeeded him; but in the reign of the latter, the more legal claim of the house of York was asserted, and after a bloody contention was established in the person of Edward IV. At his accession to the throne, after a breach of the succession that continued for three descents, and above threescore years, the distinction of a king *de jure* and a king *de facto* began to be made, in order to indemnify such as had submitted to the late establishment, and to provide for the peace of the kingdom, by confirming all honours conferred, and all acts done, by those who were now called usurpers, not tending to the disherison of the rightful heir. In the statute 1 Edward IV. c. 1. the three Henrys are styled, "Late kings of England successively in dede, but not of ryght." And, in his charters, king Edward, wherever he has occasion to speak of any of the line of Lancaster, calls them "*Nuper de facto, et non de jure, reges Anglia.*"

The short reign of Edward V., the pretence of his bastardy, the murder of the young king, and his brother the duke of York, and the usurpation of Richard III. are facts well known; and the assiduous exertions of the usurper to justify his proceedings, shew a constant regard to the existence and spirit of that law of succession, the operation of which ambition made him so desirous to supersede. But if the title of Richard to the throne was feeble, compared with that of the children of his brother, it was of adamant strength if opposed to that of Henry earl of Richmond, who claimed by descent from the exploded title of John of Gaunt, and whose claim was derived only through John earl of Somerset, a bastard son, begotten by John of Gaunt upon Catherine Swinford. It is true, that, by an act of parliament, 20 Richard II., this son was, with others, legitimated and made inheritable to all lands, offices, and dignities, as if he had been born in wedlock: but still, with an express reservation of the crown, "*excepta dignitate regali.*" Notwithstanding all this, immediately

ately after the battle of Bosworth-field, he assumed the regal dignity; and his claim was allowed by parliament, not on the score of right, for that they cautiously forbore to recognize, but by a new kind of middle term by way of establishment; for they declared that the inheritance of the crown should *rest, remain, and abide* in King Henry VII., and the heirs of his body: thereby providing for the future, and at the same time acknowledging his present possession; but not determining whether that possession was *de jure*, or merely *de facto*. However, he soon after married Elizabeth of York, the undoubted heiress, and thereby gained (as Sir Edward Coke declares) by much his best title to the crown. Whereupon the act made in his favour was so much disregarded, that it never was printed in the statute books.

From this period, the crown passed in the legal order of succession to Henry VIII., and to his children, Edward VI. Mary, and Elizabeth. On the death of Elizabeth without issue, the line of Henry VIII. being extinct, it became necessary to recur to the other issue of Henry VII., by Elizabeth of York his queen. Their eldest daughter, Margaret, having married James IV. king of Scotland, king James, the Sixth of Scotland, and of England the First, was the lineal descendant from that alliance, and in his person, as clearly as in Henry VIII., centered all the claims of different competitors, from the conquest downwards, he being indisputably the lineal heir of the conqueror. And, what is still more remarkable, in his person also centered the right of the Saxon monarchs, which had been suspended from the conquest till his accession. For, Margaret the sister of Edgar Atheling, the daughter of Edward the Outlaw, and granddaughter of king Edmund Ironside, was the person in whom the hereditary right of the Saxon kings, if not abolished by the conquest, resided. She married Malcolm king of Scotland; and Henry II. by a descent from Matilda their daughter, is generally called the restorer of the Saxon line. But it must be remembered, that Malcolm, by his Saxon queen, had sons as well as daughters; and that the royal family of Scotland, from that time downwards, were the offspring of Malcolm and Margaret. Of this royal family king James I. was the direct lineal heir, and therefore united in his person every possible claim by hereditary right, to the English as well as the Scottish throne, being the heir both of Egbert and William the Conqueror.

It is no wonder that a prince of more learning than wisdom, who could deduce an hereditary title for more than eight hundred years, should easily be taught by the flatterers of the times to believe there was something divine in this right, and that

that the finger of Providence was visible in its preservation. This pretension to *divine right* in James I. was severely visited on his son Charles I., and its excessive arrogance was more than counterbalanced by the assertion of the pretended judges of that unfortunate monarch, that he was an *elective prince*; *elect*ed by his people, and therefore accountable to them, in his own proper person, for his conduct.

The restoration of Charles II., the reign and abdication of James II., or, as it is more commonly and justly denominated, the revolution of 1688, the establishment of William III. and queen Mary on the throne, and the statute passed in the 12th and 13th of William III., for limiting the succession to the crown, in direct consequence of which it has become vested in the present royal family, tend strongly to destroy the supposition of any acknowledged divine right; but they establish beyond a doubt, the general proposition that the crown of England is hereditary, but not indefeasibly so, and that the succession to it is subject to limitation by parliament.

Before the conquest, we find Harold II. answering William of Normandy, who alleged that he had a grant of the crown from Edward the Confessor, that such a grant, if real, was utterly invalid, because it was made *absque generali senatus et populi conventu et edicto*; a proof of its being then understood that the king, with consent of the general council, might dispose of the crown, and change the succession. In the statute of 25th Edward III. already quoted, the king, prelates, earls, barons, and other great men, together with the commons, approve and affirm for ever a declaration of law, relative to the succession to the crown. In the statute of 7 Henry IV., also before mentioned, the legislature settles the crown on that king and his heirs; and the parliament in the reign of Henry VII., following the mode of their ancestors, but using more cautious terms, avowing no right in Henry, nor assuming any right of creation in themselves, declare that the crown should rest, remain, and abide in him, and the heirs of his body. If parliaments were so cautious at the accessions of usurpers, as not to assume to themselves the right of disturbing the declared law, that the crown was hereditary, it must have been because they were conscious that no such right could be maintained; and although for the sake of peace, and to quiet the fears of their fellow subjects, they sanctioned present usurpations, they religiously abstained from establishing the doctrine that the crown was elective, or that they could prevent it from descending to the heirs of him in whom they declared it to vest. In several statutes made in the reign of

Henry VIII., when the slavish legislators, actuated by the caprices of that tyrannical monarch, declared or denied, as he thought fit to dictate, the legitimacy of the princesses Mary and Elizabeth, they still persisted in the established doctrine that the crown should descend to the king's children, and to their heirs, *by course of inheritance, according to their ages, as the crown of England hath been accustomed, and ought to go.* The same principle was maintained in two acts passed in the 1st of queen Mary, the one on her accession, and the other on her marriage with king Philip; and again on the accession of Elizabeth, and in the 13th year of her reign.

But if English parliaments were thus always ready to avow the constitutional principle that the crown is hereditary, they would not, to favour any opinion of *divine right*, desert the honest plainness of that constitutional declaration. For in the 1st of James I. the parliament did recognize and acknowledge, that immediately upon the dissolution and decease of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted succession, descend and come to his most excellent majesty, (not by divine right,) but as being lineally, justly, and lawfully, next and sole heir of the blood royal of this realm. Nor was this reserve owing to any moroseness or aversion to flattery, for the same parliament in the same statute did, "*upon the knees of their hearts, agnise their constant faith, obedience, and loyalty to his majesty and his royal progeny.*"

At the restoration, affection, joy, and the sense of the evils of usurpation from which the kingdom was rescued, might have occasioned some deviation from the strictness of constitutional precision; but, even then, the parliament, in congratulating the king on a topic which was scarcely less interesting to themselves, did nothing more than heartily, joyfully, and unanimously acknowledge and proclaim, that "*immediately upon the decease of our late sovereign lord king Charles, the imperial crown of these realms did, by inherent birthright and lawful and undoubted succession, descend and come to his most excellent majesty Charles II., as being lineally, justly, and lawfully next heir of the blood royal of this realm: and thereunto they most humbly and faithfully did submit and oblige themselves, their heirs, and posterity for ever.*"

All these acts seem to place the right of hereditary succession, and the futility of the claim by divine right, beyond a doubt; for however the events of turbulent times, or the force or intrigues of ambitious individuals, may have suspended the course of succession, still those very usurpers, except William the Conqueror,

queror, and the temporary instance of Stephen, did not assume to rule by election, conquest, or grant, nor did any of them pretend to change the acknowledged nature and inherent quality of the crown, that of descending to the right heirs of the last wearer.

The parliament, on the other hand, always conceding to the king the undoubted right of holding an inheritable crown, exerted on many occasions their privilege of declaring and limiting the succession, and in late instances limiting it by strict terms, the non-observance of which would supersede the acknowledged claim of hereditary right. Thus, when in the reign of Edward III. it was considered necessary to settle the law of descent by a declaratory statute, the parliament obviated one of the great exceptions at the common law to the ordinary rule of inheritance, by declaring that the children of the king, though aliens, ("whether born in England or elsewhere,") ought to succeed on the death of their ancestors. The parliament, in the reign of Henry IV., saw that great inconvenience might arise if the issue of the king had failed, and all his collateral kinsmen, however obscure or even degraded, had been permitted, as they would, in the case of an ordinary estate, to advance claims to the throne, and therefore, with his consent, limited the succession to his four children only, and to the heirs of their respective bodies, terminating by this strict entail all possibility of collateral claim. For nearly the same reasons, but rendered much stronger by the feebleness of the king's title, and the state of the times, the parliament, in the reign of Henry VII. limited the succession to the *heirs of his body*. In either of these cases had the blood royal failed, the right of disposing of the crown would naturally have resorted to the parliament; the trustees and representatives of the nation. In the days of Henry VIII. the parliament shewed their authority more than their freedom or their wisdom, by changing several times the limitations of succession, and particularly by one of their acts, 28th Hen. VIII. c. 7. wherein they bastardized the princesses Mary and Elizabeth, and settled the crown on the king's children by queen Jane Seymour, and his future wives, and in defect of such children with remainder, *to such persons as the king by letters patent or last will and testament should limit and appoint the same*. This statute was, however, repealed seven years afterward, and the two princesses again legitimated.

After the restoration, an attempt was made to limit the succession to the crown, by excluding the duke of York, the king's brother and presumptive heir, because he was a papist. The bill, after passing the House of Commons, was rejected by the lords, the king having positively declared that he would never

sanction it with his assent. But although this bill did not take effect, its progress demonstrated that the crown was hereditary, and the inheritance defeasible only by parliament.

The revolution, in 1688, was not a defeazance of the right of succession, and a new limitation of the crown, by the king and both houses of parliament: it was the act of the nation alone, proceeding upon a new case in politics, which had never before happened in our history: the abdication of the reigning monarch, and the consequent vacancy of the throne. The two houses of parliament meeting in a convention, and acting on a conviction that there was no king in existence, adopted the resolution, "that James II. having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people; and by the advice of Jesuits and other wicked persons, having violated the fundamental laws; and having withdrawn himself out of this kingdom; has abdicated the government, and that the throne is thereby vacant." They then proceeded to declare, "that William and Mary, prince and princess of Orange, be, and be declared king and queen, to hold the crown and royal dignity during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said prince of Orange, in the names of the said prince and princess, during their joint lives: and after their deceases, the said crown and royal dignity to be to the heirs of the body of the said princess; and for default of such issue, to the princess Anne of Denmark and the heirs of her body; and for default of such issue, to the heirs of the body of the said prince of Orange."

It was further provided by statute 1st William and Mary stat. 2. c. 2. "that every person who should be reconciled to, or hold communion with, the see of Rome, should profess the popish religion, or should marry a papist, should be excluded, and for ever incapable to inherit, possess, or enjoy the crown; and that in such case the people should be absolved from their allegiance, and the crown should descend to such persons, being Protestants, as would have inherited the same, in case the person so reconciled, holding communion, professing, or marrying, were naturally dead."

Toward the end of king William's reign, when all hopes of any surviving issue from any of those to whom the crown had been limited, died with the duke of Gloucester, the king and parliament thought it necessary again to exert their power of limiting and appointing the succession, in order to prevent another vacancy of the throne; which must have ensued upon their death, as no farther provision was made at the re-
volution,

volution, than for the issue of queen Mary, queen Anne, and king William. To act therefore consistently with themselves, and at the same time pay as much regard to the old hereditary line as their former resolutions would admit, they turned their eyes on the princess Sophia, electress and duchess dowager of Hanover, the most accomplished princess of her age. For, upon the impending extinction of the Protestant posterity of Charles I., the old law of regal descent directed them to recur to the descendants of James I., and the princess Sophia, being the youngest daughter of Elizabeth, titular queen of Bohemia *, who was the daughter of James I., was the nearest of the ancient blood royal, who was not incapacitated by professing the popish religion. On her, therefore, and the heirs of her body, being Protestants, the remainder of the crown, expectant on the death of king William and queen Anne, without issue, was settled by statute 12 & 13 W. III. c. 2. And at the same time it was enacted, that whosoever should hereafter come to the possession of the crown should join in the communion of the church of England as by law established.

Such was the last limitation of the crown made by parliament: the princess Sophia dying before Anne; the inheritance thus limited descended on her son and heir, George I.; and, having on the death of the queen taken effect in his person, from him it descended to his late majesty, George II.; and from him to his grandson and heir, our present gracious sovereign, George III.

The transactions in 1688, and those to which they gave birth, together with the several preceding statutes which have been alluded to, prove the power of the king and parliament to new-model or alter the succession, and to maintain the contrary by writing or printing, is declared to be high treason by the statute of the 6th of Anne c. 7. In these times, indeed, there is less danger that persons should incur the penalty of high treason by denying the existence of this power in parliament, than that they should, as already has been attempted, endeavour to infer from the revolution in 1688, and the acts of succession, a right in parliament to "cashier kings for misconduct, and to frame a new government for themselves."

On this subject it may not be improper to introduce the

* Elizabeth, daughter of James I., espoused Frederic elector palatine of the Rhine, who accepted the crown of Bohemia, when the natives deposed the emperor Ferdinand II. But he was soon deprived of this temporary sovereignty, and stripped of his electoral dominions, and died almost an exile. He was therefore only titular king of Bohemia, and Elizabeth can scarcely be called any thing except titular queen of Bohemia.

just and constitutional remarks of a late writer, who will be no less the admiration of future ages than he was the wonder and delight of that which he instructed and adorned.

“Unquestionably,” says Mr. Burke, “there was at the revolution, in the person of king William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case, and regarding an individual person. *Privilegium non transit in exemplum.* If ever there was a time favourable for establishing the principle, that a king of popular choice was the only legal king, without all doubt it was at the revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no person so completely ignorant of our history, as not to know, that the majority in parliament of both parties were so little disposed to any thing resembling that principle, that at first they were determined to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of king James, the eldest born of the issue of that king, which they acknowledged as undoubtedly his. It would be to repeat a very trite story, to recal to your memory all those circumstances which demonstrated that their accepting king William was not properly a choice; but to all those who did not wish, in effect, to recal king James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril they had just escaped, it was an act of necessity, in the strictest moral sense in which necessity can be taken.

“In the very act, in which, for a time, and in a single case, parliament departed from the strict order of inheritance, in favour of a prince, who, though not next, was, however, very near in the line of succession, it is curious to observe how lord Somers, who drew the bill called the Declaration of Rights, has comporting himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye; whilst all that could be found in this act of necessity to countenance the idea of an hereditary succession is brought forward and fostered, and made the most of by this great man, and by the legislature who followed him. Quitting the dry, imperative style of an act of parliament, he makes the lords and commons fall to a pious, legislative ejaculation, and declare that they consider it “as a marvellous providence and merciful goodness of God to this nation, to preserve their said majesties’ royal persons, most happily to reign over us on the throne of their ancestors, for which, from the
bottom

bottom of their hearts, they return their humblest thanks and praises." The legislature plainly had in view the act of recognition of the first of queen Elizabeth, chap. 3. and of that of James I. chap. 1. both acts strongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal precision, the words and even the forms of thanksgiving, which is found in these old declaratory statutes.

"The two houses, in the act of king William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the only lawful title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights, which, in the mediocrated order of succession, they meant to perpetuate; or which might furnish a precedent for any future departure from what they had then settled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preserve a close conformity to the practice of their ancestors, as it appeared in the declaratory statutes of queen Mary and queen Elizabeth, in the next clause they vest, by recognition in their majesties, all the legal prerogatives of the crown, declaring, "that in them they are most fully, rightfully, and entirely invested, incorporated, united, and annexed." In the clause which follows, for preventing questions, by reason of any pretended titles to the crown, they declare, (observing also in this the traditionary language, along with the traditionary policy of the nation, and repeating, as from a rubric, the language of the preceding acts of Elizabeth and James,) that on the preserving "a certainty in the succession thereof, the unity, peace, and tranquillity of this nation doth, under God, wholly depend."

"They knew that a doubtful title of succession would but too much resemble an election; and that an election would be utterly destructive of the "unity, peace, and tranquillity of this nation," which they thought to be considerations of some moment. To provide for these objects, and therefore to exclude for ever the doctrine of "a right to choose our own governors," they follow with a clause, containing a most solemn pledge, taken from the preceding act of queen Elizabeth, as solemn a pledge as ever was or can be given in favour of an hereditary succession, and as solemn a renunciation as could be made of the principles by this society imputed to them. "The lords spiritual and temporal and commons do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs, and posterities for ever; and do faith-

fully promise that they will stand to, maintain, and defend their said majesties, and also the limitation of the crown, herein specified and contained, to the utmost of their powers," &c. &c.

"So far is it from being true, that we acquired a right by the revolution to elect our kings, that if we had possessed it before, the English nation did, at that time, most solemnly renounce and abdicate it for themselves and for all their posterity for ever.

"It is true, that, aided with the powers derived from force and opportunity, the nation was, at that time, in some sense, free to take what course it pleased for filling the throne; but only free to do so on the same grounds on which they might have wholly abolished their monarchy, and every other part of their constitution. However, they did not think such bold changes within their commission. It is indeed difficult, perhaps impossible, to give limits to the mere abstract competence of the supreme power, such as was exercised by parliament at that time; but the limits of a moral competence subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding upon those who exercise any authority, under any name, or under any title in the state. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities: otherwise, competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle, the succession of the crown has always been what it now is, an hereditary succession by law; in the old line, it was a succession by the common law; in the new, by the statute law, operating on the principles of the common law, not changing the substance, but regulating the mode, and describing the persons. Both these descriptions of law are of the same force, and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communione reipublica*, and as such are equally binding on king and people too, as long as the terms are observed, and they continue the same body politic.

"A state, without the means of some change, is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the restoration

restoration and revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired. They kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organized states in the shape of their old organization, and not by the organic molecule of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy, than at the time of the revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified with Protestantism. When the legislature altered the direction, but kept the principle, they shewed that they held it inviolable.

“King James was a bad king with a good title, and not an usurper. The princes who succeeded, according to the act of parliament which settled the crown on the electress Sophia, and on her descendants, being Protestants, came in as much by a title of inheritance as king James did. He came in according to the law, as it stood at his accession to the crown; and the princes of the house of Brunswick came to the inheritance of the crown, not by election, but by the law, as it stood at their several accessions of Protestant descent and inheritance, as I hope I have shewn sufficiently.

“The law by which this royal family is specifically destined to the succession, is the act of the 12th and 13th of king William. The terms of this act bind “us and our heirs, and our posterity to them, their heirs, and their posterity,” being Protestants, to the end of time, in the same words as the declaration of right had bound us to the heirs of king William and queen Mary. It therefore secures both an hereditary crown and an hereditary allegiance. On what ground, except the constitutional policy of forming an establishment to secure that kind of succession which is to preclude a choice of the people for ever, could the legislature have fastidiously rejected the fair and abundant choice which our own country presented to them, and searched in strange lands for a foreign prince, from whose womb the line of our future rulers were to derive their title to govern millions of men through a series of ages?

“The princess Sophia was named in the act of settlement of the

12th and 13th of king William, for a stock and root of inheritance to our kings, and not for her merits as a temporary administratrix of a power which she might not, and in fact did not, herself ever exercise. She was adopted for one reason, and for one only, because, says the act, "the most excellent princess Sophia, electress and duchess dowager of Hanover, is daughter of the most excellent princess Elizabeth, late queen of Bohemia, daughter of our late sovereign lord king James I. of happy memory, and is hereby declared to be the next in succession in the Protestant line," &c. &c. "And the crown shall continue to the heirs of her body, being Protestants." This limitation was made by parliament, that through the princess Sophia an inheritable line not only was to be continued in future, but (what they thought very material) that through her it was to be connected with the old stock of inheritance in king James I., in order that the monarchy might preserve an unbroken unity through all ages, and might be preserved (with safety to our religion) in the old approved mode by descent, in which, if our liberties had been once endangered, they had often, through all storms and struggles of prerogative and privilege, been preserved. They did well. No experience has taught us that in any other course or method than that of an hereditary crown, our liberties can be regularly perpetuated and preserved sacred as our hereditary right. An irregular convulsive moment may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British constitution. Was it that the legislature wanted, at the act for the limitation of the crown in the Hanoverian line, drawn through the female descendants of James I. a due sense of the inconveniences of having two or three, or possibly more, foreigners in succession to the British throne? No: they had a due sense of the evils which might happen from such foreign rule, and more than a due sense of them. But a more decisive proof cannot be given of the full conviction of the British nation, that the principles of the revolution did not authorize them to elect kings at their pleasure, and without any attention to the ancient fundamental principles of our government, than their continuing to adopt a plan of hereditary Protestant succession in the old line, with all the dangers and all the inconveniences of its being a foreign line full before their eyes, and operating with the utmost force upon their minds.

"The idea of inheritance," the same author observes, "furnishes a sure principle of conservation, and a sure principle of transmission, without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state proceeding on these maxims,

are locked fast as in a sort of family settlement; grasped as in a kind of mortmain for ever. By a constitutional policy, working after the pattern of nature, we receive, we hold, we transmit our government and our privileges in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of providence, are handed down to us and from us in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young, but in a condition of unchangeable constancy, moves on through the varied tenour of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain, we are never wholly obsolete. By adhering in this manner, and on those principles to our forefathers, we are guided not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars."

RIGHTS AND PREROGATIVES. The rights and prerogatives of the crown are, in most things, as ancient as the law itself; for though the 17 Ed. II. stat. 1. commonly called the statute *de prerogativa regis*, seems to be introductive of something new, yet, for the most part, it is but a sum or collection of certain prerogatives that were the known law long before.

The law ascribes to the king the attribute of sovereignty or pre-eminence. "*Rex est clarissimus*," says Bracton, "*et minister Dei in terra: omnis quidem sub eo est, et ipse sub nullo, nisi tantum sub Deo.*" He is said to have imperial dignity; and in charters before the conquest is frequently stiled *basileus* and *imperator*, the titles respectively assumed by the emperors of the east and west. His realm is declared to be an empire, and his crown imperial, by many acts of parliament, particularly the statutes 24 Hen. VIII. c. 12. and 25 Hen. VIII. c. 28. which, at the same time, declare the king to be the supreme head of the realm in matters both civil and ecclesiastical, and in consequence inferior to no man upon earth, dependent on no man, accountable to no man. Formerly there prevailed a ridiculous notion,

notion, propogated by the German and Italian civilians, that an emperor could do many things which a king could not, and that all kings were in some degree subordinate and subject to the emperor of Germany or Rome. The meaning, therefore, of the legislature, when it applies the terms empire and imperial to the realm and crown of England, is to assert that our king is equally sovereign and independent within these his dominions, as any emperor is in his empire; and owes no subjection to any other potentate on earth.

The prerogatives of the king, arising from different circumstances attending his royal character and office, will be best enumerated under certain distinct heads.

1st. The king by law is *universal occupant*.

All property is presumed to have been originally in the crown; and partitioned out in large districts to the great men who had deserved well in war, and were able to assist by advice in time of peace. Hence, it is said, that the king has the direct dominion; and that all lands are held mediately or immediately from the crown. This proprietorship, it must be observed, is a fiction of law, adopted by the constitution, to answer the ends of government; but for the good of the people, the great object of the law and constitution of this country. The right of the people of England to their property does not depend upon, nor was, in fact, derived from any royal grant. The reception of the feudal policy in this nation exactly answers the definition of a fiction; which is some supposition in law, for a good reason, against the real truth of a fact, in a matter possible to have been actually performed, according to that supposition.

In virtue of this claim as universal occupant, the king is entitled to land left by the sudden falling off of the sea; or of a river wherein there is flux of the sea.

Lands in many cases revert to him by *escheat*, which arises either from defect of heirs, or from the commission of crime by the possessor of an estate.

The king has the sovereign dominion in all seas and great rivers; and in the narrow seas which adjoin to the coasts of England, the king has a right of jurisdiction, which he ordinarily exercises by his admiral, and a right of ownership. As a perpetual sign and acknowledgment of this dominion of the seas, he has several animals reserved to him under the denomination of royal creatures, as *swans, sturgeons, and whales*; all which are the natives of seas and rivers. To erect a *public port* originally and *de novo*, is a part of the *jus regale* of the crown of England. And it is not competent to a subject to institute or erect a common port, or one for peculiar or local accommo-

accommodation, without the charter of the king, or a lawful prescription. The king only has a prerogative to establish *beacons* and *light-houses*. He has a right to *wrecks* found on his dominion, he being sovereign of the seas, and protector of ships and mariners.

By the common law the king has a prerogative in, and is entitled to, all royal *mines of gold and silver*; he is entrusted with the *coinage*, and making money current; and he alone can bring the mines and treasures of any conquered country into use, by coining them out into his money.

All *derelict goods*, wherein no man has property, belong to the king; *extra-parochial tythes* though of an ecclesiastical nature, the goods of persons dying intestate, and without heirs; goods waived, or thrown away by felons while pursued; *strays*, except where reserved to the lord of the manor; and *treasure trove*, that is, treasure of gold and silver hid in the earth, and in which no man has a property: but treasures of gold and silver found on the surface of the earth, or in the sea, belong to the finder. *Fines* and forfeitures for offences at law go to the king as the head of the government; and are given to him as well for the public good as for the increase of his revenue.

2d. The king is intitled to the service and allegiance of his subjects.

All persons born in any part of the king's dominions, and within his protection, or on the English seas, are his subjects; and these, by their birth, owe such an inseparable allegiance to the king, that they cannot, by any act of theirs, renounce or transfer their subjection to any foreign prince.

The subjects of a foreign prince coming into England, and living under the protection of our king, may, in respect of that local allegiance which they owe to him, be guilty of high treason; but aliens who, in a hostile manner, invade the kingdom, whether their king were at war or peace with ours, and whether they come by themselves, or in company with English traitors, cannot be punished as traitors, but shall be dealt with by martial law. And if the king of England makes a new conquest of any country, the persons there born are his subjects; for, by saving the lives of the people conquered, he gains a right and property in them, and may impose on them what law he pleases. The king has an interest in all his subjects, and is entitled to their services, and may employ them in such offices as the public good and the nature of our constitution require.

The allegiance that is due from every subject to the king is of two kinds: 1st, Original, virtual, and implied; 2dly, Expressed, or declared by oaths or promises. The first of these arises

arises from that protection which every subject has from the king and the laws. This allegiance cannot be forfeited, cancelled, or altered by any change of place, time, or circumstances, nor by any thing but the united concurrence of the legislature. For it is a principle of universal law, that the natural born subject of one prince cannot, by any act of his own, no, not by swearing fealty to another, put off, or discharge his natural allegiance: for this was intrinsic, primitive, and antecedent to the other; and cannot be divested without the concurrent act of that prince to whom it was due. The express allegiance, or by oaths and promises, is either by the common law, or by particular acts of parliament; and consists principally in swearing to maintain the king's supremacy in all matters ecclesiastical and temporal, and to bear true fidelity and allegiance to him. These oaths must be taken by all persons holding certain situations; and the omission is, by the strict letter of the statute, punishable by very severe penalties.

By the common law, every subject may go out of the kingdom for merchandize, travel, or other cause, as he pleases, without any licence for that purpose; but the king, by his prerogative, and without any help of an act of parliament, may prevent his subjects from leaving the realm; but this must be by some express prohibition, as by laying embargoes, which can be only done in time of danger, or by writ of *ne exeat regno*, and, according to the opinion of some, by proclamation: and as the king may restrain any of his subjects from going abroad, in like manner he may command them to return home; and the disobeying a privy seal to this purpose is the highest contempt, punishable by seizing the party's estate till he return, and then by fine.

3d. As *fountain of justice*, the king has other rights and prerogatives.

All jurisdictions exercised in these kingdoms are derived from the crown; and the laws, whether of a temporal, ecclesiastical, or military nature, are called his laws; and it is his prerogative to take care of the due execution of them. Hence, all judges must derive their authority from the king, by some commission warranted by law; and must exercise it in a lawful manner, and without deviation from the known and stated forms. The supremacy of the crown of England, in matters ecclesiastical, is a most unquestionable right, so that the king does not recognize any foreign authority superior or equal to him in this kingdom, neither do the laws of the emperor or pope of Rome, as such, bind in the kingdom of England; but all the strength and obligation that either the papal or imperial codes have obtained in this kingdom, arises from their being, and having
been,

been, received and admitted either by the consent of parliament, or by immemorial usage and acceptance in some particular courts and matters.

The king, as patron paramount of all the benefices in England, has a right to present to all dignities and benefices of the advowson of bishopricks and archbishopricks during the vacation of the respective sees.

As fountain of justice, he has an undoubted prerogative in creating officers; and all officers derive their authority mediately or immediately from him: those of the latter description are called the officers of the crown, and are created by letters patent, such as the great officers of state, judges, &c.

The power of making war or peace is *inter jura summi imperii*, and in England is lodged singly in the king.

The king, as *parens patrie*, is, in a particular manner, to take care of all those who, by their want of understanding, are incapable of taking care of themselves and their affairs; infants are, for this reason, under the protection of the crown, as are idiots and lunatics. The king, for the public good, has also an original right to superintend the care of charities; and in all these cases the application is to the court of Chancery.

The high prerogative of pardoning is inseparably incident to the crown; and although the power of dispensing with laws and granting *non obstantes*, has ever been looked upon with a jealous eye, yet it has been always held, that the king had this prerogative in certain cases. The prevailing distinction has been, that he cannot, by any previous licence or dispensation, make an offence dispensable which is *malum in se*; but that in certain matters which are only *malum prohibitum*, he might grant licences to certain persons, and on some special occasions. But by the statute 1st William and Mary, sess. 2. c. 2. it is declared and enacted, "That no dispensation by *non obstante* of or to any statute, or any part thereof, be allowed; but the same shall be held void and of none effect, except a dispensation be allowed in such a statute."

The king by his prerogative may, in certain cases, and on special occasions, make and issue out proclamations for the prevention of offences, to ratify and confirm the ancient law; and such proclamations being grounded on the laws of the realm are of great force. The subject is obliged, on pain of fine and imprisonment, to obey every proclamation legally made; and though the thing prohibited were an offence before, yet the proclamation is a circumstance which highly aggravates it; and upon which alone the party disobeying may be punished. The king, by proclamation, may call or dissolve parliaments; declare war or peace, legitimate foreign coin, and make it current money

money of this kingdom, according to the value imposed by such proclamation; he may legitimate base coin, or mixt below the standard of sterling; enhance coin to a higher denomination or value, and may decry money that is current in use and payment. He may, in like manner, appoint fasts and days of thanksgiving and humiliation; issue proclamations for preventing and punishing immorality and profaneness; and enjoin the reading of the same in churches and chapels; and may authorise the lords of the admiralty to grant letters of marque and reprisal; and in all these cases a proclamation-writ under the great seal is necessary.

4th. In virtue of the king's prerogative, *the administration and rules of law differ between him and a private person.*

From the dignity of his office and person, the law presumes the king incapable of doing wrong: but if he command an unlawful act to be done, the instrument is not thereby indemnified; for, though the king is not under the coercive power of the law, yet, in many cases, his commands are under its directive power, which consequently makes the act itself invalid, if unlawful, and so renders the instrument of the execution obnoxious to punishment. Upon this general and most useful principle depend most of the distinctions between the king and the subject, in the administration of justice, and the distinction of social rights. It would be too tedious and technical to enumerate in this work all those distinctions, but some of the most material and of the most general effect are subjoined.

The king cannot arrest in person nor imprison, nor can he command another to imprison; but it must be done by some order, writ, precept, or process of some of his courts.

He cannot execute any office relating to the administration of justice, although all such offices derive their authority from the crown, and although he has such offices in him to grant to others.

He cannot be seized to an use, because there are no means to compel him to perform it; for the Chancery has only a delegated power from the king over the consciences of his subjects; and the king, who is the universal judge of property, and who is equally concerned for the good of all his subjects, ought to be perfectly indifferent, and not to take upon him the particular defence of any man's estate as a trustee; yet, if an estate liable to a trust, come to the king, the land will, in equity, be equally bound by the trust in his hands, as in those of a common person.

He cannot be tenant, nor can he hold by any service from his subjects, nor suffer a common recovery; for in such re-

covery,

covery, he must be either tenant or vouchee; and in both cases the demandant must count against him, and there must be judgment against him, which the law does not suffer; he may, however, be appointed an executor; but, as it cannot be presumed that he has sufficient time and leisure to engage in a private concern, the law allows him to nominate such persons as he shall think proper to take upon them the execution of the trust, against whom all persons may bring their actions.

The king, in his natural capacity, may purchase lands to him and his heirs; but all lands and possessions whereof he is seized *jure coronæ*, shall attend upon and follow the crown. The treasure and other valuable chattels are so necessary and incident to the crown, that on the death of the king they go to his successor, and not to his executors. The ancient jewels of the crown descend in the same manner as heir-looms, and are not devisable by testament: but it has been said, that the king may dispose of them in his life-time by letters patent.

The king may reserve rent out of inheritances which are incorporeal, as commons, tithes, fairs, &c. because, by his prerogative, he may distrain in all other the lands of the lessee.

If lands are given to the king, by deed enrolled, without the words successors or heirs, a fee simple passes; for he is considered as a corporation that never dies.

It is an established principle in law, that where the king's right and that of a subject meet at one and the same time, the king's shall be preferred.

In regard to the operation of acts of parliament on the king, the following general rule has been established. Where an act is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, he shall be bound, though not particularly named in it; but where, by a general statute, any prerogative, right, title, or interest is divested or taken from the king, he shall not be bound; unless it is made by express words to extend to him. It seems, therefore, that the usual saving of the king's right, &c. is only *ex abundantî cautela*, and not of absolute necessity. But the king may take advantage of an act of parliament, though not particularly named.

From the presumption that the king is daily employed in the weighty and public affairs of government, it has become an established rule at common law, that no *laches* shall be imputed to him, nor is he any way to suffer in his interests, which are certain and permanent; and this privilege, *quod nullum tempus occurrit regi*, has been confirmed by the statute *de prerogativa regis*. But by the statute 9 Geo. III. c. 16. (which is called the *nullum tempus* act), "the king shall not sue, &c. any per-
"son

"son, &c. for any lands, &c. (except liberties and franchises),
 "on any title which has not first accrued within sixty years
 "before the commencement of such suit, unless he has been
 "answered the rents within that time, or they have been in
 "charge, or blood *infeifer* of record, and the subject shall quietly
 "enjoy against the king, and all claiming under him by patent,
 "or in any other manner. This extends not to estates in re-
 "version or remainder, or limited estates. These lands shall
 "be held on the usual tenures, &c. Putting in charge, stand-
 "ing *infeifer*, &c. are good only when on verdict, demurrer,
 "or hearing, the lands, &c. have been given, adjudged, or de-
 "creed to the king." And prescription is now pleadable
 against the crown even in the case of franchises and offices; for
 by stat. 32 Geo. III. c. 58. "six years possession of a corporate
 "office gives the corporation a prescriptive title upon an in-
 "formation in the nature of a *quo warranto*, exhibited by the
 "attorney-general or other officer on the behalf of the crown,
 "by virtue of any royal prerogative or otherwise. Neither is it
 "competent to the crown to question any derivative title,
 "where the person from whom it is derived was in exercise
 "*de facto* of the office or franchise in virtue of which he com-
 "municated the title for a like period of six years."

The king, though chief and head of the kingdom, may redress any injuries he may receive from his subjects by such usual common law actions as are consistent with the royal prerogative and dignity. He may too sue in Chancery for a matter in equity. A declaration for the king ought regularly to be in the name of his attorney general; though where it was in the name of the king himself, *viz. coram domino rege venit dominus rex*, it was, upon demurrer, adjudged good. As the king is the fountain of justice, and all courts of justice derive their authority from him, he is supposed to be always present in court; and therefore it hath become an established principle of law, that he cannot be non-suit in any action or information in which he is sole plaintiff.

But the more effectual means of asserting the rights of the crown and redressing its injuries, are those which are obtained by the prerogative modes of process. Such is that by *inquisition*, or *inquest of office*: which is an enquiry made by the king's officer, his sheriff, coroner, or escheator, *virtute officii*, or by writ sent to them for that purpose, or by commissioners specially appointed, concerning any matter that entitles the king to the possession of lands or tenements, goods or chattels. This is done by a jury of no determinate number; being either twelve, or less, or more.

Another prerogative process is an *information* filed in the
 Exchequer

Exchequer by the Attorney General. This is a method of suit for recovering money or other chattels, or for obtaining satisfaction in damages for any personal wrong, committed in the lands or other possessions of the crown. It differs from an information filed in the Court of King's Bench, in that this is instituted to redress a private wrong, by which the property of the crown is affected; that is calculated to punish some public wrong, or misdemeanour in the defendant.

Where the king's revenue is concerned in the event of a cause, it must be removed from any other court where the action is brought, into the Office of Pleas of the Exchequer.

The king cannot be sued by his subjects by writ, for he cannot issue a command to himself; though it is said in some books that, before the time of Edward I., the king might be sued as a common person; the form being: "*Præcipe Henrico Regi Anglia, &c.*"

The common law methods of obtaining redress or restitution from the crown, of either real or personal property, are, 1. By *petition de droit*, a petition of right. 2. By *monstrans de droit*, manifestation or plea of right; both which may be preferred or prosecuted either in the Chancery or Exchequer.

5th. The king, by virtue of his prerogative, may make grants and letters patent.

From the great trust and confidence reposed in the king, and the high authority with which he is invested, the law has inseparably annexed to the crown a power of granting and disposing of divers rights and privileges, which cannot be granted or established by any less authority. Of these some have no existence till so created, such as franchises, liberties, fairs, markets, hundreds, leets, parks, warrens, which the king only by his prerogative can establish: and therefore a subject cannot build a castle, or other place of defence, without the king's licence. There are likewise personal prerogatives, which the king only can grant, and which are of so high a nature, that they cannot be delegated to any other; such as the power of making an alien a denizen, the power of pardoning felonies, &c. The king formerly could enable a town to send representatives to parliament; and such grant was good, without first incorporating such town. Thus the city of Westminster, which has never been incorporated, first sent members to parliament in the reign of Edward VI. But since the union with Scotland, it seems that the king could not enlarge the number of English representatives, because it would alter the proportion then established. The king may alien, grant, or charge any branch of his revenue, in which he has an estate of inheritance, as also his lands in fee simple, though he is seised of them *jure corona*.

The goods of felons, fugitives, persons outlawed, &c. waifs, strays, deodands, wreck, &c. are deemed the flowers of the crown, and distinguished by that name; and these the king may grant. There are three kinds of inheritances which the king may grant, though different as to the manner; which differences arise from the nature of his interest. 1st, All his lands, tenements, rents, commens, &c. he may grant in possession, reversion, or remainder. 2dly, A corody or a presentation to a church, which he can only grant in possession, or when the corody or the church becomes vacant; for of these he has only the presentation or recommendation, and therefore cannot grant them in reversion. 3dly, Offices which he may grant, but cannot himself occupy. The king cannot grant an annuity, for his person is not chargeable as the person of a subject; but, if he grant it out of his revenue, it is good, for there is somewhat chargeable.

The king's grant of a monopoly, as of the sole buying, selling, working, making, or using of any commodity, is not only void by the common law, but the persons procuring such grants are said to be punishable by fine and imprisonment. But notwithstanding this, the king may for a reasonable time grant to a person the sole use of any art first invented by him; and as this might be done at common law, it is excepted out of the statute of monopolies, 21 Jac. I. c. 3. Of the king's right to grant the monopoly of printing certain books, as bibles, almanacks, statutes, and proclamations, further notice will be taken in another division of this work. The king's grants, contrary to those of other persons, are construed most favourably to the grantor, except where they are made on a valuable consideration, and then, for the honour of the king, they are construed most favourably for the patentee.

6th, *The King cannot be attainted, and is never a minor.*

In the king can be no stain or corruption of blood: for if the heir to the crown were attainted of treason or felony, and afterwards the crown should descend to him, this would *ipso facto* purge the attainder. And for this reason, according to Lord Bacon, when Henry VII., who as earl of Richmond stood attainted, came to the crown, it was not necessary to pass an act of parliament to reverse this attainder.

Neither can the king in judgment of law, as king, ever be a minor or under age; and therefore his royal grants and assents to acts of parliament are good, though he has not in his natural capacity attained the age of twenty-one. By a statute indeed, 28 Henry VIII. c. 17. power was given to future kings to rescind and revoke all acts of parliament that should be made, while they were under the age of twenty-four: but this was repealed

repealed by the statute 1 Edw. VI. c. 2. so far as related to that prince; and both statutes are declared to be determined by 24 Geo. II. c. 24.

It has also been usually thought prudent, when the heir apparent has been very young, to appoint a protector, guardian, or regent, for a limited time: but the very necessity of such extraordinary provision is sufficient to demonstrate the truth of that maxim of the common law, that in the king is no minority; and therefore he has no legal guardian. The methods of appointing this guardian or regent have been so various, and the duration of his power so uncertain, that from hence alone it may be collected that his office is unknown to the common law; and therefore (as sir Edward Coke lays) the surest way is to have him made by authority of the great council in parliament. The earl of Pembroke, by his own authority, assumed, in very troublesome times, the regency of Henry III., who was then only nine years old; but was declared of full age by the pope at seventeen, confirmed the great charter at eighteen, and took upon him the administration of the government at twenty. A guardian and council of regency were named for Edward III., by the parliament which deposed his father; the young king being then fifteen, and not assuming the government till three years after. When Richard II. succeeded at the age of eleven, the duke of Lancaster took upon him the management of the kingdom, till the parliament met, which appointed a nominal council to assist him. Henry V. on his death-bed named a regent, and a guardian for his infant son Henry VI., then nine months old: but the parliament altered his disposition, and appointed a protector and council with a special, limited authority. Both these princes remained in a state of pupillage till the age of twenty-three. Edward V. at the age of thirteen, was recommended by his father to the care of the duke of Gloucester, who was declared protector by the privy council. The statutes 25 Henry VIII. c. 12. and 28 Henry VIII. c. 7. provided, that the successor, if a male, and under eighteen, or if a female, and under sixteen, should be till such age in the government of his or her natural mother, (if approved by the king,) and such other counsellors as his majesty should by will or otherwise appoint; and he accordingly appointed his sixteen executors to have the government of his son Edward VI., and the kingdom, which executors elected the earl of Hertford protector. The statute 24 Geo. II. c. 24. in case the crown should descend to any of the children of Frederick, late prince of Wales, under the age of eighteen, appointed the princess dowager; and that of 5 Geo. III. c. 27. in case of a like descent to any of his present majesty's children, empowered

the king to name either the queen, the princess dowager, or any descendants of king George II. residing in this kingdom; to be guardian and regent, till the successor should attain such age, assisted by a council of regency: the powers of all being expressly defined and specified in the several acts.

In another case, that of grievous illness, depriving the monarch of the power of exercising the high functions of his office, it has also been practically decided that the two houses of parliament can legally assemble, and by their authority appoint a regent or regency for that interval, selecting the persons to be intrusted according to their discretion, and defining and limiting the scope of their jurisdiction, and the extent of their powers.

REVENUES. In discussing the revenues of the crown in this place, it is not intended to consider, according to the legal understanding of the matter, that all the supplies granted by parliament are given to the king, but to mention such only as are supposed to be peculiarly applied to his own personal advantage, and to the maintenance of the splendour and dignity of the throne.

Many rights of the crown which were, in former days, sources of profit to the sovereign, have already been mentioned under the head of prerogatives, because, in fact, they have long ceased to produce emolument, some having fallen into disuse, and others having been so long and so absolutely alienated, that lords of manors and other subjects frequently look upon them to be their own absolute inherent rights; because they are and have been vested in them and their ancestors for ages, though in reality originally derived from the grants of our ancient princes. Among these may be reckoned, 1st, *The custody of the temporalities of bishops*, a revenue which was formerly very considerable, but now, by a customary indulgence, almost reduced to nothing: for, at present, as soon as the new bishop is consecrated and confirmed, he usually receives the restitution of his temporalities entire, and untouched, from the king; and at the same time does homage to his sovereign: and then, and not sooner, he has a fee simple in his bishoprick, and may maintain an action for the profits. 2d, *The corody* or right of sending one of his chaplains to be maintained by the bishop, or to have a pension allowed him till the bishop promotes him to a benefice, which has fallen into disuse. 3d, *The tithes in extra-parochial places*, which were always held in trust to be distributed for the general good of the clergy. 4th, *The first fruits and tenths*, the revenue of which, by the pious bounty of queen Anne, is vested for ever in trustees, to form a perpetual fund for the augmentation of poor livings. 5th, *The demesne lands*

lands of the crown, which were anciently very large and extensive, but have now been almost entirely granted away for ever, or on very long leases. 6th, In former times, too, the sovereign derived a great, though not a very honourable, emolument from the prerogative of *purveyance* and *pre-emption*: which was a right of buying up provisions and other necessaries, by the intervention of the king's purveyors, for the use of his royal household, at an appraised valuation, in preference to all others, and even without consent of the owner; and also of forcibly impressing the carriages and horses of the subjects, to do his business on the public roads, in the conveyance of timber, and baggage, however inconvenient to the proprietor, upon paying him a settled price. These powers having fallen into disuse during the suspension of monarchy, Charles II. at his restoration, consented to resign entirely these branches of his revenue and power; and the parliament, in recompence, settled on him, his heirs and successors, for ever, the hereditary excise of fifteen pence per barrel, on all beer and ale sold in the kingdom, and a proportionable sum for certain other liquors. 7th, *Wine licences* also produced in former times a revenue to the king, but this was exchanged by the stat. 30 Geo. II. for 7000*l.* per annum, issuing out of the stamp duties. 8th, The *forests*, and their laws, afforded sums of money to the king by amercements and fines; but these odious, oppressive, and unpopular courts have been discontinued since the reign of Charles I. 9th, The *fines, forfeitures, recognizances, and some other perquisites in ordinary courts*, belonged also to the king; but these, in process of time, have been almost all granted out to private persons, or else appropriated to certain particular uses: so that, though the law proceedings are still loaded with their payment, very little of them is now returned into the king's exchequer; for a part of whose royal maintenance they were originally intended. 10th, *Royal fish* have already been mentioned as matters of prerogative, but they must be considered rather as honorary than profitable claims. 11th, *Wrecks*, with the dependent circumstances of *jetsam*, (or goods thrown into the sea where they sink); *flotsam*, (or goods which are thrown in and float); and *ligan*, (or goods which are sunk but their position indicated by a buoy,) are the property of the king, or his grantees, the lords of manors; but the humanity of modern days renders these a very inconsiderable source of profit. 12th, The property reserved to the king in *gold and silver mines*, was formerly a mean of oppression on the subject, because it was held that, by the common law, his majesty was entitled to all the base ore in any mine, if it contained any portion of those precious metals: this was remedied by two statutes of Wil-

ham and Mary, which enact that no mines of copper, tin, iron, or lead, shall be looked upon as royal mines, notwithstanding gold and silver may be extracted from them in any quantities: but that the king, or persons claiming royal mines under his authority, may have the ore, (other than tin-ore in the counties of Devon and Cornwall,) paying for the same a price stated in the act. This was an extremely reasonable law: for now private owners are not discouraged from working mines, through a fear that they may be claimed as royal ones; neither does the king depart from the just right of his revenue, since he may have all the precious metal contained in the ore, paying no more for it than the value of the base metal which it is supposed to be; to which base metal the land owner is by reason and law entitled. 13th, *Treasure-trove*, and *waisifs*, which have already been mentioned; *estrays*, or valuable cattle found wandering without any certain owner; *forfeitures of lands or goods for offences*; *deadlands*, or those things which are the immediate cause of violent death to any human being, as well as *recrocks*, *mines*, and *royal fish*, are for the most part granted out to the lords of manors, or other liberties, and therefore no longer productive to the king; and in the present state of society, the same may be said of *escheats*, or the succession to lands for want of heirs. 14th, The custody of *idiots* and *lunatics*, in former times, was productive of an ill-gotten revenue; but in the improved state of modern jurisprudence, the king's guardianship over those unfortunate persons is merely protective and beneficial.

In these particulars consisted the king's ordinary revenue, or the proper patrimony of the crown, which was very large formerly, and capable of being increased to a magnitude truly formidable. But, fortunately for the liberty of the subject, this hereditary landed revenue, by a series of improvident management, is sunk almost to nothing; and almost all the casual profits, arising from the other branches of the *census regalis*, are likewise alienated: in order to supply the deficiencies of which, we are now obliged to have recourse to new methods of raising money, unknown to our early ancestors; which methods constitute the king's extraordinary revenue, a portion of which is denominated the civil list.

The civil list is indeed, properly, the whole of the king's revenue, in his own distinct capacity; the rest being rather the revenue of the public, or its creditors, though collected and distributed again, in the name and by the officers of the crown: it now standing in the same place, as the hereditary income did formerly; and as that has gradually diminished, the parliamentary appointments have increased. In the late reigns, the
produce

produce of certain branches of the excise and customs, the post office, the duty on wine licences, the revenues of the remaining crown lands, the profits arising from courts of justice, (which articles include all the hereditary revenues of the crown,) and also a clear annuity of 120,000*l.* in money, were settled on the king for life, for the support of his majesty's household, and the honour and dignity of the crown. And as the amount of these several branches was uncertain, (though in the last reign they were computed to have sometimes amounted to almost a million,) if they did not arise annually to 800,000*l.* the parliament engaged to make up the deficiency. But his present majesty having, soon after his accession, spontaneously signified his consent, that his own hereditary revenues might be so disposed of as might best conduce to the utility and satisfaction of the public; and having graciously accepted the limited sum of 800,000*l. per. annum*, for the support of his civil list; the hereditary and other revenues were carried into and made a part of the aggregate fund, which fund was charged with the payment of the whole annuity to the crown of 800,000*l.*, and this sum being found insufficient, was increased in 1777, to 900,000*l. per. annum*. Hereby the revenues themselves, being put under the same care and management as the other branches of the public patrimony, produce more, and are better collected than heretofore; and the public is still a great gainer, by this disinterested conduct of his majesty.

The expences defrayed by the civil list are those that in any shape relate to civil government; as, the expences of the royal household; the revenues allotted to the judges, previous to the year 1758; all salaries to officers of state, and every of the king's servants; the appointments to foreign ambassadors; the maintenance of the queen and royal family, the king's private expences, or privy purse; and other very numerous out-goings, as secret service money, pensions, and other bounties: which sometimes have so far exceeded the revenues appointed for that purpose, that application has been made to parliament to discharge the debts contracted on the civil list. The income of the civil list, by the experience of so many years, having proved inadequate, a committee was appointed, on the 16th of March, 1803, to consider of the charges on that branch of the revenue, and to report the same, together with their opinion thereupon to the house; and as it has been found that a material deficiency has arisen for several years past, and the result has been an augmentation of this revenue to 1,000,000*l. per. annum*.

On the subject of the civil list, it may be proper to add, that it would be extremely desirable to get rid of a number of trifling payments, with which the accounts of that branch of

our expenditure are at present encumbered, which might be done, by advancing a certain sum to the bank, on its undertaking to pay these allowances; and perhaps it might be expedient, even to diminish the amount of the civil list, and to pay the judges, the foreign ministers, &c. from other funds. People suppose, because 1,000,000*l.* *per annum* are granted to the crown, that all that sum is expended by the royal family, whereas the personal expences, and allowances made to them, are extremely moderate, and cannot be objected to by any one who is at all aware of the advantages which necessarily result from the monarchical part of the constitution.

The following is a short statement of the allowances actually paid to all the branches of the royal family, not only from the civil list, but from the consolidated fund whence the general expences of government are defrayed.

THE PENSIONS AND ALLOWANCES TO THE ROYAL FAMILY.

From the *Civil List*.

	Annual Sum.
His Majesty's privy purse, - - - - -	£ 60,000
The Queen, - - - - -	58,000
The Prince of Wales, - - - - -	60,000
Princess Charlotte of Wales, - - - - -	6,000
Duchess Dowager of Cumberland, - - - - -	4,000
	<hr/>
	188,000

From the *Consolidated Fund*.

Prince of Wales, - - - - -	£ 65,000
Duke of Gloucester, - - - - -	17,000
Duke of York, - - - - -	14,000
Duchess of York, - - - - -	4,000
Dukes of Clarence, Kent, Cumberland, } Cambridge, and Suffex, 12,000 <i>l.</i> each. }	60,000
	<hr/>
	160,000
	<hr/>
	348,000

DUTIES. In consideration of the dignities and prerogatives already described, certain duties are, by the constitution, incumbent on the king, it being a maxim in the law that protection and subjection are reciprocal.

The principal duty of the king is, to govern his people according to law. *Nec regibus infinita aut libera potestas*, was the

the constitution of our German ancestors on the continent. And this is not only consonant to the principles of nature, liberty, reason, and society, but has always been esteemed an express part of the common law of England, even when prerogative was at the highest. "The King," says Bracton, who wrote under Henry III., "ought not to be subject to man, but to God, and to the law; for the law maketh the king. Let the king therefore render to the law, what the law has invested in him with regard to others; dominion and power: for he is not truly king, where will and pleasure rules, and not law." And again, "The king also hath a superior, namely God, and also the law, by which he was made king." Thus Bracton: and Fortescue also, having first well distinguished between a monarchy absolutely and despotically regal, which is introduced by conquest and violence, and a political or civil monarchy, which arises from mutual consent, (of which last species he asserts the government of England to be,) immediately lays it down as a principle, that "The king of England must rule his people according to the decrees of the laws thereof: inasmuch that he is bound by an oath at his coronation to the observance and keeping his own laws."

But, to obviate all doubts and difficulties concerning this matter, it is expressly declared by statute 12 and 13 W. III. c. 2. "That the laws of England are the birthright of the people thereof; and all the kings and queens, who shall ascend the throne of this realm, ought to administer the government of the same according to the said laws; and all their officers and ministers ought to serve them respectively according to the same: and therefore all the laws and statutes of this realm, for securing the established religion, and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, are ratified and confirmed accordingly."

To the performance of this great duty, the king is bound by his coronation oath, which, by the statute 1 W. and M. stat. 1. c. 6. is to be administered to every king and queen, who shall succeed to the imperial crown of these realms, by one of the archbishops or bishops, in presence of all the people; who, on their parts, do reciprocally take the oath of allegiance to the crown. This coronation oath is conceived in the following terms:

"The *archbishop or bishop shall say*,—Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same? *The king or queen shall say*,—I solemnly
"promise

“ promise to do? *Archbishop or bishop.*—Will you to your
 “ power cause law and justice, in mercy, to be executed in all
 “ your judgments? *King or queen.*—I will. *Archbishop or*
 “ *bishop.*—Will you, to the utmost of your power, maintain the
 “ laws of God, the true profession of the gospel, and the Pro-
 “ testant reformed religion established by the law? And will
 “ you preserve unto the bishops and clergy of this realm, and
 “ the churches committed to their charge, all such rights and
 “ privileges as by law do or shall appertain unto them, or any
 “ of them? *King or queen.*—All this I promise to do. After
 “ this the king or queen, laying his or her hand upon the holy
 “ gospels, shall say, The things which I have here before pro-
 “ mised I will perform and keep: so help me God: and then
 “ shall kiss the book.” And it is required, both by the bill of
 rights and the act of settlement, that every king and queen of
 the age of twelve years, either at their coronation, or on the
 first day of the first parliament, upon the throne in the house
 of peers, (which shall first happen,) shall repeat and subscribe
 the declaration against popery. The imposition of a corona-
 tion oath is no novelty in the British constitution; it has been
 used from the most ancient times; that required, and at present
 taken, seems to include all the duties that a monarch can owe
 to his people.

RESTRAINTS. From the foregoing view, if the king's pre-
 rogative alone were considered, his authority would appear to
 exceed the bounds of a limited monarchy; he unites in him-
 self all the branches of the executive power, he disposes of the
 whole military force in the state, and convokes and dismisses,
 at his will, the legislative bodies; but the representatives of
 the people still have, in their hands, the same powerful weapon
 which has enabled their ancestors to establish the constitution;
 it is still, from their liberality alone, that the king can obtain
 subsidies; and in these days, when every thing is rated by pe-
 cuniary estimation, when gold is become the great moving
 spring of affairs, it may be safely affirmed, that he who depends
 on the will of others with regard to so important an article,
 is, whatever his power may be in other respects, in a state of
 real dependence.

This is the case of the king of England. He has, in that
 capacity, and without the grant of his people, scarcely any re-
 venue. He has the prerogative of commanding armies, and
 equipping fleets; but without the concurrence of his parlia-
 ment he cannot maintain them. He can bestow places and
 employments; but without his parliament he cannot pay the
 salaries. He can declare war; but without his parliament it
 is impossible for him to carry it on. The king is invested with

the exclusive right of assembling parliaments; yet by law he must assemble one at least once in three years, and necessity will compel him to assemble it much oftener. He is the head of the church; but he can neither alter the established religion, nor call individuals to account for their religious opinions. He cannot even profess the religion which the legislature has particularly forbidden; and the prince who should profess it, is declared incapable of inheriting, possessing, or enjoying, the crown. The king is the first magistrate; but he can make no change in the maxims and forms consecrated by law or custom: he cannot even influence, in any case whatever, the decision of causes between subject and subject. He cannot create any new office, inconsistent with the constitution, or prejudicial to the subject; and although crimes are prosecuted in his name, he cannot refuse to lend it to any persons who have complaints to prefer. The king has the privilege of coining money; but he cannot alter the standard. He has the power of pardoning offenders; but he cannot exempt them from making a compensation to the parties injured. It is even established by law, that, in a case of murder, the widow shall have a right to prosecute the murderer; and in such case, the king's pardon, whether it preceded the verdict, or were granted afterwards, cannot have any effect. Even with the military power he is not absolute, since it is declared in the Bill of Rights, that a standing army without the consent of parliament is against law. The king himself cannot be arraigned before judges; but if any abuse of power is committed, or in general any thing done contrary to the public weal, the prosecution is instituted against those who have been either the instruments, or the advisers of the measure. Such delinquents are impeached and tried before the house of lords, in which it would be of no avail to plead the king's command, or to produce his pardon. A dissolution of parliament does not abate an impeachment; the king can neither stop nor suspend its course, but is forced to behold, as an inactive spectator, the discovery of the share which he may himself have had in the illegal proceedings of his servants, and to hear his own sentence in the condemnation of his ministers. These great restraints on prerogative, added to the independence of the judges, established by his present majesty, and the uncontrolled freedom of speech in parliament secured by the Bill of Rights, may safely be affirmed to afford every guarantee which a judicious jealousy can require.

HOUSEHOLD. The principal household establishments maintained by his majesty are :

1st. *The palace of St. James's*, which was erected by Henry VIII.,

VIII., rather as an adjunct to York-House, or Whitehall, than as a separate abode of royalty. This is now however the place where the king keeps his court, and whence all proclamations and acts of council are issued; and the court and cabinet of St. James's are spoken of by foreigners as comprizing the executive government of Great Britain. These acts in fact emanate from the council sitting at Whitehall, but that is no longer considered as a royal palace, all its parts which remain in the possession of the crown being converted into public offices. To this palace, St. James's Park, and Hyde Park, may be considered as appendages.

2d. *Windſor Caſtle*, with the Great and Little Parks. This caſtle, ſituated in the county of Berks, is ſaid to have been founded before the Conqueſt; it was rebuilt by William the Conqueror, and repaired by Henry I. In the treaty of peace between Henry II. and Stephen, it is called *Motudo Windſor*; and when Richard I. went to the Holy Land, and left the government to the biſhops of Ely and Durham, the former taking up his reſidence in the Tower of London, the latter occupied this place, as the next ſtrongeſt hold in the kingdom. Eleanor, queen of Edward I., took great delight in it, and was here delivered of four of her children. Her grandſon Edward III., his ſon William, and Henry VI., were alſo born here. It owes moſt of its preſent magnificence to the attachment of Edward III. to the place of his birth. He built the royal palace, with its chapel, and St. George's-hall, the lodgings on the eaſt and ſouth ſides of the inner court, the tower on the keep, the chapel of St. George, and the apartments for the dean and canons, with all the walls, towers, and gates, as they now ſtand. St. George's chapel was rebuilt by Edward IV.; Henry VII. added the ſtately fabric adjoining to the king's lodgings. This chapel is a moſt beautiful Gothic building, and has been recently repaired and decorated, under the auſpices of his majeſty. On each ſide are the ſtalls of the ſovereign and knights of the garter, with the inſignia over each ſtall. The prebendal houſes were erected in form of a letter-lock, by Henry VIII., who alſo built the great gate to the outer court; as did Edward VI. and Mary a curious fountain for ſupplying the whole caſtle with water from Blackmore Park, near Wingfield. Elizabeth made the terrace. Charles the II. gave the armory, beſides repairing and furniſhing the whole caſtle; and James II. and William III. farther adorned the apartments with paintings. The caſtle covers ſomewhat more than twelve acres, and is divided into three wards, called the outer, the inner ſquare, and the tower. In the middle of the ſecond is an equeſtrian ſtatue of Charles II. Windſor has been the favourite
reſidence

residence of his present majesty, who, while he enjoys the recreations of the country, adds to them the pursuit of agriculture on a most liberal and princely scale. The Little Park is about three miles in circumference, the Great Park is computed at thirty, and Windsor Forest at fifty.

3d. *Richmond Palace* in Surry; where Edward I., II., and III. resided; and the last died. Richard II. also resided here, but being disgusted with the place, on the death of the queen, afterwards deserted and let it run to decay. Henry V. repaired and founded three religious houses near it. In 1497, this palace was destroyed by fire, when Henry VII. was there; but in 1501, that prince caused it to be new built, and commanded that the village, which was before known by the name of Sheen, should be called Richmond, in honour of the title which he had borne before his accession to the throne. Henry VII., and his grand-daughter, queen Elizabeth, died there. The present palace, which is finely situated, is a very plain edifice, built by the duke of Ormond, who received a grant of a considerable space of land about Richmond, from William III., as a reward for his military services; but it devolved to the crown on that duke's attainder, in the beginning of the reign of George I. It is not now inhabited by any of the royal family, but the gardens which are well laid out are, during the summer season, a fashionable walk. Contiguous to these are Kew gardens, where art has done her utmost in collecting and propagating the most curious exotics.

4th. *Kew Palace*, which is now building and nearly completed for the abode of his majesty; it is a beautiful Gothic edifice, on the banks of the Thames.

5th. *Hampton-Court Palace*, which was built by cardinal Wolfey, and by him given to Henry VIII., by whom it was considerably enlarged. Henry appears to have been much delighted with this palace, as was his son and successor Edward VI., who was born there. Queen Mary and queen Elizabeth also frequently honoured it with their presence, and, on the 14th January, 1603-4, it was the scene of the celebrated conference between the Presbyterians and the members of the established church, at which James I. presided as moderator. It was maintained in a withdrawing-room within the privy chamber, on the subject of conformity. The divines who appeared on the part of the Presbyterians were, Dr. Reynolds, and Dr. Sparks, Mr. Knewstubs, and Mr. Chaderton; on the part of the established church, archbishop Wharft, bishops Bancroft, Matthew, Bilson, Pabington, Ruid, Watson, Robinson, and Dove, Drs. Andrew, Overall, Barlow, Bridges, Field, King, and others. All the lords of the council were present,

present, and spoke occasionally on the subject of the conference, which lasted three days. In consequence of this conference, a new translation of the Bible was ordered, and some alterations made in the liturgy. King Charles I. retired to Hampton-Court on account of the plague in 1625, when a proclamation was published prohibiting all communication between London, Southwark, or Lambeth, and this place, and several embassadors had audiences there. The same unfortunate prince was brought to this palace by the army, on the 24th August, 1647. Here he resided in splendid imprisonment, being allowed to keep up the state and retinue of a court, till the 11th of November, when he made his escape, accompanied by sir John Berkeley, Mr. Ashburnham, and Mr. Legge. In 1651, the honour and palace of Hampton-Court were sold to John Phelps and others, creditors of the state; but before 1657, it came into the possession of Cromwell, who made it one of his principal residences. This palace was occasionally inhabited by Charles II. and James II. King William, who resided much at Hampton-Court, pulled down a great part of the old palace, which then consisted of five quadrangles, and employed sir Christopher Wren to build on its site the Fountain Court, which contains the state apartments. Queen Anne (being then princess of Denmark), was brought to bed of the duke of Gloucester at Hampton-Court, July 24, 1689. She resided there occasionally after her accession to the throne, as did her two successors, George I. and George II.; but the palace has never been inhabited by his present majesty. His serene highness the prince of Orange having quitted his own dominions, in the month of January 1795, in consequence of the revolution in Holland, found an asylum in this palace. In its present state it consists of three principal quadrangles; and in extent, and magnificence, it exceeds any of the royal palaces. The western quadrangle or entrance court is 167 feet from north to south, and 141 feet from east to west. It is divided into several suites of apartments, which are occupied by private families, having grants for life from the crown. The middle quadrangle measures 133 feet from north to south, and 92 feet from east to west: it is called the clock court, from a curious astronomical clock which is placed over the gateway on the east side. On the north side is the great hall, which certainly was not finished till 1536 or 1537, as appears from the initials of the king and Jane Seymour, joined by a true lover's knot, amongst the decorations. This room is 106 feet in length, and 40 in breadth. It was fitted up as a theatre by George I. in 1718, but little used for that purpose, though the building erected to forward the plan was suffered to remain till 1798.

The

The eastern quadrangle, or Fountain Court, was built by sir Christopher Wren for William III., in 1690. Its dimensions are 110 feet, by 117 feet. The palace is adorned with many good pictures; it is supplied with water by a conduit from Combe, near Kingston, and by a canal brought from the Isleworth river near Longford, both which works are said to have been undertaken and finished by cardinal Wolfey. The pleasure gardens contain 44 acres, the kitchen garden 12; it is much celebrated for a vine, which is trained in a green-house, and has been known in one year to produce 2200 pounds of grapes. The parks belonging to this palace are the deer and hare parks of inconsiderable extent, and Bushy park which contains 1100 acres.

6th. *Kensington Palace.* This was the seat of sir Heneage Finch, afterwards earl of Nottingham, and Lord Chancellor of England, whose son, the second earl, sold it to William III., soon after his accession. This palace was the frequent residence of king William and his royal consort; and of queen Anne, George I., and the late king. These monarchs (George I. excepted, who died at Hanover) all drew their last breath within its walls, as did George prince of Denmark, queen Anne's consort, in 1708. During the present reign, Kensington has been entirely forsaken by the royal family. It is a large irregular edifice, built at various times. The state apartments consist of a suite of twelve rooms. The great staircase, which was painted by Kent, exhibits a group of several portraits; and the palace contains a good collection of pictures by the old masters, and many valuable and interesting portraits. Kensington gardens were originally twenty-six acres; queen Anne added thirty acres, which were laid out by her gardener, Mr. Wise; but the principal addition was made by the late queen Caroline, who took in near 300 acres out of Hyde Park, which were laid out by Bridgman. The gardens are now three miles and a half in circumference. The broad walk, which extends from the palace along the south side, is, in the spring, a fashionable promenade.

Beside these, which actually are, or possibly may be, royal residences, the king has the following forests, chases, and castles, in more remote parts of the kingdom, each of which has a ranger, governor, keeper, or other officer maintained at the king's charge, although his majesty neither visits the places, nor derives from them any augmentation of income. 1st, The New Forest in Hampshire; 2d, Sherwood Forest in the county of Nottingham; 3d, Greenwich Park in Kent; 4th, Enfield Chase in Middlesex; 5th, Epping Forest in Essex; 6th, Salcey Forest in Northamptonshire; 7th, Geddington Chase in Northamptonshire;

amptonshire; 8th, Dartmore Forest in Devonshire, 9th, Wickwood Forest in Oxfordshire; 10th, Whittlebury Forest in Northumberlandshire; 11th, Waltham Forest in Lincolnshire; 12th, Rockingham Forest in Northamptonshire; 13th, Richmond Forest in Yorkshire; 14th, Bromfulom Yule manor; 15th, St. Brieval's Castle, and the Forest of Dean in Gloucestershire; 16th, Gloucester Castle; 17th, Middleham Castle Yorkshire.

OFFICERS OF THE KING'S HOUSEHOLD. *Lord Chamberlain.* The lord chamberlain of the king's house, or king's chamberlain, or lord chamberlain of the household, as he is commonly called, is an officer of great honour and trust, and his office is of very high antiquity: the title is from the French word *Chambellan*; in Latin it is called *Cubicularius*, or *Præfectus Cubiculi*, but most commonly *Camerarius Hæspitii*. He has the control of all the officers above stairs, except the precinct of the king's bed-chamber, which is under the government of the groom of the stole; of the king's chaplains, notwithstanding he is a layman; of the officers of the standing and removing wardrobes, beds, tents, revels, music, comedians, hunting, and all the physicians, apothecaries, surgeons, barbers, messengers, trumpets, drummers, tradesmen, and artificers retained in his majesty's service. All officers in his department are sworn into office by him; and they take an oath to be true to the king and the trust reposed in them. He has 100*l.* *per. annum* wages, and 1100*l.* board-wages. In virtue of his situation he precedes dukes; he is always of the privy council, and wears a gold key as the emblem of his office.

Vice Chamberlain. Under the lord chamberlain is a vice chamberlain, who, in his absence supplies his place, and is vested with the same powers. He has 600*l.* a-year wages, and 559*l.* 8*s.* 4*d.* board-wages. He is, likewise, always a member of the privy council.

In the lord chamberlain's office are a secretary, with several clerks, porters, and messengers

Groom of the Stole. He is first lord of the bed-chamber, and by his office has the custody of the long robe or vestment worn by the king on solemn occasions, and called the *Stole*. He has the direction of all things relating to the king's bed-chamber. It is his office to present or put on the king's shirt every morning; but in his absence, it is done by one of the lords of the bed-chamber. He wears a gold key as his emblem of office, and has an annual salary of 2000*l.*

The Lords of the Bed-Chamber are twelve in number, in subordination to the groom of the stole, and each of them has an annual salary of 1000*l.*

The Grooms of the Bedchamber are fourteen, and have each a salary of 500*l.*; and there is an indefinite number of

Gentlemen of the Privy Chamber. This establishment was formed by Henry VII. and has been continued ever since. The chief end of the institution was that these gentlemen might attend the king and queen at court, in their diversions, progresses, and on all emergent occasions: six of these gentlemen are constantly appointed by the lord chamberlain, with a nobleman and master of the ceremonies, to accompany foreign embassadors in their public entries, and to their audiences. At every coronation, two of them in ducal robes, personate the dukes of Aquitaine and Normandy. At all public solemnities they are appointed to their stations by the heralds, to go next to the privy counsellors who are not peers; and whenever the king goes to parliament by water, two of this society have place in the same barge; they likewise kneel on the second step of the throne, where no other officers are allowed to interpose before them. As a particular mark of royal favour and trust, these gentlemen are empowered to execute the king's commands, without producing any written orders, their persons and characters being sufficient authority.

The Master of the Ceremonies was instituted by James I., for the more honourable reception of embassadors and strangers of quality; it is his duty to attend and regulate all matters of etiquette in the drawing room and the levee, and on all occasions where the state of a court is to be maintained. The badge of his office is a chain of gold with a medal, having on one side under the crown of England an emblem of peace, with king James's motto, *Beati pacifici*, and on the other an emblem of war, with *Dieu et mon droit*; his salary is 300*l.* a-year, and he has an assistant who receives six shillings and eight pence a-day.

Gentlemen Ushers of the Privy Chamber; they are four in number, and their office is to wait in the presence chamber, to attend next the king's person, and order all affairs, after the lord chamberlain, and the vice-chamberlain; all under officers above stairs are to obey them: their salaries are 200*l.* each.

Master of the Robes; who has a salary of 800*l.*, and under whom are a groom and clerk.

Examiner of Plays; previously to their being represented on the theatre; salary 400*l.*

Poet Laureat; whose duty it is to celebrate with odes, the new year, and the anniversary of his majesty's birth; the salary 100*l.*

These officers are all in the lord chamberlain's department,

which also includes a vast number more, too tedious to enumerate; from his office proceed the appointments of a great number of officers in the various royal abodes; the keeper of antiquities and librarian, the various artists, the physicians in ordinary and extraordinary, surgeons, oculists, and dentists, the band of musicians, and all the mechanics, or artificers, who work for the royal household.

The housekeepers of the different palaces, and the rangers and other officers of the various forests, and parks, and the officers of the king's land revenue, are also in the same department, and some have considerable salaries: as

	£.	s.	d.	
The Housekeeper at Windsor Castle,	320	0	0	a-year.
The Keeper of Windsor Little Park,	600	0	0	
Richmond Deputy Ranger North of Trent,	2450	0	0	
South of Trent, - - - - -	3466	13	4	
• Surveyor General of the King's Woods, } * Oaks, Forests, and Chases, - - - - - }	3000	0	0	
Surveyor General of the Crown Lands,	1000	0	0	
Deputy, - - - - -	500	0	0	
Registrar, - - - - -	400	0	0	

The regulation of his majesty's chapel, and the times in which the various preachers shall officiate, belongs also to the lord chamberlain.

The next officer, to whose care a considerable portion of the royal household is entrusted, is

The Lord High Steward. This is an appointment of great trust, dignity, and antiquity, comprizing the sole direction of the king's house below stairs. The lord high steward has no formal grant of his office; but receives his charge from the king in person, who, delivering to him a white staff or wand, (the symbol of his office,) says, *Seneschal tenez le Baton de notre Maison.* By this he is also steward of the Marshalsea, or court of the household, in which he is judge of life and limb. In his absence, the treasurer and comptroller for the time being are judges of the Marshalsea, or the court of Verge. His authority extended over the following officers: the treasurer, comptroller, cofferer, master of the household, clerks of and clerks comptrollers of the board of green cloth, and all persons subordinate to them. In his department is the counting-house, where an account of the expences of the king's household is daily taken. The posts of cofferer, clerks of the board of green cloth, and clerks-comptrollers of that board, have been abolished, but instead of the cofferer is a paymaster of the household, with a salary of 450*l.* for himself and clerks, the clerks

and clerks-comptrollers of the green cloth, have made room for two clerks of the household; the first with a salary of 500*l.*, and the other 400*l.* They have three under clerks with a salary of 150*l.* each. By these the business of the green cloth is conducted, as it used to be, except that the avenor to the master of the horse does not now, as formerly, lay before them his accounts of the stables.

In the counting house is the *Board of Green Cloth*, which is a Court of Justice daily sitting in the King's Palace, consisting of the above mentioned officers, and the steward of the Marshalsea, who is always a barrister at law. They meet for the purpose of taking daily accounts of expences; of making provision and payments for the household; of promoting the good government of the king's servants of the household; and paying the wages of the king's servants under the lord steward.

The Board of Green Cloth is one of the most ancient courts in England, and has jurisdiction in all offences committed in the king's palaces, and the verge of the court. It is called the Green Cloth, from the covering of the table. Without a warrant from this court, none of the king's servants can be arrested for debt.

The lord steward, by his office, precedes all dukes, not of the royal blood. He is always a member of the privy council; and at the meeting of every new parliament, all the members take the oaths by law appointed before him, or some persons deputed by him*. At the end of each session of parliament, he adjusts the parliamentary expences, &c. He has 100*l.* a-year wages, and 1360*l.* a-year board wages, and a further salary of 1540*l.* payable at the Exchequer.

In the lord steward's department are,

The *Treasurer of the Household*, who is next to him in rank; who also carries a white staff or wand, and is always a privy counsellor: he is a sort of deputy to the lord steward, as in his absence he may, with the comptroller and steward of the Marshalsea, in virtue of his office, hear and determine offences committed within the king's palace; he has 123*l.* 14*s.* 8*d.* for wages, and 1076*l.* 5*s.* 4*d.* for board wages.

The *Comptroller of the Household* is the second officer under the lord steward; he controuls the accounts and reckonings of the Green Cloth, of which board he is always a member. He carries a white staff, and is always of the privy council. He has 107*l.* 17*s.* 6*d.* a-year wages, and 1092*l.* 2*s.* 6*d.* board wages.

* The practice is, for the lord steward to attend and swear a few members, and then empower them as his deputies to administer the oaths to others.

The *Paymaster*, who supercedes the cofferer, has already been mentioned.

The *Master of the Household* is employed under the treasurer of the household, to survey the accounts. He has 66*l.* 13*s.* 4*d.* a-year wages, and 433*l.* 6*s.* 8*d.* board wages.

Under the *Knight Marshal*, is held the court of the household, commonly denominated the Marshalsea or Palace Court, of which an account will be given in another branch of this work. His salary is 500*l.*

The lord steward has the appointment of the officers in the royal household, who are occupied in preparing and superintending the supply of provisions, and of the tradesmen from whom they are purchased. Of these officers some have liberal annual allowances, as the gentleman of the wine-cellar 300*l.*; the clerk comptroller of the kitchen 300*l.*; the first clerk of the kitchen 260*l.*; the gentlemen of the pantry, buttery, and ewry, 200*l.* each.

The *Yeomen of the Guards* were instituted by Henry VII. in 1486, as a body guard to him. They were originally fifty, but have undergone several alterations in point of numbers; and are at present one hundred, at 39*l.* 11*s.* 4*d.* a-year each. Eight of that number are styled *Ushers*, and have 10*l.* a-year each more than the rest. Four superannuated yeomen, at 25*l.* a-year each; six yeomen haugers, and two yeomen bedgoers, at 10*l.* a-year each. The officers are a captain, who has 1000*l.* a-year salary; a lieutenant 500*l.*; an ensign 300*l.*; a clerk of the cheque 150*l.*; and four exempts, who have 150*l.* each. The yeomen of the guard wait in the first room above stairs, which is called the Guard Chamber, forty attending by day, and twenty by night, with partizans and large swords. They bring up the dishes for his majesty's table, deliver them to the servers, who place them on the table; and when the king goes abroad by land or water, they attend his person. They still retain the ancient dress assigned them by Henry VII.; a scarlet coat, of a peculiar make, coming down to their knees, guarded with black velvet, and having badges on, before and behind; their breeches are also scarlet, guarded with black velvet; and instead of hats, they wear black velvet caps, round and broad crowned, with ribbons of the king's colour.

The band of *Gentlemen Pensioners* was instituted by Henry VIII., in 1509. It consists of forty gentlemen, who are entitled esquires. Their office is to attend the king's person, with their pole axes, to and from his chapel royal, and receive him in the presence chamber, or coming out of his privy lodgings. They likewise attend at all great solemnities, as coronations,

tions, St. George's feast, public audiences of embassadors, at the king's going to parliament, and royal funerals: their salary is 100*l.* a-year each. They wait twenty at a time, quarterly; but on public occasions they all attend. On the coronation day and St. George's feast, they have the honour to carry up the king's dinner. Their officers are a captain, whose salary is 100*l.*; a lieutenant 51*l.*; a standard-bearer 31*l.*; a clerk of the cheque 12*l.* There are also a secretary, a paymaster, and a harbinger, whose office it is to provide lodgings for the gentlemen pensioners, and, in the absence of the clerk of the cheque, to act as his deputy.

At the head of the department of the stables, but very eminent in rank and dignity, is

The Master of the Horse. This is the third great office at court, and when not put in commission, always filled by noblemen of the highest rank and ability. The master of the horse has the management and disposal of all the king's stables and bred horses. He has authority over the equeries and pages, coachmen, footmen, grooms, riders of the great horse, farriers, and smiths. He appoints all the other tradesmen who work for the king's stables; and by his warrant to the avenor, makes them take an oath to be true and faithful. He is intrusted with all the lands and revenues appropriated for the king's breed of horses, the expences of the stable, and of the coaches, litters, &c. He alone has the privilege of making use of any of the king's horses, pages, and footmen, and at any solemn cavalcade rides next the king, and leads a horse of state. His salary is 1276*l.* 13*s.* 4*d.* per annum.

The *Avenor*, or *Clerk Martial* and *First Equerry*, has a salary of 500*l.* and four equeries, who are subordinate to him, have each 300*l.* per annum. The stipend of the *clerk of the stables* is 350*l.* and that of the *equerry of the crown stable* 200*l.* and the inferior employments have liberal allowances annexed.

The cost of the royal hunt is, to the *master of the stag bounds* 2000*l.* per annum; the *huntsman* 123*l.* to six *yeomen prickers*, each 104*l.* and to the *grand falconer* 1200*l.*

ROYAL FAMILY. The QUEEN consort, as the first and most considerable branch of the king's royal family, partakes in several prerogatives above other women. She is a public person, exempt and distinct from the king; and not, like other married women, so closely connected as to have lost all legal or separate existence, so long as the marriage continues. For the queen can purchase and convey lands, make leases, grant copyholds, and do other acts of ownership, without the concurrence of her lord, which no other married woman can do; a privilege as old as the Saxon era. She can also take a grant from the

king, which no other wife can from her husband. She has separate courts and officers, distinct from the king's, not only in matters of ceremony, but even of law; and her attorney and solicitor general are intitled to a place within the bar of his majesty's courts, together with the king's counsel. She may sue and be sued alone, without joining her husband; have separate property in goods as well as lands, and dispose of them by will. In short, she is, in all legal proceedings, looked upon as a single, not as a married woman. The queen has also many exemptions and minute prerogatives: she pays no toll, nor is liable to amercement in any court; and although the queen is, in all respects, the king's subject, and not his equal, yet in point of the security of her life and person, she is put on the same footing with him. It is equally treason to compass or imagine her death; and to violate or defile the queen consort, amounts to the same high crime, as well in the person committing the fact, as in the queen herself, if consenting. If accused of any species of treason, she is (whether consort or dowager) tried by the peers of parliament.

The husband of a queen regnant, as Prince George of Denmark was to Queen Anne, is her subject, and may be guilty of high treason against her; but, in the instance of conjugal infidelity, he is not subjected to the same penal restrictions.

A *queen dowager* enjoys most of the privileges which belonged to her as queen consort. But it is not high treason to conspire her death, or violate her chastity; and though an alien born, she is intitled to dower after the king's demise, which no other alien is. Yet, *pro dignitate regali*, no man can marry a queen dowager, without special licence from the king, on pain of forfeiting his lands and goods. But before the making of this law, a queen dowager, who married a subject, did not lose her regal dignity, as peeresses dowager do their peerage when they marry commoners; for Catherine, queen dowager of Henry V. after she had married Owen ap Meredith ap Theodore, commonly called Owen Tudor, a private gentleman, maintained an action against the bishop of Carlisle, by the name of Catherine, queen of England.

The queen consort has, by the ancient laws, some pecuniary advantages, but in these days they are not productive of emolument. They are a perquisite, called *aurum reginae*, or queen's gold, reserved out of every donation of a certain amount, made to the king in consideration of royal favours. She had also certain reservations or rents out of the demesne lands of the crown, which have long been discontinued. Another ancient perquisite belonging to the queen consort, mentioned by all our old writers, and therefore only worthy notice, is this; that, on the

the taking of a whale on the coasts, which is a royal fish, it shall be divided between the king and queen; the head only being the king's property, and the tail the queen's. The reason of this whimsical division, as assigned by our ancient records, was, to furnish the queen's wardrobe with whalebone. "But this reason," says Mr. Christian, "is more whimsical than the division, for the whalebone lies intirely in the head."

Her majesty, as was observed in a preceding page, receives from the civil list, for her personal expences, 58,000*l. per annum*. In the first session of parliament after the king's marriage, the House of Commons resolved, that, in case of her surviving his majesty, she should enjoy a pension of one hundred thousand pounds *per annum*, together with the palace of Somerset House, and the lodge and lands at Richmond Park, and an act, framed to this effect, passed unanimously. At a subsequent period, Somerset House was exchanged for Buckingham House, in St. James's Park, and her majesty has an elegant summer establishment at Frogmore, near Windsor.

The following are the principal officers and persons separately appropriated to her majesty, with their annual salaries: *Lord Chamberlain* 1200*l.* *Vice Chamberlain* 500*l.* *Mistress of the Robes* 500*l.* six *Ladies of the Bed Chamber* 500*l.* each, six *Maids of Honour* 300*l.* each, six *Bed Chamber Women* 300*l.* each, three *Gentlemen Ushers of the Private Chamber* 200*l.* each, a *Treasurer* 500*l.* and a *Secretary and Comptroller* 500*l.* Her Majesty's *Attorney General* has an annual fee of 250*l.* and her *Solicitor General* of 180*l.* Her *Master of the Horse* 800*l.* Three equerries 220*l.* each, besides pages of honour, clerks of the stables, and others in subordinate departments. The attendants and instructors of the princesses are also part of her majesty's establishment.

The next person to be considered in the royal family is the *Prince of Wales*.

The PRINCE OF WALES, or heir apparent to the crown, and also his royal consort, and the princess royal, or eldest daughter of the king, are peculiarly regarded by the laws. For by statute 25 Edw. III. to compass or conspire the death of the former, or to violate the chastity of either of the latter, are as much high treason as to conspire the death of the king, or violate the chastity of the queen. The heir apparent, or presumptive to the crown, has usually been created Prince or Princess of Wales. This title has descended from Edward II. When his father had subdued the kingdom of Wales, he promised the people of that country, on condition of their submission, to give them a prince who had been born among them, and who could speak no other language. On their acquiescence with this offer,

he conferred the principality of Wales on his second son, Edward, then an infant. Edward, by the death of his eldest brother, Alfonso, became heir to the crown, and from that time this honour has been appropriated only to the eldest son, or eldest daughters, of the kings of England. The title of earl of Chester is also conferred on the king's eldest son, by special creation and investiture; that is, by letters patent under the great seal. This earldom was once a principality, erected into that title by act of parliament, 21 Rich. II. wherein it was also ordained, that it should be given to the king's eldest son; and although all the proceedings of that parliament were repealed in the first of Henry IV. the earldom has since been usually given with the principality of Wales. The prince is also, if *first born* son of the king, intitled by inheritance to the dukedom of Cornwall, without any new creation. This title does not accrue to the prince merely as *eldest*, but he must be *first-begotten* son of the king. The words of the statute are, *habendum et tenendum eidem duci et ipsius et heredum suorum regum Anglia filiis primogenitis, & dicti loci ducibus in regno Anglia hereditarie successuris*. And Lord Coke, after having enumerated those princes who had been dukes of Cornwall before his time, among whom he reckons Prince Arthur, proceeds to say, "Neither
 " was Henry VIII. in the life of his father, after the death of
 " Prince Arthur, his brother, by force of the said creation,
 " duke of Cornwall; for, although he was the sole son and heir
 " apparent of Henry VII. yet, forasmuch as he was not the
 " first begotten son, he was not within the said limitation; for
 " Prince Arthur was his first begotten son." But although from this it is manifest, that a duke of Cornwall must be the first begotten son of a king, yet it is not necessary that he should be born after his father's accession to the throne. This is a strange species of inheritance, and perhaps is the only mode of descent, which depends upon the authority of a statute.

The revenue of the Prince of Wales, independantly of the Duchy of Cornwall, and other circumstances, is 125,000*l.* per annum, 60,000*l.* being paid from the civil list, and 65,000*l.* from the consolidated fund.

His principal establishments are Carlton House, Pall Mall, and the Pavilion, at Brighton, in Suffex.

The principal officers of his royal highness are a comptroller and auditor general, treasurer, vice chamberlain, Gloucester king at arms and herald; with chaplains, pages, equerries, physicians, artists, and tradesmen specially appointed.

As Duke of Cornwall, he has a chancellor and keeper of the great seal, a vice admiral, a lord warden of the Stannaries, with deputies, surveyor general and deputies, auditors, and receiver general,

general, a havenor of the duchy ports, an attorney and solicitor general, an assay master, stewards, and other subordinate officers. His royal highness has also a council, composed of the principal officers of his establishment, and his most illustrious friends; and as high steward of Scotland he has another list of state counsellors, a secretary, chamberlain, and keeper of the signet, a keeper of the great seal, barons of the exchequer, chaplains, and other officers.

The younger sons and daughters of the king, and other branches of the royal family, who are not in the immediate line of succession, were little farther regarded by the antient law than to give them, to a certain degree, precedence before all peers and public officers, as well ecclesiastical as temporal. This is done by the statute 31 Hen. VIII. c. 10. which enacts that no person, except the king's children, shall presume to sit or have place at the side of the cloth of estate in the parliament chamber; and that certain great officers therein named shall have precedence above all dukes, except only such as shall happen to be the king's son, brother, uncle, or nephew. Therefore, after these degrees are passed, peers, or others of the blood royal, are intitled to no place or precedence, except what belongs to them by their personal rank or dignity. All the king's sons are, by their birth, counsellors of state, that so they may grow up in the weighty affairs of the kingdom. To all the king's children belongs the title of royal highness; all subjects are to be uncovered in their presence; to kneel when they are permitted to kiss their hands; and at table, out of the king's presence, they are, in strictness of etiquette, entitled to be served on the knee. The children, the brother and sisters of the king, being plaintiffs, the summons in the process need not have the solemnity of fifteen days, between the teste and return, as in the case of other subjects.

With respect to the education of the king's grand-children, some doubts had arisen; and in 1718, the question was referred to all the judges, by George I. It was then decided by the opinion of ten against the other two, that the education and care of the king's grand-children, while minors, belonged of right to his majesty, as king of this realm, even during their father's life. But they all agreed that the care and approbation of their marriages, when grown up, belonged to the king their grandfather.

The Royal Family of Great Britain at this period consists of the following personages;

GEORGE THE THIRD, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, Sovereign of the Orders of the Garter, Thistle, Bath, and St. Patrick, Visitor of Trinity and Queen's Colleges, Cambridge, and of
University

University and Christ-Church Colleges, Oxford, Duke of Brunswick Lunenburgh and Bremen, Bishop of Osnaburgh, Arch-Treasurer and Elector of the Holy Roman Empire. His majesty was born the 4th of June, 1738, succeeded to the throne on the death of his grandfather George II. 25th of October, 1760, and was crowned 22d September, 1761.

The Queen Consort is Charlotte, Princess of Mecklenburgh Strelitz, born 19th May, 1744. Their children are;

First. His Royal Highness GEORGE-AUGUSTUS-FREDERICK, *Prince of Wales*, and Electoral Prince of Brunswick Lunenburgh, Duke of Cornwall and Rothsay, Earl of Chester and Carrick, Baron of Renfrew, Lord of the Isles, Great Steward of Scotland, High Steward of Plymouth, Colonel of the 10th Regiment of Dragoons, Captain General of the Hon. Artillery-Company, Knight of the Garter. His Royal Highness was born 12th August, 1762. He married 8th April, 1795, CAROLINE AMELIA ELIZABETH, Daughter of the Duke of Brunswick, who was born 17th May, 1768, by whom he has issue; CHARLOTTE AUGUSTA, born 7th January, 1796.

Second. FREDERICK, *Duke of York* and Albany, Earl of Ulster in Ireland, a Field Marshal, Commander-in-Chief of all the King's Land Forces in the United Kingdom, Colonel of the Coldstream, or 2d Regiment of Foot Guards, Colonel in Chief of the 60th (or Royal American) Regiment of Foot, and of the Royal Dublin Regiment of Infantry, Doctor of Civil Law, Knight of the Garter and Bath. The Duke of York was born 16th August, 1763; he married 19th Sept. 1791, FREDERIQUE CHARLOTTE ULRIQUE CATHERINE, eldest daughter of the late King of Prussia, born 7th May, 1767.

Third. WILLIAM HENRY, *Duke of Clarence* and St. Andrews, Earl of Munster in Ireland, and Admiral of the White, and Ranger of Busby Park, Knight of the Garter and Thistle. He was born 21st August, 1765.

Fourth. The PRINCESS ROYAL CHARLOTTE AUGUSTA MATILDA, Lady of the Imperial Russian Order of St. Catherine; she was born 29th September, 1766, and married 18th May, 1797, to his Serene Highness FREDERICK CHARLES WILLIAM, who, on the death of his father in 1798, became reigning *Duke of Wirtemberg Stutgardt*.

Fifth. EDWARD, *Duke of Kent* and Strathern, Earl of Dublin in Ireland, a General in the Army, Colonel of the 1st Regiment of Foot, and Governor of Gibraltar, Knight of the Garter and of St. Patrick. He was born 2d of November, 1767.

Sixth. The Princess AUGUSTA, SOPHIA, born 8th of November, 1768.

Seventh. The Princess ELIZABETH, born 22d May, 1770.

Eighth.

Eighth. ERNEST AUGUSTUS, *Duke of Cumberland* and Teviotdale, Earl of Armagh in Ireland, Lieutenant-General in the Army, and Colonel of the 15th Regiment of Dragoons, Knight of the Garter, born 5th June, 1771.

Ninth. AUGUSTUS FREDERICK, *Duke of Sussex*, Earl of Inverness and Baron of Arklow, Knight of the Garter, born 27th January, 1773.

Tenth. ADOLPHUS FREDERICK, *Duke of Cambridge*, Earl of Tipperary, and Baron of Culloden, a Lieutenant-General in the Army, and Colonel of the King's German Legion, born 24th February, 1774.

Eleventh. The Princess MARY, born 25th April, 1776. Married in 1816 to his Royal Highness WILLIAM FREDERICK *Duke of Gloucester*.

Twelfth. The Princess SOPHIA, born 3d November, 1777.

THE PRINCE REGENT.

THE KING'S ILLNESS. After a reign of fifty years, during which his Majesty, King George the Third, had so conducted himself in every exercise of his high authority and in every act of his private life, as to acquire the veneration and affection of all ranks of his subjects, and to be proudly held forth, not only as a brilliant illustration of the character of a patriot king, but also as a model of personal and domestic virtue; after he had struggled, with unexampled firmness, during the long period of seventeen years, to maintain the religion, laws, and rights of his country against an encroaching power, which, supported by incredible successes, had overwhelmed or corrupted every other government in Europe, it pleased the Almighty, of whom he had ever been a sincere and ardent worshipper, to visit him with a malady which rendered him incapable of conducting the affairs of government.

REGENCY ACTS. This fact being too well ascertained to admit of any dispute, parliament provided for the administration of the affairs of government, for the dignity, comfort, and safety of the King, and for the honourable support of the Queen and princes of the blood, by a series of statutes which are now briefly to be recapitulated.

By the first of these, 51 Geo. 3. c. 1. it is enacted, that his Royal Highness George Augustus Frederick, Prince of Wales, shall have full power and authority, *in the name and on the behalf of his Majesty*, and under the style and title of "Regent of the United Kingdom of Great Britain and Ireland," to exercise and administer the royal power and authority to the

crown of the United Kingdom belonging, and to use, execute, and perform all authorities, prerogatives, acts of government, and administration of the same, which lawfully belong to the King of the said United Kingdom to use, execute, and perform; subject to the limitations, exceptions, regulations, and restrictions, in the act specified; and all acts which shall be done by the said Regent, in the name and on the behalf of his Majesty, according to the powers and authorities so vested in him, are to have the same force and effect as the like acts would have if done by his Majesty himself, and shall, to all intents and purposes, be full and sufficient warrant to all persons acting under the authority thereof; and all persons shall yield obedience thereto, and carry the same into effect, in the same manner, and for the same purposes, as the same persons ought to yield obedience to and carry into effect the like acts done by his Majesty himself.

The signature directed to be used by his Royal Highness is George P. R., or where initials alone are generally used, G. P. R.

As the term to which such powers shall be limited, it is declared that when his Majesty shall by the blessing of God be restored to such a state of health, as to be capable of resuming the personal exercise of his royal authority, and shall have declared his royal will and pleasure thereupon, as in a subsequent clause is provided, all the powers and authorities given by this act, for the exercise and administration of his royal power, or for executing the authorities, prerogatives, and acts of government, or for the care of his Majesty's person, shall cease and determine. Offices granted during his Majesty's pleasure are to be held after his recovery, until his pleasure, to the contrary, shall be signified; but no acts whatever of the Regent are valid, unless done in the name and on behalf of the King. Oaths are also required from him, of allegiance, for the faithful execution of his high authorities, and for the maintenance of the Protestant religion, as by law established in England and Scotland; which oaths are taken before, and registered in the books of the Privy Council.

By other clauses, the Regent was restrained from granting any peerages, or any offices in reversion until after the expiration of a year, from the passing of the act. Some restraints were also imposed as to the grant of pensions, but there were exceptions as to those which concerned the administration of the law, and the defence of the country. His Royal Highness was also restrained from assenting to any bill for varying the succession to the Crown; or repealing or altering the acts for uniformity of public prayers, and for securing the Protestant religion.

religion. It was also declared that his functions should cease if he quitted the kingdom, or married a Papist.

The care of his Majesty's person was committed to his royal consort, and to her was confided the power of continuing, or changing certain officers of his household, and filling up their situations in case of vacancies; but this authority was subject to several restrictions. For the purpose of advising and assisting her Majesty in these important duties, a council was appointed, consisting of the Archbishops of Canterbury and York, the Duke of Montrose, the Earl of Winchelsea and Nottingham, the Earl of Aylesford, Lord Eldon, Lord Ellenborough, and Sir William Grant. These appointments were made by name, and not by office, so that resignation of, or removal from, any situation which either of these great personages filled, did not produce a removal from the office to which this act appointed him. In case of death or resignation, her Majesty was empowered by writing, under her hand and seal, to fill up the vacancy during pleasure.

Each member of this council was required to take an oath for the due discharge of his trust. Their duties were to ascertain, by examining on oath, the physicians and other attendants on him, the state of his Majesty's health, to renew this inquiry in the first week in April, and the first week in every succeeding third month, and on every such occasion to declare the state of his Majesty's health, and transmit a copy of their report to be inserted in the books of the Privy Council.

For assuring to his Majesty the immediate resumption of his just and lawful authority at any time when it should please God to relieve him from his present state of calamity, it was enacted, that when it should appear to her Majesty and any four of her council, assembled at a meeting to be called by her for that purpose, either by her own will, or by his Majesty's will and pleasure signified to her, (and with which she was required to comply, and to be present at the council,) that his Majesty was restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, then her Majesty and four of her council were to signify it by writing under their hands, addressed to the president of the council, or in his absence to one of the Secretaries of State; upon which, a privy council must be convened, and the instrument entered on the books. After this his Majesty is empowered to convoke a privy council, by virtue of his sign manual, and upon their issuing a proclamation to that effect, the regency was to cease, and his Majesty to resume his station in the government.

In case of the death of the Regent or the Queen, or of the restoration of the King, it was provided, that the parliament, if

adjourned or prorogued, should forthwith re-assemble, or if dissolved, should re-unite, and continue a parliament for a term not exceeding six months.

Should her Majesty die, the trusts and functions committed to her were to devolve on her council, until further arrangement made by parliament.

Provision was also made for the issue of the regular sums from the civil list for the use of her Majesty and the other branches of the royal family; and of the 60,000*l.* usually issued for his Majesty's privy purse, it was directed that the keeper of the privy purse should continue such payments as his Majesty had been used to make out of it, not exceeding 15,461*l.* per annum, and that her Majesty should be empowered to direct the disposal of 4,215*l.* quarterly. The remainder was to be invested in the funds, in the name of the keeper of the privy purse, in trust for his Majesty: the accumulating dividends, and the revenues of the duchy of Lancaster, were to be in like manner applied, and the keeper of the privy purse was to vouch his fidelity to his trust annually on oath. The care of his Majesty's other real and personal property was left in the hands of those to whom by a former statute it had been committed, subject to the controul of the trustees formerly appointed; that part which was not so disposed of, was declared to vest in the Queen, the Prince Regent, and the keeper of his Majesty's privy purse, to be preserved and invested for his Majesty's use; and nothing in this act contained was to invalidate any deed or will which the King had made, or might afterwards make.

With respect to the droits of the crown, and of the admiralty, it was declared, that as his Majesty had been accustomed, by the advice, or on the recommendation, of the Lords of the Treasury, to make grants out of them to persons interested in the capture of vessels or other property, or to other persons praying relief, in case of damage, or injury by capture, prize, or engagements at sea, it should be lawful for the Regent to dispose of any portion of those monies in like manner.

A year having expired, without any abatement of his Majesty's complaint, it was found necessary, in the next session of parliament, to make further provision for different objects already taken into consideration, and this was done by three several statutes of the 52d of the King, chapters 6, 7, and 8.

In addition to the sums allotted by former acts of parliament for the civil list, 70,000*l.* per annum were now granted to be paid out of the consolidated fund; and the Prince Regent gave up the annual sum of 50,000*l.* which he had been used to receive from the civil list for his separate use. Accounts of

deficiencies in the civil list exceeding the usual average were still to be laid before parliament. The sum of 100,000*l.* was also granted to defray the expence incurred by his Royal Highness in taking on himself the personal exercise of the functions of royalty. Further regulations were made as to the appointment of certain officers of the household, immediately attached to the King's person, by the Queen; the remainder of the household were to attend upon the Regent, and, if he were pleased to appoint others in lieu of those retained about the King, they were to have equal salaries.

All royal prerogatives, rights, and immunities whatsoever, were declared to be fully bestowed on the Regent, and all restraints imposed on the exercise of the prerogative by the former statute were removed.

Provision was made for paying the stipends of officers of his Majesty's personal household before any other charges on the civil list, and many enactments were devised for the more exact administration of his estates real and personal.

These acts were varied by subsequent statutes in a few not very important particulars, and by the 56 Geo. 3. c. 46. the civil list is relieved from the payment of the allowances made by his Majesty to his Royal Highness the Duke of York and the junior members of the royal family, and they are now charged on the consolidated fund.

It is a painful duty to close the amended account thus introduced by mentioning a melancholy change in the state of the royal family, occasioned by an event which has overwhelmed that illustrious house with indescribable grief, and converted the ardent hopes of the nation into consternation and despair. The name of her Royal Highness Charlotte Augusta, daughter of the Prince of Wales is mentioned in a preceding page, in the enumeration of the royal family. Educated with the utmost care, and trained to a thorough regard for religion and love of her country, this amiable and excellent Princess attained her twenty-first year. It is not possible by any general observation to convey a notion of the affection with which, at this time, she was viewed by all parties, and all classes of those who expected to be her future subjects. Without an effort, every thing seemed to become her; without appearing to court popularity, she was adored. In 1816, her Royal Highness was married to his Serene Highness, Leopold George Frederick, Prince of Cobourg of Saalfeld. The popular affection which had existed before, was carried to enthusiasm by her conduct after marriage. It was better calculated to satisfy every predilection of a moral and reflecting nation, than the most subtle politician could have devised, and at the same time too evidently

the result of pure, just, and natural feeling, to afford a pretext for supposing that it was assumed for any purpose. Retired, but not secluded from the world; devoted to each other, but actively alive to every call of compassion, and feeling of benevolence; separated from the cares of politics, courting no party, nor ever anticipating the great share they were at some future day to have in the state, this amiable couple lived equally admired in their public and private characters. The hope of offspring cheered the whole nation, but hope was withered, never to revive by the fatal event. On the sixth of November 1817, her Royal Highness was delivered, after a lingering labour, of a still-born male infant, and in a few hours was herself a corpse. The desolation of a whirlwind could not have produced a more general and unvaried effect. It is not the office of this publication to record, or even allude to individual feelings, but the national sympathy was in every way honourable to the humane, moral, and religious sentiment of the country. It was truly British; nothing was forced, strained, or affected. No public edict prescribed demonstrations of woe; the court directed a general mourning, but every thing else proceeded spontaneously from the heart and understanding. Business went on in its necessary course, but every species of amusement was intermitted, every commemorative festival, or convivial meeting, was suspended, or given up: the general appearance denoted a sincere grief, "which passeth show;" and on the day when the body of this beloved Princess was consigned to the tomb, voluntary devotion led people of every persuasion to their places of worship, where in prostrate humility they bent to the inscrutable wisdom of the divine decree, and attested by their tears the truth of those eulogies which their pastors pronounced on the object of their regrets.

THE PARLIAMENT.

THIS august assembly consists of the king, sitting in his royal political capacity; of the lords spiritual, as archbishops and bishops; and the lords temporal, as dukes, marquesses, earls, viscounts, and barons; these compose one house: the other is formed of the knights, citizens, and burgesses, who are chosen by force of the king's writ, which issues *ex debito justitiæ*; these compose the house of commons, and represent all the commons of the kingdom.

The power and jurisdiction of parliament, says Sir Edward Coke, is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds. It has sovereign and uncontrollable authority in making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding laws, concerning matters of all possible denominations, ecclesiastical, or temporal, civil, military, maritime, or criminal: this being the place where that absolute, despotic power, which must in all governments reside somewhere, is intrusted by the constitution of these kingdoms. All mischiefs and grievances, operations and remedies, that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the crown; as was done in the reign of Henry VIII. and William III. It can alter the established religion of the land; as was done in a variety of instances, in the reigns of Henry VIII. and his three children. It can change and create afresh even the constitution of the kingdom and of parliaments themselves; as has been done by the acts of union, and the several statutes for triennial and septennial elections. It can, in short, do every thing that is not naturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the omnipotence of parliament.

To trace out exactly the origin and antiquity of parliament, and to point out the several alterations it met with, and how it

came to be modelled as it now is, seems, if not impossible, a work of the greatest difficulty: but this difficulty is not to be attributed to any peculiar defect in our constitution, but only to time, and the loss and destruction of our records, especially in the barons' wars; and the perplexity and obscurity of the subject are augmented by the prejudices and different views, which have actuated writers who have treated on this point.

The word, *parliament*, itself, (*parlement*, or *colloquium*, as some translate it,) is comparatively of modern date; derived from the French, and signifying an assembly that met and conferred together. It was first applied to general assemblies of the states, under Louis VII. in France, about the middle of the twelfth century, and not used in England till the reign of Henry III. But certainly, long before the introduction of the Norman language into England, all matters of importance were debated and settled in the great councils of the realm; a practice which seems to have been universal among the northern nations, particularly the Germans; and carried by them into all the countries of Europe, which they over-ran at the dissolution of the Roman empire.

In England this general council has been held immemorably, under the several names of *michel-synoth*, or great council, *michel-gemote*, or great meeting, and more frequently *wittena-gemote*, or the meeting of wise men. It was also styled in Latin, *commune consilium regni*, *magnum consilium regis*, *curia magna*, *conventus magnatum vel procerum*, *assisa generalis*, and sometimes *communitas regni Angliæ*. We have instances of its meeting to order the affairs of the kingdom, to make new laws and mend the old, or, as Fleta expresses it, "*novis injuriis emerfis, nova constituere remedia*," so early as the reign of Ina, king of the West Saxons, Offa, king of the Mercians, and Ethelbert, king of Kent, in the several realms of the heptarchy. And, after their union, the Mirror informs us, that king Alfred ordained for a perpetual usage, that these councils should meet twice in the year, or oftener, if need be, to treat of the government of God's people; how they should keep themselves from sin, should live in quiet, and receive right. Our succeeding Saxon and Danish monarchs held frequent councils of this sort, as appears from their respective codes of laws; the titles of which usually denote that they were enacted, either by the king with the advice of his *wittena-gemote*, or wise men, as, "*hæc sunt instituta, quæ Edgarus rex consilio sapientum suorum instituit*;" or enacted by those sages, with the advice of the king, as, "*hæc sunt judicia, quæ sapientes consilio regis Ethelstani instituerunt*;" or lastly, to be enacted

enacted by them both together, as, "*hæc sicut institutiones, quas rex Edmundus et episcopi sui cum sapientibus suis instituerunt.*" There is also no doubt but these great councils were occasionally held under the first princes of the Norman line; and, on the whole, it indisputably appears, that parliaments, or general councils, are coeval with the kingdom itself.

How these parliaments were constituted and composed, is another question, which has been matter of great dispute among our learned antiquaries; and, particularly, whether the commons were summoned at all; or, if summoned, at what period they began to form a distinct assembly. It is not intended to enter at large into this controversy; it will suffice to say a few words on the subject, in treating separately on the house of commons. It is generally agreed, that, in the main, the constitution of parliament, as it now stands, was marked out so long ago as the seventeenth year of king John, A. D. 1215, in the great charter granted by that prince; wherein he promises to summon all archbishops, bishops, abbots, earls, and greater barons, personally; and all other tenants in chief, under the crown, by the sheriff and bailiffs; to meet at a certain place, with forty days notice, to assist aids and scutages when necessary. And this constitution has subsisted in fact, at least, from the year 1266, 49th Henry III. there being still extant writs of that date to summon knights, citizens, and burgesses to parliament.

The parliament is regularly to be summoned by the king's writ or letter, issued out of chancery, by advice of the privy council, at least forty days before it begins to sit. This was originally a provision of Magna Charta; it is enforced by 7 and 3 W. III. c. 25. which enacts that there shall be forty days between the teste and the return of the writ of summons; and this time is, by uniform practice, extended to fifty days. This practice was introduced by the 22d article of the act of union with Scotland, which required that time between the teste and the return of the writ of summons for the first parliament of Great Britain.

It is a branch of the royal prerogative, that no parliament can be convened by its own authority, or by the authority of any, except the king alone. Nor is it an exception to this rule that, by some modern statutes, on the demise of a king or queen, if there be then no parliament in being, the last parliament revives, and it is to sit again for six months, unless dissolved by the successor: for this revived parliament must have been originally summoned by the crown.

There are instances of parliaments meeting without the royal summons, as the convention parliament which restored Charles II. and that in 1688, which assembled by its own authority;

thority; and on the summons of the prince of Orange, afterwards William III. met in convention, and disposed of the crown and kingdom. But these transactions are rather to be vindicated on the score of imperative necessity, than cited as precedents of the regular exercise of legal power.

By the ancient statutes of the realm, the king is bound to assemble a parliament every year, or oftener, *if need be*. Not that he is, or ever was, obliged by these statutes to call a *new* parliament every year; but only to permit a parliament to sit for the redress of grievances, and dispatch of business, *if need be*. To prevent the evils which might arise from a too lax construction of the last three words, the statute 16 Car. II. c. i. ordained that the sitting and holding of parliaments shall not be intermitted above three years at the most; and that of the 6th William and Mary, c. 2. enacts, as the statute of Charles II. had done before, that a new parliament shall be called within three years after the determination of the former. But the altered state of government, with respect to the powers and necessities of the crown, since the days of Charles II. provides most effectually for the frequent convocation of parliaments. In ancient times, especially before the abolition of the feudal tenures, our kings had such an independent revenue, that they were enabled to reign many years together without the assistance of parliament; but now as the mutiny-act, and land-tax, and malt-tax acts are passed for one year only, the parliament must necessarily be summoned for the dispatch of business once every year.

As each of the two houses has a negative on the propositions made by the other, and there is, consequently, no danger of their encroaching on each other's rights, nor on those of the king, who has likewise his negative upon them both; any question judged by them conducive to the public good, may be made the subject of their deliberations, and brought forward in either house; except bills for granting money, or raising any tax, supply, or contribution on the subject, which can only originate in the commons.

The privileges of parliament are very large and indefinite; for as privilege of parliament was principally established, to protect its members not only from being molested by their fellow subjects, but more especially from being oppressed by the power of the crown, it has been conceived, that if all the privileges of parliament were set down and ascertained, and none to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and, under that pretence to harass any refractory member and violate the freedom of parliament. Some however of the more notorious privileges of
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the members of either house are, privilege of speech, and of person. As to the first, privilege of speech, it is declared by the statute 1 W. and M. st. 2. c. 2. as one of the liberties of the people, "that the freedom of speech, and debates and " proceedings in parliament, ought not to be impeached or " questioned in any court or place out of parliament." And this freedom of speech is particularly demanded of the king in person, by the speaker of the house of commons, at the opening of every new parliament. So likewise is the other, privilege of person, which immunity is as ancient as Edward the Confessor, and to which, till renounced by the statute 10 Geo. III. c. 50. was added a protection for the domestics, lands, and goods of every member. A peer (by the privilege of peerage) is for ever sacred and inviolable; and a commoner (by the privilege of parliament) for forty days after every prorogation, and forty days before the next appointed meeting: which is now, in effect, as long as the parliament subsists, it seldom being prorogued for more than four-score days at a time.

Members of either house are not only free from arrest in general, but can only be proceeded against for the recovery of debts by bill or by original writ; but for the benefit of commerce, it is provided by statute 4 Geo. III. c. 33. that any trader, having privilege of parliament, may be served with legal process for any just debt to the amount of 100*l.* and unless he makes satisfaction within two months, it shall be deemed an act of bankruptcy; and commissions of bankrupt may be issued against such privileged traders, in like manner as against any other.

The claim of privilege has been usually guarded with an exception as to treason, felony, and breach of the peace. Instances have not been wanting, wherein privileged persons have been convicted of misdemeanors, and committed or prosecuted to outlawry, even in the middle of a Session; which proceeding has received the sanction and approbation of parliament; and in the present reign, the writing and publishing of seditious libels was resolved by both houses not to be entitled to privilege. As the reasons on which that decision was founded, extended equally to every indictable offence, the chief, if not the only privilege of parliament, in such cases, seems to be the right of receiving immediate information of the imprisonment of any member, with the reason for which he is detained.

To prevent the mischiefs which might arise from placing the authority and privileges of parliament in hands incapable or improper; it is provided, that no one shall sit or vote in either house, unless he be twenty one years of age; that no member
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be permitted to enter into the house of commons till he has taken the oath of allegiance before the lord steward or his deputy; and that no member shall vote or sit in either house, till he has, in the presence of the house, taken the oaths of allegiance, supremacy and abjuration, and subscribed and repeated the declaration against transubstantiation, and invocation of saints, and the sacrifice of the mass. Aliens, even if naturalized, cannot sit in parliament; and there are not only these standing incapacities; but if any person is made a peer by the king, or elected to serve in the house of commons by the people, yet may the respective houses, upon complaint of any crime in such person, and proof thereof, adjudge him disabled and incapable to sit as a member: and this, by the law and custom of parliament.

The place of meeting of this high and honourable assembly is, in whatever city, town or place, the king may appoint, but of late years, it has usually been held at the king's ancient palace at Westminster; the lords in a room by themselves, and the commons in one not far distant, which was formerly a chapel dedicated to St. Stephen.

Having thus noticed the most essential particulars relating to the general body of parliament, it remains to treat of each component part separately, and first of

THE KING.

The king is styled in law books, *caput parliamenti*, and it has already been observed, that, except in extreme cases, a parliament cannot be legally held unless convoked by him, and he alone can dissolve or prorogue it.

At the beginning of a parliament, and at the commencement of every session after a prorogation, before either house can proceed upon any business, the cause of summons must be declared to both houses, assembled, either by the king himself, or by some person by his command, or by persons authorized by his commission. The proceedings, therefore, on the 18th February, 1662; the 20th February, 1665; and on the 18th September, 1666; were certainly informal. Yet although this declaration of the cause of summons is necessary for opening the session, and, as it were, to give life and existence to the parliament, the house of commons are by no means obliged to proceed first, in the considerations of the matters expressed in the speech; and there are frequent instances of their postponing it to other business, and sometimes for several days. Indeed the usual practice, for several years past, has been, immediately

on returning from the house of lords, to read a bill prepared of course by the clerk; in order, as is supposed, to assert the claim of not being obliged to give precedence to the subjects contained in the king's speech. If the king is prevented by illness, or any other sudden cause, from personal attendance, and no commission is prepared, for opening, or further proroguing, the parliament; the house of commons ought immediately to adjourn. But in November 1788, a strong exception to this practice occurred, when the king, from indisposition, was unable to attend in person, or to sign a commission for proroguing, or holding the parliament. This deviation, however, from the strictness of law is justified, like those before enumerated, on the plea of irreparable necessity.

It is highly expedient, for duly preserving the privileges of the separate branches of the legislature, that neither should encroach upon the other; or interfere in any matter depending before them, so as to preclude, or even influence, that liberty in debate, or in action, which is essential to a free council. And therefore, neither the king, or lords, or commons, are to take notice of any bills, or other matters, depending, or of votes that have been given, or of speeches which have been made by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual and parliamentary manner. There are, however, in the proceedings of parliament, exceptions to this rule, necessarily arising out of their own forms and orders. In cases where the king is interested, as a party in any bill depending before the house of commons, either as patron of a living, lord of the manor or soil, or in any other manner; here, as it is the duty of his servants to acquaint him with the purport of such bills, and to take care that his property or interest may be secured, or that he may have an adequate compensation for them, it is usual for the chancellor of the exchequer, or the chancellor of the duchy of Lancaster, to acquaint the house, either on presenting the petition, or in the course of the bill, "that his majesty, having been informed of its purport, gives his consent, so far as his interest is concerned, that the house may do therein as they shall think fit." And this is no breach of the privilege of parliament, as it is a proceeding founded on the fundamental rules of natural justice. The purport of some bills must necessarily be communicated to the king, even before they are presented; as bills for the reversal of attainders or out-lawries, and for restitution in blood; or bills for granting honours or precedency. There is another case, where, by the standing orders of the house of commons, it is necessary

that the king should be acquainted with the nature of the petition, or proceeding, even before it is proposed to the house; and that is, on application for public money. By the order of the 11th of December, 1706, which is declared to be a standing order on the 11th of June, 1713, it is resolved, "That this house will receive no petition for any sum of money, relating to public service, but what is recommended from the crown." As soon, therefore, as any petition of this nature is offered, and before it can be received, it is necessary that the chancellor of the exchequer, or some other member, authorized by the king, should acquaint the house, "That his majesty, having been informed of the contents of the said petition, recommends the same to consideration." And the house, having conducted their proceedings rather according to the spirit of this order, than the words, have required the king's recommendation, not only in petitions from private persons, but in other cases of application for public money not coming from the crown: as on the estimate for paying and cloathing the militia; on augmenting the salaries of the judges; the purchasing sir William Hamilton's collection of antiquities; and in many other instances. A bill for a general pardon originates with the king; it is read but once in each house; but, like every other bill, receives the royal assent expressed in French.

MESSAGES. Whenever the king, or any of his ministers, or persons employed by him, find it necessary, for the public service, to put a member of the house of commons under arrest; or when, in any public inquiry, matter is disclosed which may lead to affect the person of a member; or, to seize his papers; it has been the uniform practice immediately to acquaint the house of commons, that they may know the reasons for such a proceeding, and take such steps as they think proper. The security of the persons of the members is a most sacred privilege, and therefore it is highly expedient, that, whenever the public necessity appears to justify any breach of it, the ministers of the crown should, as soon as possible, apprize the house of the steps they have taken, and the grounds of their reasons. And this information is by a verbal message, delivered by the secretary of state, the chancellor of the exchequer, the secretary at war, or one of the commissioners of the admiralty, according to the department in which the proceeding arises.

But, when it is requisite to desire any proceeding on the part of the houses, (as an augmentation of the army or navy, a supply of credit, or to pay arrears of the civil list,) it is usual to send a written message, signed by the king; and the bearer
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Having informed the house, from the bar, that he has such a message, brings it up and delivers it to the speaker. As soon as that officer has read the signature, the house shew their respect by remaining uncovered while it is reading. Where the subject of the message is of a nature that it can properly be communicated to both houses, it is expected that both should receive it on the same day, and great indignation has been expressed when this just attention has been omitted.

When the king is in the house of lords, and requires the attendance of the other house, the message is sent by the gentleman usher of the black rod. And, as it is the established custom, when the black rod knocks at the door, that he is admitted without any notice given by the serjeant to the house, or question put, (which is necessary in messages from the lords, and in other cases) it is apprehended that, as soon as he knocks, all other business must cease, the door should be opened, and, when he has delivered his message, the speaker and the house ought, without debate or delay, to attend the king in the house of peers.

ADDRESSES. If a joint address of both houses is to be presented; the lords ascertain the time when the king will be attended with it; and inform the house of commons, by message. The houses then meet at the place and time appointed by the king, and the address is read by the speaker of the house of lords. Sometimes, instead of both houses attending in a body, a committee from each house is appointed; and in this case the commons appoint double the number of the lords.

An address of the house of commons alone is presented by the whole house, or by such particular members as are of the privy council. There is no precise rule to be drawn, either from the subject matter of the address, or from the form in which it is drawn up, (whether only as a resolution, or an address prepared by a committee pursuant to a resolution,) in what manner it shall be presented. It has frequently been the practice to present resolutions for an address (without drawing them up in form) by the whole house.

OF THE KING'S ATTENDANCE IN PARLIAMENT. The king has an undoubted right to be present in the house of lords during the debates, without going in state, or in any manner interfering in the proceedings. Charles II. and several of his successors frequently did so; but from the accession of George I. to the present time the practice has been, and perhaps wisely, discontinued.

ASSENT TO BILLS. The king in person goes in state to the house of lords to give his royal assent to bills; or it may be,

and most frequently is, done by commission. To assent is most usual, but it is an undisputed prerogative of the sovereign, and a prerogative which on some occasions may be indispensably requisite, to refuse such assent. The right of refusal was last exercised by Queen Anne in 1707, on a bill for settling the militia of Scotland; but, considering the animosity which it must create between the sovereign and the two houses, it is most earnestly to be desired that such occasions may not occur. An instance is recorded, where the king apparently wishing to withhold his assent, without offending the two houses, adopted an indirect and improper course. "There was a severe act," says Burnet, "passed in the end of Queen Elizabeth's reign, by which those who did not conform to the church were required to abjure the kingdom, under pain of death; and for some degrees of nonconformity, they were adjudged to die, without the favour of banishment. Both houses passed a bill for repealing this act; it went, indeed, heavily in the house of lords; for many of the bishops, though they were not for the putting that law in execution, which had never been done but in one single instance, yet they thought the terror of it was of some use, and that the repealing it might make the party more insolent. On the day of the prorogation, this bill ought to have been offered to the king; but the clerk of the crown, by the king's particular order, withdrew the bill. The king had no mind openly to deny it, but he had less mind to pass it; so this indiscreet method was taken, which was a high offence in the clerk of the crown."

When the king is in the house of lords, or (if the royal assent is to be given in the other mode) when the commission has been read, and the commissioners are seated in their robes, a clerk reads a list of the bills, and gives, or refuses, the royal assent. When the royal assent is given to a public bill, the clerk says, *Le Roy le veut*. If a private bill, *Soit fait comme il est désiré*. If the bill has subsidies for its objects, he says, *Le Roy remercie ses loyaux sujets, accepte leur bënëvolence et aussi le veut*. Lastly, if the king does not think proper to assent to the bill, the clerk says, *Le Roy s'avisera*; which is a mild way of giving a refusal.

This custom of using the French language was introduced at the conquest, and formerly extended over all legal and judicial proceedings. In parliament it has continued like other matters of form, which sometimes subsist for ages after the real substance of things has been altered. It is a badge (now the only one remaining), of conquest; and which ought to fall into total oblivion, unless it be reserved as a solemn memento,

to remind us that our liberties are mortal, having once been destroyed by a foreign force. By an act passed during the interregnum, and which is printed in Scobell's Collection, Anno 1650, ch. 37. it is enacted, "That all law proceedings shall be in English."—The form of giving the assent to bills was accordingly altered, during the Protectorate of Cromwell; for on the first of October, 1656, it is resolved, "That when the lord protector shall pass a bill, the form of words to be used shall be these, *The lord protector doth consent.*" There was also a report of lord chief justice Glyn, of the form of words to be used, and entered on a bill, that had passed the parliament, "*Let this bill be presented to the lord protector for his consent.*" On the 9th of June, 1657, Cromwell, in giving his consent to two bills of supply, added, "Understanding it hath been the practice of those, who have been chief governors, to acknowledge, with thanks to the commons, their care and regard for the public, I do very heartily and thankfully acknowledge their kindness therein."—On the 24th March, 1706, the house of lords, adopting the good sense of these provisions, passed a bill "for abolishing the use of the French tongue in all proceedings in parliament and courts of justice." It was read twice in the house of commons and committed, but never reported from the committee.—The bill directed, "That instead of, *Le Roy le veut*, these words be used, the king answers *Be it so.* Instead of *Soit fait comme il est désiré*, these words be substituted, *Be it as it is prayed:* Where these words, *Le Roi remercie ses bons sujets, accepte leur benevolence, & aussi le veut*, have been used, it shall hereafter be, *The king thanks his good subjects, accepts their benevolence, and answers, Be it so.* Instead of *Le Roi s'assiera*, these words *The king will consider of it* be used." And the bill also directed, "That the entry of the order for any bills to the lords or commons, or the entry of their consent, should for the future be in the English tongue, and not in the French.—And that in all parliamentary proceedings, or the proceedings in any court of law or justice, the French tongue shall not be hereafter continued, but the English tongue shall be used in its place."—Why this bill was rejected by the commons, or why its provisions, with respect to proceedings in parliament, were not adopted, in an act which afterwards passed in the year 1731, "That all proceedings in courts of justice should be in English," is not known.

PROROGATION. It seems to be decided that the king cannot by his own authority adjourn, but he alone can prorogue the parliament. The different effects of a prorogation and an

adjournment are, that, the first concluding the session, all bills, or other proceedings depending in either house, in whatever state they are, are entirely put an end to, and must, in the next session, be instituted again, as if they had never been begun.—Whereas upon an adjournment, every proceeding remains entire, and may, at the meeting after the recess, be taken up in the state, and at the period, where it was left.

A prorogation is either by the king's command, and in his presence signified by the lord chancellor, or speaker of the house of lords, to both houses—or by writ under the great seal, directed to the lords and commons, or by commissioners appointed by a special commission for that purpose.—The first is the usual mode of proceeding, where the parliament is prorogued at the close of the session. Prorogation by writ does not take place except upon the meeting of a new parliament after a general election, and before a speaker of the house of commons is chosen: on this occasion, when the members of the house of commons come to the place appointed for administering to them the oaths, by the lord steward or his deputies; on their being informed, that the parliament is to be prorogued by writ, directed to the lords and commons, they proceed directly, without entering their own house, or expecting any message from the lords, to the house of peers, where the writ for proroguing the parliament is read. The entry of the transaction is made in the journal of the house of commons, without expressing by whom, or on what authority, the information was conveyed. Proroguing by special commissioners is the usual form, when the parliament meets, from time to time, during the recess.

OPENING OF THE SESSION. On meeting after prorogation, it is irregular for the houses to proceed to business till the cause of summons has been declared, and the session opened by the king, or persons authorized by him, in the house of lords; and if, from any cause, the king does not come in person, or send a commission for opening the session, or proroguing the parliament, the house of commons ought to do nothing, but adjourn to a future day.

It is not necessary by law to give forty days notice of the meeting of parliament for dispatch of business after a prorogation, the statute 7th and 8th William III. requiring only that “there shall be forty days between the talle and returns of the writs of summons.” When notice has been once given by proclamation, that parliament shall sit for dispatch of business, if it is necessary further to prorogue it, no renewed notice is necessary, because it is supposed, that all the members attend in conformity to the first proclamation. But although no
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positive law requires forty days notice of the sitting for dispatch of business, the regular and established practice is, that the parliament is, in the course of the recess, prorogued from time to time, by commissioners authorized by his majesty, of which prorogations notice is given by proclamation, or by order in council published in the Gazette; and, when it is intended that the parliament shall actually sit for dispatch of business, notice is specified in the proclamation; and that proclamation generally bears date at least forty days before the day appointed for the meeting.

DISSOLUTION. By the act of the 1st of George I. statute 2, c. 38, the crown is restrained from continuing the existence of a parliament for a longer term than seven years; to be accounted from the day on which, by the writ of summons, they were appointed to meet. This law, commonly called the Septennial Act, extended the duration of parliaments to seven years; which, by the act of the 6th of William and Mary, chap. 2. had been limited to three. Before this act of William and Mary, which passed in 1694, there was by law no limitation of time for the duration of parliaments; the crown was at liberty, if it found a parliament subservient to its views, to extend its existence for any term; and, in fact the parliament which was elected in 1661, soon after the restoration, was not dissolved till January, 1678-9, having continued almost eighteen years. The acts in force before the reign of William did not limit the duration of each parliament to three years, but provided only that their sittings should not be suspended beyond that term.

But the king may dissolve the parliament at his pleasure, either during a sitting, an adjournment, or a prorogation; in person or by commission under the great seal, if the parliament be sitting; or, if prorogued, by proclamation. It has been the uninterrupted practice, since the revolution, to prorogue the legislature to a certain day; and then issue a proclamation, discharging the members from their attendance on that day, and dissolving the parliament. The reason for this mode of proceeding is probably founded in a sentiment delivered by Charles I. in his speech in 1628. "That it should be a general maxim with kings, themselves only to execute pleasing things, and to avoid appearing personally in matters that may seem harsh and disagreeable." For, however proper it may be frequently to appeal to the sense of the nation at large, by the election of a new parliament; and however flattering to the electors; to the elected, a dissolution is generally an unwelcome measure.

THE HOUSE OF LORDS.

How composed. The House of Lords is composed of the lords spiritual and temporal of England, who are to be summoned, *ex debito jussitie*. Sixteen peers of Scotland, and one archbishop, three bishops, and twenty eight temporal lords of Ireland, by virtue of the respective acts of union, severally represent those kingdoms. Besides these, the judges of England sit, by virtue of the king's writ of assistance; the masters in chancery, by virtue of their office; and his majesty's attorney and solicitor general, and counsel learned in the law, attend on requisite occasions, to give advice; but none but the peers of parliament can vote on any question.

ORIGIN OF PEERAGE. The right to sit in the house of peers originated entirely in the possession of land. At the conquest, all persons found in arms against the invader forfeited their estates; which he gave to Normans: and he compelled all those who were not in arms against him to take out patents to hold their lands of himself. To complete this measure, he made a general survey of the kingdom, which was called *domusibus*, and changed the nature of the tenure, which, in the Saxon times, was *allodial*, into *feudal*, to be holden of himself by knights service. Thus he made the property of estates depend on allegiance to him. All possessors who enjoyed the fruits or revenue of any estate, held those privileges, either mediately or immediately, of the crown; and their property was conceived to be, in some degree, conditional. The land was still apprehended to be a species of *benefice*, which was the original conception of a feudal property; and the vassal owed, in return for it, stated services to his baron, as the baron himself did for his land to the king. The vassal was obliged to defend his baron in war; and the baron, at the head of his vassals, was bound to fight in defence of the king and kingdom. But, besides these military services, which were casual, there were others imposed of a civil nature, which were more constant and durable. The king, when he found it necessary to demand any service of his barons, or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their consent: and when it was necessary to determine any controversy which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or advice. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons; and these implied all the considerable incidents of government. In one view
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the barons regarded this attendance as their principal privilege; in another, as a grievous burden. That no momentous affairs could be transacted without their consent and advice, was, in general, esteemed the great security of their possessions and dignities: but as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge, by an absence from their own estates, every one was glad to exempt himself from each particular exertion of this power; and was pleased, both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting. This attendance was the chief badge of their subordination to the crown; and drew them from that independence which they were apt to affect in their own castles and manors; and where the meeting was thin or ill attended, its determinations had less authority, and commanded not so ready an obedience from the whole community. The archbishops, bishops, and barons, which included earls, the highest title of nobility then known, were thus obliged to sit in the great council, or, as it was afterwards called, parliament; but another class of military tenants, those who held *in capite*, by knights' service, had a right, though they were not compellable, to attend. All the immediate military tenants of the crown amounted not fully to seven hundred, when doomsday-book was framed: and as the members were well pleased, on any pretext, to excuse themselves from attendance, the assembly was never likely to become too numerous for the dispatch of public business.

CREATION. Distinctions of nobility thus proceeding from land, were taken as titles from the conquest; and the possessors of them were called to parliament by summons. Since that time peers have been created by investiture, and by patent, which last mode was introduced by Richard II. in the eleventh year of his reign, and is now most generally used: but peerages are created both by writ and patent, without any regard to tenure or estate. The creation by writ, or the king's letter, is a summons to attend the house of peers, by the stile and title of that barony which the king is pleased to confer: that by patent is a royal grant to a subject of any dignity and degree of peerage. The creation by writ is the more ancient way; but a man is not ennobled thereby, unless he actually takes his seat in the house of lords: and some are of opinion, that there must be at least two writs of summons, and a sitting in two distinct parliaments, to evidence an hereditary barony: and therefore the most usual, because the surest, way is to grant the

the dignity by patent, which enures to a man and his heirs according to its limitation, though he never himself makes use of it. Yet it is frequent to call up the eldest son of a peer to the house of lords by writ of summons, in the name of his father's barony; because in that case there is no danger of his children losing the nobility, in case he never takes his seat; for they will succeed to their grandfather. Creation by writ has also one advantage over that by patent: for a person created by writ holds the dignity to him and *his heirs*, without any words to that purport in the writ; but in letters patent there must be words to direct the inheritance; else the dignity enures only to the grantee for life. The form of creation by patent is thus described: First, the king's warrant issues for making out the letters patent; which, when made out, are carried to the chancellor to be passed under the great seal; and he immediately indorses on them his *recepti*. Whenever they are afterwards sealed, the date of passing them under the great seal must be the same with that of the *recepti*. A peerage by creation does not commence till this indorsement takes place; and if either the king, or the person to be created, should die before it, no benefit could accrue to the intended peer or his heirs, even though the warrant should have been signed. But as soon as the *recepti* is indorsed, the peerage takes place; because the chancellor, or keeper of the great seal, must, by the statute of the 18th of Henry VI. when he fixes the great seal to the patent, ante-date it to the day of the *recepti*. If the king were to die after the day of that date, the great seal might be put to the patent; or, if the intended peer were to die in the same period, his heirs would have the benefit of the peerage.

The ceremony of admitting a peer into the house, is thus: he is brought in between two lords; a king at arms bears his patent or writ of summons, and presents it kneeling to the lord chancellor, who, having read it, congratulates the peer on becoming a member of the house, and invests him with his parliamentary robe. The patent is then delivered to the clerk of the parliament; and the oaths having been administered, the new peer is conducted to his seat on the proper bench.

LORDS SPIRITUAL. The lords spiritual in parliament are: for England, two archbishops, and twenty-four bishops*; and for Ireland, one archbishop and three bishops: the English for life; the Irish by rotation. In the Saxon times, the lords spiritual held by *frankalmoigne*, but yet made great part of the grand council of the nation, being the most learned persons,

* At the dissolution of monasteries by Henry VIII. there werelikewise twenty-seven mitred abbots, and two priors: a very considerable body, and in those times equal in number to the temporal nobility.

that in those times of ignorance met to make laws and regulations: but William the Conqueror turned the *frankalmoigne* tenures of the bishops and some of the great abbots into baronies; and thenceforward they were obliged to send persons to the wars; or were assessed to the escuage, and were obliged to attend in the king's court: this attendance they complained of as a burthen; alleging that the court of parliament took cognizance of treasons and felonies; and, by the canon of Toledo, the clergy were forbidden to give judgment in blood. To obviate this objection, the constitutions of Clarendon permitted them to withdraw in cases of blood; but still they were obliged to do suit, and such suits confirmed their estates as baronies; and as barons they sit in the house of lords at this day. The description of each separate bishoprick does not belong to this portion of the work, but will be found under the head Clergy. The archbishops rank above all dukes, except princes of the blood; the bishops next below viscounts.

TEMPORAL LORDS. The number of the other branches of nobility is not limited; it being the prerogative of the king to exalt and advance such of his subjects as he thinks deserving. "The distinction of rank and honour," Blackstone observes, "is necessary in every well-governed state; in order to reward such as are eminent for their services to the public, in a manner the most desirable to individuals, and yet without burden to the community; exciting thereby an ambitious yet laudable ardour, and generous emulation, in others. And emulation, or virtuous ambition, is a spring of action which, however dangerous or invidious in a mere republic, or under a despotic sway, will certainly be attended with good effects under a free monarchy; where, without destroying its existence, its excesses may be continually restrained by that superior power, from which all honour is derived. Such a spirit, when nationally diffused, gives life and vigour to the community; it sets all the wheels of government in motion, which, under a wise regulator, may be directed to any beneficial purpose; and thereby every individual may be made subservient to the public good, while he principally means to promote his own particular views. A body of nobility is also more peculiarly necessary in our mixed and compounded constitution, in order to support the rights of both the crown and the people, by forming a barrier to withstand the encroachments of both. It creates and preserves that gradual scale of dignity, which proceeds from the peasant to the prince, rising like a pyramid from a broad foundation; and diminishing to a point as it rises. It is this ascending and contracting proportion that adds stability to any government; for when the departure is sudden from one ex-

treme to another, we may pronounce that state to be precarious. The nobility, therefore, are the pillars which are reared from among the people, more* immediately to support the throne; and, if that falls, they must also be buried under its ruins. Accordingly, when in the last century the commons had determined to extirpate monarchy, they also voted the house of lords to be useless and dangerous. And since titles of nobility are thus expedient in the state, it is also expedient that their owners should form an independent and separate branch of the legislature. If they were confounded with the mass of the people, and like them had only a vote in electing representatives, their privileges would soon be borne down and overwhelmed by the popular torrent, which would effectually level all distinction. It is therefore highly necessary that the bodies of nobles should have a distinct assembly, distinct deliberations, and distinct powers from the commons."

The temporal peers consist of dukes, marquesses, earls, viscounts, and barons.

DUKES. This title of nobility was not used in England till 270 years after the conquest. William being himself only a duke in Normandy, did not confer it on any of his courtiers: and the same reason probably influenced several of his successors. But when Edward III. planned the conquest of France, and about a year before he assumed the title of king of that country, he introduced a new order of nobility, to inflame the military ardour and ambition of his earls and barons, by creating his eldest son prince Edward, duke of Cornwall. This was done with great solemnity in full parliament, at Westminster, March 17, 1337. Many persons, and of the royal family in particular, were afterwards raised to the like honour. However, in the reign of Queen Elizabeth, 1572, the whole order became utterly extinct; but it was revived about fifty years afterwards by her successor, who was remarkably prodigal of honours, in the person of George Villiers, duke of Buckingham. When the Black Prince was created duke of Cornwall, the only ceremony at his investiture was girding him with the sword. When John of Gaunt, son of king Edward III. was created duke of Lancaster, by the same monarch, he had investiture, not only by the king's girding him with the sword, but putting on him a cap of fur, under a coronet of gold set with precious stones. In the 21st of Richard II. the duke of Hereford, and several others, were created by putting a cap of honour on their heads, and by delivering a rod into their hands; then the surcoat, mantle, hood, and patent, were introduced with much ceremony: all which is now omitted, they being created by patent only. The mantle and surcoat which a duke wears at a corona-

coronation are of crimson velvet, lined with white taffeta; and the mantle is doubled from the neck to below the elbow with ermine, having four rows of spots on each shoulder. His parliamentary robes are of fine scarlet cloth, lined with white taffeta, and doubled with four guards of ermine at equal distances, with gold lace above each guard, and tied up to the left shoulder by a black ribbon. His cap is of crimson velvet, lined with ermine, having a gold tassel on the top; and his coronet, which is of gold, also, is set round with flowers, in the shape of strawberry leaves. He is styled, *his grace*; and usually termed by the king or queen, *our right trusty and right entirely beloved cousin*; and if of the privy council, the addition of *counsellor*. His title is, the *high and mighty prince*.

MARQUISSES. This dignity, called in Latin, *marchio*; by the Saxons, *markin reve*; and by the Germans, *markgraf*; which the French, and we after them, have softened into *margrave*, took its origin from mark or march, which, in the language of the northern nations, is a limit or bound; and the office of a marquis was to guard or govern the frontiers of a province. This title was introduced several years after that of duke had been established, being first conferred on Robert de Vere, earl of Oxford, who was created marquis of Dublin, and placed in parliament between the dukes and earls. The creation to this dignity was with nearly the same ceremony as that of a duke; but they are now made by patent under the great seal. His coronation robes are of crimson velvet, lined with white taffeta, and have four guards of ermine on the right side, and three on the left, set at equal distances, with gold lace above each guard, and tied up to the left shoulder by a ribbon. His cap is crimson velvet, lined with ermine, having a gold tassel at top. His coronet is of gold, and has pearls and strawberry leaves, mixed alternately round, of equal height. His title is, *most noble and puissant prince*; and he is styled by the king or queen, *our right trusty and entirely beloved cousin*.

EARLS. An earl is a title of nobility so ancient, that its origin cannot be clearly traced. Among the Saxons, earls were called *ealdormen*, quasi *eldermen*, signifying the same as *senior* or *senator*, among the Romans; and also *schiremen*, because each of them had the civil government of a separate division or shire. On the irruption of the Danes, they changed the name to *Eorles*, which, according to Camden, signified the same in their language. In Latin they are called *Comites*, (a title first used in the empire,) from being the king's attendants; "*a societate nomen sumserunt; reges enim tales sibi associant.*" After the Norman conquest, they were for some time called *counts*, or *countees*, from the French; but they did not long retain that name themselves, though their shires are still denominated from

from thence. Theirs was long the highest rank of nobility in England, till Edward III. created dukes; and Richard II. created marquisses; who both had precedency assigned above earls. They had anciently, for the support of their state, the third penny out of the sheriff's court, issuing out of the pleas of the shire which gave them their title; as in ancient times there were no counts or earls but had a county or shire for his earldom. Afterwards, the number of earls increasing, they took titles from eminent towns or villages, or even from their own seat or park; and some from illustrious families, as Salisbury, Peterborough, Stamford, Paulet, Cholmondeley, Ferrers, Wakegrave, Stanhope, Ashburnham. Nor were their titles confined to England alone, as some were taken from France, as Albemarle and Tankerville. Upon the increase of earls, their revenue ceased; their powers were much abridged; it became the custom of the kings of England to assign some stated pension to the person whom he enobled, for the better support of his dignity; and it was commonly done in the following proportion: viscounts, a fee of twenty marks; earls, of twenty pounds; marquisses, forty marks; and dukes, of forty pounds, out of some particular part of the royal revenue. A creation fee to barons was not settled; but Charles I. when he created Mountjoy Blount, Lord Mountjoy, of Thurstveston, in Derbyshire, assigned to him and his heirs-male a creation-fee of twenty marks per annum. Anciently an earl was created with nearly the same ceremony as a duke or marquis, but it is now done by letters patent; his coronation robe is the same as a duke or a marquis, except that he has only three rows of spots. His parliamentary robes resemble those of a duke or marquis, except that he has only three guards of ermine and gold lace. His cap is the same as theirs. It is uncertain when the coronets of dukes, marquisses, and earls, were settled. Sir Robert Cecil, earl of Salisbury, viscount Cranbourn, was the first of that degree who wore a coronet. An earl's coronet has pearls raised on points, and strawberry-leaves low between them. His title is, *right honourable*, and he is styled by the king or queen, *our right trusty, and right well beloved counsellor*.

VISCOUNTS. The name of vice-comes or viscount, was made use of as an arbitrary title of honour, without any shadow of office pertaining to it, by Henry VI., when, in the eighteenth year of his reign, he created John Beaumont a peer, by the name of viscount Beaumont, which was the first instance of the kind. His coronation robes are the same as an earl's, except that he has only two rows of plain white fur; and the same distinction on his parliamentary robes. His cap is the same; and his coronet is surrounded with a row of pearls close to the chaplet.

chaplet. His style is, *right honourable*, and he is called by the king or queen, *our right trusty, and well beloved counsellor*.

BARONS. A baron's is the most general and universal title of nobility; for originally every one of the peers of superior rank had also a barony annexed to his other titles. But it has happened that, when an ancient baron has been raised to a new degree of peerage, in the course of a few generations the two titles have descended differently; one perhaps to the male descendants, the other to the heirs general; whereby the earldom or other superior title has subsisted without a barony: and there are also modern instances, where earls and viscounts have been created without annexing a barony to their other honours: so that now the rule does not hold universally, that all peers are barons. The origin and antiquity of baronies have occasioned great inquiries among English antiquaries. The most probable opinion seems to be, that they were the same with our present lords of manors; to which the name of court baron (which is the lord's court, and incident to every manor) gives some countenance. It may be collected from king John's *magna charta*, that originally all lords of manors, or barons, that held of the king *in capite*, had seats in the great council or parliament, till their conflux becoming large and troublesome, the king was obliged to divide them, and summon only the greater barons in person; leaving the small ones to be summoned by the sheriff, and (as it is said) to sit by representation in another place, which gave rise to the separation of the two houses of parliament. By degrees the title came to be confined to the greater barons, or lords of parliament only; and there were no other barons among the peerage but such as were summoned by writ, in respect of the tenure of their lands or baronies, till Richard II. first made it a mere title of honour, by conferring it on divers persons by his letters patent. The first baron made by patent was invested with a mantle and cap. The coronation robes of a baron are the same as an earl's, except that he has only two rows of spots on each shoulder. In like manner his parliamentary robes have but two guards of white fur, with rows of gold lace. In other respects they are the same as other peers. Charles II. granted a coronet to the barons. It has six pearls, set at equal distances on the chaplet. His cap is the same as a viscount's. His style is, *right honourable*; and he is called by the sovereign, *right trusty, and well beloved*.

All persons of the above mentioned dignities sit in parliament of their own right, subject only to the oaths and tests prescribed by law, and to the provision of the stat. 30 Charles II. which excludes those who do not conform to the protestant religion.

PEERS OF SCOTLAND. By the articles of union which connect Scotland with England in one legislature, and the act of parliament for carrying them into effect, it is provided, that of the peers of Scotland, at the time of the union, sixteen shall be the number to sit and vote in the house of lords; and that the said sixteen peers who shall have a right to sit in the house of peers in the parliament of Great Britain on the part of Scotland, shall be named by the peers whom they represent, their heirs, or successors, out of their own number, by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and the proxy being qualified according to law; and it is declared that such peers as are absent, being duly qualified, may send to all such meetings lists of the peers whom they judge fittest, validly signed, which shall be reckoned in the same manner as if the parties had been present, and given in the list. And in case of the death, or legal incapacity, of any of the said sixteen peers, the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers in like manner. And for the election of peers in future, a writ was to be issued under the great seal of the united kingdom, directed to the privy council of Scotland; but it being afterwards found necessary to abolish that privy council, it was enacted by the statute 6th of Anne, c. 23. that in order to the electing and summoning the sixteen peers of Scotland, a proclamation should be issued under the great seal of Great Britain, and published at the market cross at Edinburgh, and in all the county towns of Scotland, twenty five days before the meeting, commanding all the peers of Scotland to assemble at Edinburgh, or in such other place in Scotland, and at such time as should be appointed in the said proclamation, to elect by open election, their sixteen peers; and it was further provided, that peers, who might be in Scotland, but not present at such meeting, might take the oaths and subscribe the declaration in any sheriff's court in Scotland, which the sheriff was to return under his hand and seal to the peers assembled, or if such peer was resident in England, he was to take such oaths and subscribe such declaration in one of the four courts of Westminster, and it was to be certified under the seal of such court; and such peers were intitled to vote by proxy, or to send a list signed by them, declaring for whom their votes were to be recorded. And any peer who had once taken the oaths, and which fact had been certified in due form in Scotland, might, if absent on service, make his proxy, or send his list; but no peer to hold more than two proxies.

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This election has generally been holden at Holyrood House, in Edinburgh. For prevention of tumult and violence, it was by the last mentioned statute provided, "that the peers shall come to such meetings with their ordinary attendants only, according to, and under the several penalties inflicted by the laws and statutes in force in Scotland, which prescribe and direct with what numbers and attendants the subjects there may repair to the public courts of justice, and that it shall not be lawful for the peers so assembled and met together to act, propose, debate, or treat of any other matter or thing whatsoever, except only the election of the said sixteen peers; and that every peer who shall at such meeting presume to propose, debate or treat of any other matter or thing, shall incur the penalty of *præmunire*."

Soon after the union, (20th December 1711,) it was resolved in the case of the Duke of Hamilton and Brandon, "that no patent of honour granted to any peer of Great Britain who was a peer of Scotland, at the time of the union, should entitle him to sit and vote in parliament, or upon the trial of peers." And the same doctrine was adhered to in the following case: the Duke of Queensberry's second son was created Earl of Solway in Scotland, when an infant; and afterwards the duke was created Duke of Dover, with remainder to such second son, and sat in two parliaments under this creation. But upon his death it was objected, and so resolved by the lords, that the Scotch earldom of Solway incapacitated the then claimant from taking the dukedom of Dover by virtue of such remainder. But these resolutions have been lately overruled. The peerage of Brandon has been again claimed, when it was urged, that even supposing the former decisions to stand, still the patent was not void; that the incapacity to sit in parliament was only personal in the then duke, and his heirs in tail male were entitled to the peerage of Brandon, with all its rights. The matter, however, was taken up in a more general view. For the entry in the lords' journals is as follows: "After hearing counsel, on the petition of Douglas, Duke of Hamilton and Brandon, praying a writ of summons to parliament by the title of duke of Brandon, the following question was put to the judges: whether, by the twenty-third article of the act of union, which declares all peers of Scotland to be peers of Great Britain, with all the privileges enjoyed by the peers of England, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, the peers of Scotland be disabled from receiving, subsequently to the union, a patent of peerage of Great Britain, with all the privileges usually incident thereto?"

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“ the lord chief baron of the court of Exchequer delivered the
 “ unanimous opinion of the judges, that the peers of Scotland
 “ are not disabled from receiving, subsequently to the union,
 “ a patent of peerage of Great Britain, with all the privileges
 “ usually incident thereto:” whereupon a report was ordered
 to be presented to his majesty, certifying that the said duke
 of Brandon is entitled to his writ of summons.

In consequence of this decision, several Scotch peers were
 soon afterwards created peers of Great Britain. But in 1708-9,
 the house had come to the following resolution: “ That a peer
 “ of Scotland, claiming to sit in the house of lords by virtue
 “ of a patent, passed under the great seal of Great Britain,
 “ after the union, and who now sits in the parliament of Great
 “ Britain, has no right to vote in the election of the sixteen
 “ peers to represent Scotland.” And this resolution standing
 on the journals unimpeached, it seemed to follow that the seat
 of one of the sixteen peers as a representative peer, became
 vacant on his accepting, or succeeding to an inelective seat.
 And therefore, when the earl of Abercorn, an elective peer of
 Scotland, was created a peer of Great Britain, the house re-
 solved, 14th February 1787, that he thereby ceased to sit as a
 representative of the peerage of Scotland, and in May follow-
 ing it was ordered, “ That a copy of the resolution of January
 “ 21st, 1708—9; be transmitted by the clerk of the parlia-
 “ ments to the lord clerk registrar of Scotland, with injunction
 “ to conform thereto.” And again on the 21st April 1788,
 it was resolved, “ That it is the opinion of this house, that the
 “ lord clerk registrar and his deputies, acting at the election of
 “ the Scots peers, ought to conform to the resolutions of this
 “ house, of which they have had notice by order of the house.”
 In obedience to these orders, the deputies of the lord clerk
 registrar refused to admit the votes of the duke of Queensberry,
 Lord Abercorn, and other lords in a similar situation at the fol-
 lowing general election in the year 1790. This refusal occa-
 sioned an application to the house on behalf of those peers,
 when, after a long investigation and debate, the house over-
 ruled its former resolutions, and decided 23d May, 1793,
 “ That the votes of the duke of Queensberry and the earl of
 “ Abercorn, if duly tendered at the last election for peers of
 “ Scotland, ought to be counted.” And it was afterwards
 resolved, 6th June 1793, “ That their tender of votes was a
 “ due and sufficient tender,” and they were added to the lists.
 These resolutions having established that the accepting, or suc-
 ceeding to an inelective seat, posterior to the union, did not
 incapacitate a peer of Scotland from voting in the election of
 the representatives of the Scottish peerage, the inference which
 followed

followed from the contrary doctrine was necessarily done away, and the succession to such a seat was determined not to vacate the seat of a representative peer. A motion, therefore, for an address, praying the king "to issue a proclamation for the election of a peer to represent the peerage of Scotland, in the room of the lord viscount Stormont, who, since his election, had become earl of Mansfield, of Middlesex, and taken his seat in the house accordingly;" was, after debate, negatived.

At the election in 1790, Sir James Sinclair voted by proxy as earl of Caithness, his claim to that dignity not having been allowed, but being then pending. His vote was objected to, on the grounds that he had no right to the title he assumed; or, supposing his claim should be admitted, yet as it was not actually allowed at the time of the election, he was not then in a capacity to vote. But the house resolved, "That Sir James Sinclair had made out his claim to the title of earl of Caithness," and that resolution was followed by another, "That the votes given by the earl of Moray, as proxy for the earl of Caithness, were good."

PEERS OF IRELAND. The representative peerage of Ireland differs from that of Scotland in these particulars; it has an archbishop and three bishops, which the form of church government in Scotland does not admit of, and the temporal peers are elected for life instead of being removed at the termination of every parliament.

By the act of union, which recites the articles agreed on by the parliaments of Great Britain and Ireland, and an act for regulating the mode by which the lords spiritual and temporal, and the commons, to serve in the parliament of the united kingdom on the part of Ireland, shall be summoned and returned to the said parliament: it is established that four lords spiritual of Ireland, by rotation of sessions, and twenty-eight lords temporal of Ireland elected for life by the peers of Ireland, shall be the number to sit and vote on the part of Ireland in the house of lords of the parliament of the united kingdom.

The rotation of Archbishops shall be as follows:

First Session. The Primate of all Ireland.

Second Session. The Archbishop of Dublin.

Third Session. The Archbishop of Cashel; and,

Fourth Session. The Archbishop of Tuam; and so by rotation for ever.

The rotation of the Bishops.

First Session. The Bishops of Meath, Kildare, and Derry.

Second Session. The Bishops of Raphoe; Limerick, Ardfert and Aghadoc; and Dromore.

Third Session. The Bishops of Elphin, Down and Connor, and Waterford and Lismore.

Fourth Session. The Bishops of Leighlin and Ferns, Cloyne, and Cork and Ross.

Fifth Session. The Bishops of Killaloe and Kilsenora, Kilmore, and Clogher.

And, Sixth Session. The Bishops of Ossory, Killala and Achery, and Clonfert and Kilmacduagh.

This rotation is, however, subject to variation from the following provision: That in case any lord spiritual, being a temporal peer of the united kingdom, or being a temporal peer of Ireland, shall be chosen by the lords temporal to be one of their representatives, in every such case, during the life of such spiritual peer, the rotation of representation of the spiritual lords shall proceed to the next spiritual lord, without regard to him: that is to say, if such spiritual lord shall be an archbishop, the rotation shall proceed to the archbishop, whose see is next in rotation, and if a suffragan bishop, then to the suffragan bishop whose see is next in rotation.

For regulating the peerage of Ireland, and the first and subsequent elections of twenty-eight temporal peers, to the united parliament; and also the rotation of the spiritual peers, the following enactments were made.

All questions touching the rotation or election of lords spiritual or temporal shall be decided by the house of lords.

On an equality of votes in the election of any lords temporal, the names of those peers for whom there shall be an equality, shall be written on pieces of paper of a similar form, and put into a glass, by the clerk of the parliaments at the table of the house of lords, whilst the house is sitting; and the peer or peers, whose name or names shall be first drawn out by the clerk of the parliaments, shall be deemed duly elected.

Any person holding a peerage of Ireland, shall not be disqualified from serving for any place in Great Britain, in the house of commons of the united kingdom, unless he shall have been previously elected to sit in the house of lords of the united kingdom; but so long as such peer of Ireland shall continue to be a member of the house of commons, he shall not be entitled to the privilege of peerage, nor capable of being elected to serve as a peer on the part of Ireland, or of voting at any such election; and shall be liable to be sued, indicted, proceeded against, and tried as a commoner, for any offence with which he may be charged.

The king may create peers of Ireland, and make promotions in the peerage, provided that no new creation shall take place, until three of the peerages of Ireland, existing at the time of the

the union, shall have become extinct; and then to create one peer of Ireland; and in like manner, for every three peerages of Ireland which become extinct, to create one peer. And if the peers of Ireland, by extinction, or otherwise, be reduced to one hundred, exclusive of those who hold any peerage of Great Britain, or of the united kingdom, by which they are entitled to an hereditary seat in the house of lords, then his majesty may create one peer of Ireland as often as any one of such one hundred peerages shall fail by extinction; or as often as any peer of Ireland shall become entitled, by descent or creation, to an hereditary seat in the house of lords; so that at all times his majesty may keep up the peerage of Ireland to the number of one hundred, over and above those entitled to an hereditary seat in the house of lords. Under this article a peerage in abeyance is to be taken as existing, and no peerage to be deemed extinct, unless on default of claimants to the inheritance for one year from the death of the last possessor. But no person is excluded from afterwards putting in a claim: and if it be allowed by judgment of the house of lords, reported to his majesty, such peerage shall be considered as revived; and in case any new creation of a peerage of Ireland shall have taken place in the interval, in consequence of the supposed extinction, then no new right of creation shall accrue to his majesty, in consequence of the next extinction of a peerage of Ireland.

The first election of temporal lords was made in pursuance of a clause, directing, that at twelve o'clock on the day following that on which the act for establishing the union received the royal assent, the temporal peers should assemble in the house of lords in Ireland, and elect twenty eight lords temporal, in the following manner: the names of the peers to be called over, according to their rank by the clerk of the crown, or his deputy, to whom each of the said peers, who, previous to that day, had actually taken his seat when called, was to deliver, either by himself or his proxy, duly appointed, a list of twenty-eight temporal peers; and the clerk was then and there publicly to read and cast up the lists, and declare the names of the twenty eight lords chosen by the majority of votes, and make a return of their names to the house of lords of the first parliament of the united kingdom; and those twenty-eight were, during their respective lives, to represent the peers of Ireland, in the house of lords of the united kingdom, and be entitled to receive writs of summons to that and every succeeding parliament.

And whenever the seat of any of the twenty-eight lords temporal so elected shall be vacated by decease or forfeiture, the

chancellor, the keeper or commissioners of the great seal of the united kingdom, upon receiving a certificate under the hand and seal of any two lords temporal of the parliament of the united kingdom, certifying the decease of such peer, or on view of the record of his attainder, shall direct a writ to be issued under the great seal of the united kingdom, to the chancellor, the keeper or commissioners of the great seal of Ireland, for the time being, directing him or them to cause writs to be issued, by the clerk of the crown in Ireland, to every temporal peer of Ireland; and notice shall forthwith be published by the said clerk of the crown, in the London and Dublin gazettes, of the issuing of such writs, and of the names and titles of all the peers to whom the same are directed; and to the said writs there shall be annexed a form of return thereof, in which a blank shall be left for the name of the peer to be elected, and the said writs shall enjoin each peer, within fifty-two days from the teste of the writ, to return the same into the crown office of Ireland with the blank filled up, by inserting the name of the peer for whom he shall vote; and the said writs and returns shall be bipartite, so as that the name of the peers to be chosen shall be written twice, that is, once on each part of such writ and return; and so as that each part may also be subscribed by the peer to whom the same shall be directed, and likewise to be sealed with his seal of arms; and one part of the said writs and returns so filled up, subscribed and sealed, shall remain of record in the crown office of Ireland, and the other part shall be certified by the clerk of the crown to the clerk of the parliament; and no peer of Ireland, except such as shall have been elected as representative peers on the part of Ireland; and shall there have taken the oaths, and signed the declaration prescribed by law, shall, under pain of suffering such punishment as the house of lords may award and adjudge, make a return to such writ, unless he shall, after the issuing, and before the return, have taken the oaths and signed the declaration, by law required to be taken and signed by the lords of the united kingdom, before they can sit and vote in parliament; which oath and declaration shall be either taken and subscribed in the court of chancery of Ireland, or before a justice of peace in Ireland; a certificate whereof, signed by such justice, or by the register of the court of chancery, shall be transmitted by such peer with the return, and annexed to that part remaining in the crown office of Ireland; and the clerk of the crown shall forthwith, after the return day of the writs, cause to be published in the London and Dublin gazettes, a notice of the name of the person chosen by the majority of

votes,

votes, who shall, during his life, sit and vote on the part of Ireland in the house of lords of the united kingdom.

The judges neither of Scotland nor of Ireland are called to parliament; and, however desirable their presence may be for the elucidation of local questions; yet, if writs of assistance were issued to them, much inconvenience and delay of business must arise in the courts where their presence is required; and the power of commanding their absence from the proper sphere of their activity, might, in the hands of a wicked minister, become an engine of grievous oppression to the judges as well as to the suitors in the various courts.

PRIVILEGES. The privileges of peers, exclusive of their capacity as members of parliament, and as hereditary counsellors of the crown, are, that, in all cases of treason and felony, and misprison of the same, a nobleman shall be tried by his peers; but in misdemeanors, as libels, riots, perjury, and conspiracies, he is tried like a commoner, by a jury. This privilege, it is said, does not extend to bishops. As to peeresses, there was no precedent for their trial, when accused of treason or felony, till Eleanor, duchess of Gloucester, wife to the lord protector, was accused of treason, and found guilty of witchcraft, in an ecclesiastical synod, through the intrigues of cardinal Beaufort. This extraordinary trial gave occasion to a special statute, 20 Hen. VI. c. 9. which declares the law to be, that peeresses, either in their own right or by marriage, shall be tried before the same judicature as other peers of the realm. If a woman, noble in her own right, marries a commoner, she still remains noble, and shall be tried by her peers; but if she be only noble by marriage, then by a second marriage with a commoner, she loses her dignity; for as by marriage it is gained, by marriage it is also lost. Yet, if a duchess dowager marries a baron, she continues a duchess still: for all the nobility are *paries*, and therefore it is no degradation. A peer or peeress (either in her own right or by marriage) cannot be arrested in civil cases, but their goods may be taken in execution. They have also many peculiar privileges annexed to their peerage in the course of judicial proceedings. A peer, sitting in judgment, gives not his verdict upon oath, like an ordinary jurymen, but upon his honour: he answers also to bills in chancery upon his honour, and not upon his oath; but when he is examined as a witness, either in civil or criminal cases, in the courts below, or in the high court of parliament, he must be sworn; for the respect which the law shews to the honour of a peer, does not extend so far as to overturn a settled maxim, that *in judicio non creditur nisi juratis*. The honour of peers is however so highly tendered by the law, that it

is much more penal to spread false reports of them, and certain great officers of the realm, than of other men: scandal against them being called by the name of *scandalum magnatum*, and subjected to peculiar punishments by divers ancient statutes. A peer may sit covered in a court of justice; but no peer can be covered in the royal presence, without permission, except the lord baron of Kinsale, in Ireland. A peer cannot lose his nobility but by death or attainder, though there was an instance in the reign of Edward IV. of the degradation of George Nevile, duke of Bedford, by act of parliament, on account of his poverty, which rendered him unable to support his dignity. But this is a singular instance; which shews to shew the power of parliament; and by having happened but once, to shew how tender the parliament has been in exercising so high a power. It has been said, indeed, that if a baron wastes his estate, so that he is not able to support the degree, the king may degrade him; but it is expressly held by later authorities that a peer cannot be degraded but by act of parliament. One very ancient privilege is that declared by the charter of the forest, confirmed in parliament, 9 Hen. III. that every lord spiritual or temporal, summoned to parliament, and passing through the king's forests, may, both in going and returning, kill one or two of the king's deer without warrant; in view of the forester if he be present, or, on blowing a horn, if he be absent; that he may not seem to take the king's venison by stealth.

MANNER OF SITTING IN THE HOUSE. The king is placed at the upper end of the room in a chair of state, having a cloth of state over his head, under which, on either hand, are none but the king's children. On his right hand is a seat for the prince of Wales; on his left for his other sons; but they have not votes in the house unless created peers. When the royal assent was given to the act for settling the queen's dowry, her majesty was in the house, seated on his left hand, and signified her acquiescence and satisfaction by an obeisance to the king.

On the king's right hand, in chairs, are placed the archbishops, and then, on a bench below them, the bishops of London, Durham, and Winchester; all the rest of the bishops sitting according to the priority of their consecration.

On the king's left hand, on benches, are placed such of the officers of state as have precedence of dukes, and on the same side the dukes, marquesses, and earls, according to their creations.

On the first bench across the house below the woolstack, sit the viscounts, and on the next and other benches, the barons.

By statute 3 Hen. VIII. the great chamberlain, constable, marshal, lord admiral, great master or lord steward, and king's chamberlain, sit above all others of the same degree of nobility with themselves, and the chief secretary, being a baron or bishop, shall sit above all barons or bishops, who have none of the before-mentioned offices :

The lord chancellor, or keeper, if the king be present, stands behind the cloth of state ; otherwise he sits on the first woollack athwart the chair of state, his great seal and mace by him : he is speaker of the house, but can leave the woollack and speak in the course of a debate, which the speaker of the house of commons cannot. On the other woollacks sit the judges, the king's counsel, and the masters of chancery, to give their advice when required.

The clerk of the crown, and clerk of the parliament, sit on a form behind a table. Without the bar, sits the gentleman usher of the black rod, under whom is a yeoman usher, a crier without, and a serjeant at mace always attending the lord chancellor. The same place below the bar contains the counsel and witnesses when they are heard at the bar, and such of the public as wish to be present at the debates.

When the king is present with the crown on his head, none of the lords are covered. The judges stand till the king gives them leave to sit. They then may sit, but may not be covered, till the chancellor or keeper signifies to them the leave of the lords. The king's counsel, and masters of chancery, sit also, but may not be covered at all.

PRAYERS. Every day, before the sitting of the house, prayers are said by the junior bishop ; but a committee of privileges, or any other committee, may sit before prayers.

PROCEEDINGS. Although the house of lords is composed of lords spiritual and temporal, who must all be summoned, yet it is not necessary that the lords spiritual or temporal should always assent to every act ; for if all the lords spiritual are absent, an act by assent of the king, the other lords, and commons, will be good. So, if all the lords temporal are absent. So, if all the lords spiritual are present and dissent, or if they should out-number the lords temporal and these all dissent. In former times a doubt was raised, whether an act sanctioned by the lords temporal, in repugnance to the vote of all the lords spiritual, ought to be styled the act of the lords spiritual and temporal in parliament assembled, but it was decided, that it certainly was the act of all. Nor could there be any doubt that Scotland or Ireland would be bound by the acts of the parliament of the united kingdom, though their members might all vote against them, even if it were not expressly so provided by the acts of union.

JUDICIAL AUTHORITY. The judicature, exercised by this supreme tribunal, is traced to the period of the conquest, and was retained by the barons as an inherent right, after the foundation of other courts of justice. They were the court of last resort in all cases of error; they explained doubtful points of law, and interpreted their own acts; for which purpose the justices used commonly to refer to the great council, matters of difficulty depending before them in the courts below. They heard causes commenced originally there, made awards, and tried criminal accusations brought against their own members. The great extent of the jurisdiction of parliament in judicial matters, seems owing to the idea of superintendance and supremacy attributed to that assembly by the people. It was thought, that the parliament was to redress all wrongs, remedy all abuses, and remove all difficulties, affecting either person or property. In consequence of this notion, at every meeting of parliament petitions poured in from all quarters, not only on subjects of public and national concern, but for relief in private affairs. They were exhibited by all sorts of persons, on all sorts of matters, and to obtain every species of relief which the petitioners thought most desirable in their situation. When petitions were so numerous, and the objects of them so multifarious, it could not but happen that many were frivolous, and many evidently belonged to another jurisdiction. To distinguish these from others, and to transfer those which belonged to other courts to the proper jurisdiction, certain persons, either masters in chancery, or, in subsequent times, judges, were appointed in every parliament to be *receivers* and certain prelates, earls, barons, and others, to be *tryors of petitions*. These were to examine, and, on full consideration, indorse on them what course was to be pursued by the petitioner; referring him, according to the nature of the case, either to the full parliament, the council, the chancery, or some of the other courts. For this reason *the receivers and tryors of petitions* are ranked in Fleta among the king's courts; though, as it is there observed, their business was not to determine, but only to hear, examine, and report. All these petitions were generally addressed either to our lord the king and his council, or sometimes to the king singly. Petitions, though infinite as to their particular objects, may be divided into such as were the original commencement of a suit, and such as complained of error or delay in suits depending in the courts below. To these courts many were referred by the *tryors*, others were heard and decided in the house. Sometimes complaints of delay arose from the intricacy of causes, and the inability of the judges to decide on them, and the parties prayed the king that the chancellor, or the clerk of
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the privy seal, might send a writ to the justices to cause the record in the said plea to come into full parliament, that the matter in doubt might be debated, and finally determined; the answer was, that the record and process should be brought before the council, and, upon view thereof, due discussion should be had.

It was not only by petitions of the parties that suits depending in the courts below were brought into parliament, but also on the motion of the judges themselves, who, in cases of doubt and difficulty, would rather take the advice of parliament than hazard their own judgment. Thus, in the 40th year of Edward III. Thorpe, and Sir Hugh Green, went together to the parliament, and asked the opinion of those who had been the makers of the late statute of *Jeofails*, concerning the alteration of a record. It was in the spirit, and in pursuance of the practice then in use, that the famous statute of treason, 25 Edw. III. ordains, that when any new case of supposed treason should arise, not precisely within the terms of that act, the judges should not proceed on their own conceptions, but take the opinion of the next parliament.

As this court was the last resort to correct the errors of the inferior judicatures, so, at this day, there lies a writ of error of a judgment given in the king's bench, before this court, which begins by petition to the king; whereto when the king has answered *fiat justitia*, a writ is directed to the chief justice of the king's bench, for removing the record into parliament; and the roll itself, and a transcript in parchment, is brought by the chief justice into the house of lords: and, after examination of the transcript, the record is returned into the king's bench. The plaintiff is then to assign errors, and to have *scire facias* against the adverse party, returnable either in that parliament or the next, and the proceedings are upon the tenor of the record, and not upon the record.

Towards the latter end of the reign of Charles I. the house of lords asserted their jurisdiction of hearing appeals from chancery, which they do upon a paper petition, without any writ directed from the king; and for this their foundation is, that they are the great court of the king, and, therefore, as the chancery is derived out of it, a petition will bring the cause and the record before them. This was much controverted by the commons in the reign of Charles II. but is now acquiesced in, because it has been thought too much, that the chancellor should bind the whole property of the kingdom without appeal.

What has hitherto been said of petitions in parliament relates chiefly to civil affairs. It was not less common to petition parliament in criminal matters; upon which the parties would
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be directed to sue a writ of oyer and terminer; or take such other steps, according to their case, as the common law prescribed. But criminal prosecutions were instituted in parliament in another way than by petition. The lords constituted a great inquest, to present and try each other. In the 4th year of Edward III. we find articles were exhibited, charging Roger Mortimer with certain treasons, felonies, and misdemeanors. At the end of the record it is said, that the king charged the earls, barons, and peers of the realm with the same, upon which the said earls, barons, and peers, having examined all the articles, returned back to the king in the same parliament, and all pronounced by the mouth of one of them, that the matter contained in those articles was notorious to them and all the people: wherefore they, the said earls, barons, and peers, as judges of parliament, by assent of the king, in the same parliament, awarded and adjudged, that the said Roger should be drawn and hanged as a traitor; and order was accordingly given to the earl marshal to execute the sentence. It appears very clearly from this case who were the judges in such parliamentary trials; namely, that the lords were to sit in judgment on each other, as peers. But the enormity of the offence which was to be punished, the murder of the late king, excited a resentment in the parliament, and carried them further than the usual bounds of their jurisdiction; for they passed sentence of death upon several commoners. To prevent, however, this being drawn into precedent, the following memorandum was entered on the roll: "That it was assented and agreed by the king, *et toutz les grantz*, in full parliament, that though the peers had taken upon them to give judgment, with the king's assent, upon certain persons who were not peers, yet no peers, in future, should be held or charged to give judgment on any other than their peers."

All these prosecutions in parliament were brought forward by articles exhibited; but who were the persons appointed to exhibit such articles, and to stand forth as prosecutors, does not appear. Toward the latter end of this reign the commons took this burthen on themselves; and among their other petitions, began to exhibit accusations for crimes and misdemeanors against offenders who were thought to be out of the reach of the ordinary course of the law. In these prosecutions the king and lords were considered as judges; and thus was the formidable mode of prosecution by impeachment of the commons first set on foot.

From these sources, with the alterations and improvements in the state of the judicature of this country, which, in the lapse of time have taken place, may be deduced that jurisdiction, which the house of lords exercises in civil causes, upon
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appeals or writs of error from the inferior courts; and in criminal questions, when brought before them, by presentment of the house of commons, in the form of an impeachment. When this impeachment, either for treason, or for high crimes and misdemeanors, is directed against a peer, there has never been a doubt, but that the lords have the sole and exclusive jurisdiction to hear and determine. So, if a peer is indicted for treason or felony, he cannot be tried in the courts below, but the indictments must be moved by certiorari; and the lords must pronounce Guilty, or Not Guilty. But where a person, not a peer of the realm, has been impeached by the commons before the lords for treason, or any capital offence, there a doubt has been sometimes entertained, whether, by the law of parliament, the lords have competent jurisdiction; and in one instance (that of Fitzharris * in 1681) the lords actually refused to proceed on a trial of this nature, though, in several other cases, as well before as since, they have admitted their competency, and acted accordingly. The commons, however, have at all times asserted it to be their legal right to impeach any person, whether peer or commoner, for any crime against the state, whether capital or not; and in the only instance that has occurred, in which the lords disputed this right, the com-

* The case of Fitzharris, from the times and circumstances in which it took place, (see Hume's history, Vol. VIII. page 151. 8vo.) can hardly in itself avail, as a precedent, to prove any thing. The chief reason assigned by the lords for not proceeding are, however, manifestly wrong. On their first, that Fitzharris could be tried elsewhere, it was judiciously said in the lords' protest, "We cannot reject the impeachment of the commons, because that suit or complaint can be determined no where else: for if the party impeached should be indicted in the King's Bench, or in any other court, for the same offence, yet it is not the same suit; for an impeachment is at the suit of the people, and they have an interest in it; but an indictment is the suit of the king. For one and the same offence may entitle several persons to several suits: as, if a murder be committed, the king may indict at his suit, or the heir, or the wife of the party murdered may bring in an appeal; and the king cannot release that appeal, nor his indictment prevent the proceedings in the appeal, because the appeal is the suit of the party, and he hath an interest in it." On the other the following remarks are made by Bishop Burnet, and Sir William Jones. "The pretence, of the lords having no right to try a commoner upon an impeachment for high treason, was furnished by Lord Nottingham; and was grounded on the case of Simon de Beresford, in the 4th of Edward III. If this doctrine were true, and good law, it would be a method offered to the court to be troubled no more with impeachments, by employing only commoners." So Sir William Jones says, "If this was so, it would be in the power of the king, by making only commoners ministers of state, to subvert the government by their contrivances when they pleased. Their greatness would keep them out of the reach of ordinary courts of justice; or their treasons might not, perhaps, be within the statute, but such as fall under the cognizance of no other court than the parliament; and, if the people might not of right demand justice there, they might, without fear of punishment, act the most destructive villainies against the kingdom; it would also follow, that the same fact, which in a peer is treason, and punishable with death, in a commoner is no crime, and subject to no punishment." See further on this point, where impeachments by the house of commons are treated of,

mons resolved, "That it is the undoubted right of the commons, in parliament assembled, to impeach before the lords, any peer or commoner for treason, or any other crime or misdemeanor: and that the refusal of the lords to proceed in parliament upon such impeachment is a denial of justice, and a violation of the constitution of parliaments."

The course of proceeding in impeachments will be more particularly described, in treating of the separate functions of the house of commons; but it may be proper in this place to say a few words on a process, by which impeachments were long suspended, *the bill of attainder*, and on bills of *pains and penalties*.

It seems remarkable, that no instances of impeachment occur, during the reigns of Edward IV. Henry VII. Henry VIII. Edward VI. Queen Mary, and Queen Elizabeth, nor till the 17th year of James I. Nor can this be accounted for in any other manner, than that, during this period, bills of attainder, and prosecutions in the court of Star Chamber, were substituted in their stead. The new modelling of the Star Chamber by Henry VII. in the 3d year of his reign, and the supplementary statute of the 21st Henry VIII. chap. 20, transferred to this court the trial of all those misdemeanors, which would otherwise have become the object of parliamentary prosecution by impeachment; and, as is well observed by a learned writer, "This court became the happiest instrument of arbitrary power that ever fell under the management of an absolute sovereign. The Star-Chamber exercised a criminal jurisdiction, almost without limitation, and altogether without appeal: taking upon it to judge and animadvert upon every thing, in which government felt itself interested. It became, in truth, as much a court of state, if the expression may be allowed, as a court of law." By this extension of its jurisdiction, and the severity of its penalties, it, for a time, superseded the exercise of the more legal proceeding, by impeachment for high crimes and misdemeanors. The more atrocious offences of treason, and treasonable practices against the state, were, during this period, prosecuted and punished by bills of attainder; which, though very rare, till the reign of Edward IV. became, during that reign, and those of his successors, except Queen Elizabeth, the common mode of proceeding against persons accused of such crimes.

The bill of attainder did not originate with, but was most frequently resorted to by the Tudors, particularly by Henry VII. instead of the ancient, and (where justice can be obtained by regular trial, in a court of criminal jurisdiction) the more eligible proceeding, by indictment or impeachment. The

acts, during this period, appear principally to have had for their object, persons concerned in raising traitorous and tumultuous insurrections, and became, during the civil wars between the houses of York and Lancaster, alternately the engine of the prevailing party, to wreak their vengeance against their enemies. The cases of Empson and Dudley, and of Cromwell, earl of Essex, are instances, in which the parties accused would have been the proper objects of parliamentary impeachment for high crimes and misdemeanors, in their conduct as ministers, or officers employed by the crown: but the impatient and over-bearing spirit of the sovereign, and that arbitrary power, which Henry VIII. from a variety of concurring circumstances, was enabled to exercise against every part of the constitution, rendered the summary proceeding by bill of attainder the more proper for his purposes. Nothing could exceed the iniquity of the proceedings on these bills. Crime was imputed in the most loose, general, and inconclusive manner, evidence was disregarded, and judgment pronounced without regard to truth, law, or decency. If we are to judge of the general administration of criminal law in this reign, from the trials that have come down to us of eminent persons, it appears that the lives of the people were entirely in the hands of the crown. A trial seems to have been nothing more than a formal method of signifying the will of the prince, and of displaying his power to gratify it. The late new invented treasons, as they were large in their conception, and of an insidious import, by giving a scope to the uncandid mode of enquiry there practised, enlarged the powers of oppression beyond all bounds.

Bills of pains and penalties are, in their effect, similar to those of attainder, except in this, that they do not impute the crime of high treason to the object of them, nor is the punishment awarded by them capital.

Although these bills are obnoxious to many reflections, and the frequent use of them, or the bill of attainder in particular, is among the stigmas in the most despotic of our monarchs, yet they have been, through necessity, resorted to, in the best times of the constitution, and must ever be, in the hands of the legislature, a portion of that arbitrary power, which, in every state, must reside somewhere, and furnish the means of averting the calamities which would flow upon the whole community, from the frequent impunity of those, whose crimes called aloud for vengeance. Cases have arisen, (and, in a period since the true principles of liberty have been perfectly understood and carried into effect,) and may again arise, where the public safety, which is the first object of all governments, requires this extraordinary interference; and, in such instances, where

where can the exercise of an extraordinary power be vested, with more security, than in the three branches of the legislature? It should, however, always be remembered, that this deviation from the more ordinary forms of proceeding, by indictment or impeachment, ought never to be adopted, but in cases of absolute necessity; and, in those instances only, where, from the magnitude of the crime, or the imminent danger to the state, it would be a greater public mischief to suffer the offence to pass unpunished, than even to over-step the common boundaries of law; and, for the sake of substantial justice and the security of posterity, by an exemplary, though extraordinary proceeding, to mark with infamy and disgrace, perhaps to punish with death, even the highest and most powerful offenders.

OTHER PRIVILEGES. In the judicial capacity of the house of peers consists its principal distinction. The remaining privileges which peers enjoy, distinctly from the house of commons, are but few.

VOTES. The lords vote from the *puisse* lord *seriatim*, by the word *content*, or *non content*.

PROXIES. Every peer, by licence obtained from the king, may make a proxy to vote for him in his absence; a privilege, which a member of the other house can by no means have, as he is himself but a proxy for a multitude of other people. It is still entered in Latin, *ex licentiâ regis*; and this created a doubt in November, 1788, whether the proxies in that parliament were legal, on account of the king's illness? But this is considered to much a matter of form, that the licence may be presumed. Proxies cannot be used in a committee; nor can a proxy sign a protest; he must be a lord of parliament; yet anciently, the bishop made a proctor of the clergy his proxy, and others not barons. The usual course is, for a temporal lord to make a temporal lord his proxy; and for a lord spiritual to make a spiritual lord. A lord may name two or three for his proxies, *conjunctim et divisim*; and in such case all present ought to assent or dissent: for if one be content, and the two others not content, it is no vote. But no lord is allowed to hold more than two proxies; a regulation which was made, 26 Charles I. because the duke of Buckingham had no less than fourteen. The proxy is appointed by the lord upon leave for his absence; but he may be summoned with a clause, that he do not make a proxy. If a lord appears in parliament, though he neither speaks nor votes, his proxy is revoked.

PROTESTS. Each peer has also a right, by leave of the house, when a vote passes contrary to his sentiments, to enter his dissent, with the reasons, on the journals of the house, which is usually

usually filed his protest. Lord Clarendon relates, that the first instances of protests with reasons, in England, were in 1641, before which time the peers usually only set down their names as dissentient to a vote.

ORIGINATING BILLS. All bills which may, in their consequences, any way affect the right of the peerage, are, by the custom of parliament, to have their rise and beginning in the house of peers, and to suffer no changes or amendments in the house of commons.

MESSAGES. The ancient and accustomed form of sending a message from the house of commons to the lords is, by one member; who is, upon motion made, and question put, named by the speaker, and who is the bearer of the message; but he must be accompanied by others; as the rule and practice of the house of lords is, to receive no message from the commons, unless eight members attend with it. For this purpose, when the messenger takes his message from the table, the speaker always calls aloud to the house, "Gentlemen, attend your messenger." In bills that have passed the house of commons with a general concurrence, and in other messages in which the house of commons wish to have an opportunity of shewing approbation, it is customary for a great number of members to follow their messenger, and attend him to the bar of the house of lords.

When the lords send any message to the commons, it is always by two messengers; these, in matters of great moment, are two of the judges; at other times, the messengers have been the master of the rolls, or masters in chancery; and sometimes one master in chancery, and the clerk of the parliaments. If the message requires an answer, the messengers ought to wait in the lobby to carry it back; which answer, if the commons immediately agree with the lords, is delivered to them: but if the commons differ, or the subject matter of the message requires further consideration, they are called in again, and told, that the house will send an answer by messengers of their own. Though it is not customary for either house to inform the other by what numbers a bill has passed, yet it appears, that they have sometimes recommended bills, as of great importance, to the consideration of the house to which they were sent. It has also happened, that when a bill has been sent to the lords, and it has been neglected there, the commons have sent a message to remind them of it. When the speaker, on the information of the serjeant, has reported to the house, that there is a message from the lords, there must be a question for calling in the messengers; which, in one instance, was negatived; but, in general, the admission is so much a matter of course, that

they have been received in the middle of a debate, their message reported, and an answer sent to the lords, without a formal adjournment of the debate. And on the 29th of February, 1788, a committee of the whole house broke up, for the purpose of enabling the speaker to take the chair to receive a message from the lords; and the house immediately again resolved itself into a committee.

JOINT COMMITTEES. In these the number of members of the house of commons is double that of the lords; but the peers appoint the time and place of meeting. The advantages to be derived from a joint-committee are; first, where the object of their appointment is to examine witnesses, and receive information, upon which both houses are afterwards to ground their proceedings, the evidence will be precisely the same; not varied by different questions proposed with different views, which might produce different answers, and lead to the adoption of different measures. The foundation of the reports made to each house will be the same; and in the further proceedings, both houses will be sure, that the facts and evidence from which they draw their conclusions, as well as the colour and manner of delivering that evidence, will be the same. Second, The examination being to be taken before a committee of the lords, witnesses may be previously sworn at their bar, and their evidence receive the sanction and authority of an oath. But when a joint committee was proposed in 1788, to examine the physicians respecting the state of his Majesty's health, the members of administration who were in the upper house objected to it, considering, that, as the house of commons must have a double number of members, the lords might be out-voted in discussions on the propriety of putting certain questions of a delicate nature. The mode adopted in 1794, of each house appointing a separate committee, and giving powers to these committees to communicate with each other, from time to time, obviated this objection, and yet preserved all the advantages that might have arisen from a joint committee.

PEERS GIVING EVIDENCE. For the most instances, when peers have come into the house of commons, it has been at their own request; but when the commons are desirous that a member of the other house should be examined, they send a message requesting it, and the lords give permission if such members think fit; and in this the practice of both houses is the same. The appointment of committees to attend certain lords, and to receive and report to the house of commons such information as they could give upon particular subjects then under inquiry, seems to be a mode of proceeding adopted and substituted in lieu of desiring their personal attendance to

be examined; but this proceeding must have been very defective. In a personal examination many questions occur, which arise out of the evidence, and could not be thought of on first sending the message.

CONFERENCES. The conference, if on the subject of a bill depending, must be demanded by that house which, at the time, is in possession of the bill; and it is irregular for one house to demand of the other their reasons for bringing in, or amending, or refusing to agree to, certain bills; because, instead of composing differences, which is the object of the conference, these questions tend rather to raise disputes, touching the privileges and independency of that house. The subjects upon which conferences are most frequently demanded are, where amendments have been made by one house to a bill passed by the other, to which amendments the house desiring the conference have disagreed; and the purpose of the conference is to acquaint the house which first made the amendments with the reasons for such disagreement; in order that, after considering those reasons, the house may be induced, either not to insist on their amendments, or may in their turn assign such arguments for having made them, as may prevail on the other house to agree. If the house which amend the bill persevere in insisting on their amendments, the form is, to desire another conference, at which, in their turn, they state their reasons for making and not departing from them; and if, after such second conference, the other house remain unconvinced, they ought to demand a "Free" conference, at which the arguments on both sides may be more amply and freely discussed. If this measure should prove ineffectual, and if, after several Free conferences, neither house can be induced to depart from the point they originally insisted on, the bill must be lost. Whenever a conference is demanded by either house, it is the sole privilege of the lords to name the time and place at which it shall be holden. The commons may remonstrate against the place appointed, or refuse to attend at it, but they cannot name either the time or place of meeting. The number of the commons is, as in joint committees, double that of the lords. The house which asks the conference must, in their message, define its object in precise and explicit, not doubtful or general, terms.

The form of behaviour observed at a conference, and established in consequence of many remonstrances and debates, is thus described in a narrative of one which took place 19th March 1728. "The commons being at the place of conference, standing, and uncovered, and the lords coming in uncovered, but sitting down and covering their heads, the lord president, Duke of Devonshire, rose up, took off his

“ hat, and, standing uncovered, acquainted the commons with
 “ the occasion of the lords having desired the conference, in
 “ words of his own, as an introduction to the matter of con-
 “ ference; then sat down, put on his hat, and sitting covered,
 “ read a resolution of the lords; after which, he stood up,
 “ pulled off his hat, and, standing uncovered, delivered the
 “ resolution on paper to the manager for the commons, who
 “ was to receive the same; after which, the lords rising, un-
 “ covered their heads to the commons, and, when they had
 “ left the place of conference, the commons departed to their
 “ own house.” The commons are never covered, nor do they
 ever sit at a conference with the lords.

Before the managers go to any but a free conference, it is usual for the house desiring it, to appoint a committee to draw up reasons in support of the measure adopted. The managers, therefore, having no other authority, than to read and deliver in such reasons, it is irregular for any member to speak, or suggest any thing, unless by way of introduction to the delivery of the reasons. It is as irregular for any of the managers on the other side to introduce any matter at the conference, either from themselves, or from the house which appointed them. If the reasons alleged on both sides fail, a “ Free ” conference, which admits a more liberal discussion, and gives opportunity for the managers, individually, and not restrained by any precise form of argument, to urge such reasons as will best support the cause in which they are engaged.

OFFICERS. The principal officers of the house of lords are: the *Speaker*, who is generally the lord high chancellor; but when the great seal is in commission, some nobleman, eminent for wisdom and experience, is appointed. The duties of speaker in the house of lords are analogous to those of the same officer in the house of commons, where they will be more expressly described.

The *Chairman of the Committees*, who is a peer versed in the law of the land, and in the forms of the house, capable of discerning where any clauses, in private bills especially, are repugnant to established principles of jurisprudence, and calculated to promote the interest of individuals by introducing confusion and uncertainty in the general administration of justice, and the received construction of the public law, whether statute or common.

The *Clerk of the Parliament*, whose salary is 3300*l.* and under whom are a *Clerk Assistant*, a *Reading Clerk*, who is also *Clerk to the Private Committees*, a *Clerk of the Journals*, copying and other clerks.

The *Gentleman Usher of the Black Rod*, who is properly an
 officer

officer belonging to the order of the garter, and chief gentleman usher to the king. He is called in the Black Book, *Lator virgæ nigra*, and *bestiarius*, and elsewhere, *virgæ bajulus*. This officer was anciently constituted by letters patent under the great seal. In a chapter, held at Whitehall, 13 Charles II., it was ordained that the office should be fixed to one of the gentleman ushers, daily waiters at court, the eldest of whom always holds the place. His duty is to carry the rod before the king, at Windsor Castle, on the feast of St. George; he has also the keeping of the Chapter-house door, when a chapter of the garter is sitting, and during the session of parliament attends the house of peers. He has a like habit with the register of the order, and garter king at arms, which he wears at the feast of St. George, and all chapters, and on certain occasions in the house of lords. He bears a *black rod*, on the top of which sits a lion gold; which rod is instead of a mace, and which he uses in attaching delinquents by touching them with it. He wears also a gold badge, embellished with the ensigns of the order of the garter; and, in addition to his salary and emoluments, has a house in Windsor Castle, and other privileges.

There are beside, in the house of lords, a *Yeoman Usher*, *Serjeant at Arms*, *Door Keepers*, *Keeper of the Stole Room*, *House Keeper*, and *Necessary Woman*.

HOUSE OF COMMONS.

Attached as the people of Great Britain naturally and justly are to this popular democratic or representative part of their government, it is not surprising that many writers have been found to insist on its high antiquity, and even to ascribe to the universality of the people a degree of deliberative authority, as well in the election of their representatives as in the affairs of state, which can hardly be reconciled to the requisites of force, authority, and promptitude, essential to every government. On the other hand, writers have not been wanting who have laboured to decry every pretence of authority in the people, considering the right of election as a boon from the crown, rather extorted in times of difficulty and want, than given in consequence of any sense of legality, justice, or propriety. Each side explores ancient documents, details authorities, deduces analogies, and tortures phrases to produce a decision in favour of its particular thesis; but those who peruse the reasonings of each, must find that no general system can be formed, which is not subject to so many contradictions and exceptions, that the opponent may safely insist that his is the

rule, and that which the other relies on as a general basis, is nothing more than a series of deviations. That there was at all periods a deliberative body assisting the executive power of England, seems to be a well-established fact, applying not only to times succeeding the conquest, but to the earliest of which history preserves any details; but whether this body contained representatives delegated from all parts of the realm, cannot be determined. In the days of the Britons traces are left of sovereigns addressing themselves to assemblies of the people; the excellent system of mutual dependence and representation established by Alfred, and the general records of the Saxon government, render it certain that means were retained for consultation with the wiser and better sort of the people on public affairs; and although, during the usurpation of the Danes, great efforts must have been used to obliterate every trace of a practice so inimical to the pretensions of tyrants, yet, when William the Conqueror claimed the crown, we find Harold denying the validity of the supposed grant, because, even if real, it was made, "*without the general assembly and decree of the senate and people.*" Yet although such assemblies were usual, even from the most ancient times, the persons of whom they were composed, the authority or delegation under which they sat, the extent of their powers, and the limits of their influence and responsibility, still remain undetermined and undefinable.

After the conquest, the formation of the house of commons becomes clear, simple, and easily ascertained; although it is not even then possible to determine whether any old traditional notion of right was resorted to, or whether the grace which springs from necessity alone influenced the mind of the monarch. Parliament, as already has been stated, sprang from the feudal system, and the vassals of the crown had seats; but there is no authority by which it can be maintained that the people, as matter of right, sent their representatives to the great assembly at any time between the conquest and the 49th year of Henry III. (A.D. 1266.) From the critical period of this event, the summons being issued when the king had overthrown Simon Mountford, earl of Leicester, at the battle of Evesham, contradictory accounts have been given of the motives for convening the commons. Some, without much shew of reason, have asserted it to be an effect of art in the vanquished earl and his adherents, to gain a counterpoise against the crown and the peerage, and represent the great palladium of British liberty as the contrivance of a rebel to serve a factious purpose. But the more probable account seems to be, that while the mighty barons, conscious of the strength they derived from the feudal system, were anxious to bring it to the highest degree of perfection, the

The king, desirous of protecting himself, and obtaining a balance against the overgrown power of these haughty subjects, took measures for increasing the consequence, and adding to the weight, of the more respectable class of the people. Happily for the people, the feudal system had long been in the course of weakening itself. It had long been customary, on the escheat of any barony for want of issue, or by forfeiture, for the crown to parcel it out into smaller districts; and this begot the distinction between the *barones majores* and *barones minores*. These *barones minores* held by knights' service, and, being too numerous to be all called to parliament, were allowed to sit by representation. From this circumstance originated the writ, directing the sheriff *that he cause to come at a day therein named, dies milites gladiis cintos*; which is the foundation of county representation. The Cinque Ports, and, in all probability, cities and boroughs, began to return members about the same time, the first record of them being in the 22d. Edw. I. The early writs did not specify whether the representatives were to be elected; though it is almost impossible but that some form of election must have been used, for the purpose of ascertaining unanswerably, or giving effect to the suffrage of the majority.

The continental dominions of the crown called for armies; these were supported at first by the services which grow out of feudal tenure; but, in process of time, personal service was bartered for pecuniary composition, under the name of scutage; which, together with the increasing necessities of the crown, and the proportionate independence of the barons, soon brought the people at large, especially the trading part, into consideration. The policy of the crown raised a counterbalance to the power of the barons, and, by giving the people consequence, at the same time erected for itself a tower of strength, and a treasury for supplies. It was from this policy, probably, that Henry II. gave charters and immunities, which meeting with no disturbance from the first Richard, whose military genius was solely occupied in foreign wars, and being strengthened by the weakness of King John, prepared the way for that importance to which the people were called at the latter end of the reign of Henry III. The extreme indigence of this monarch at this period, obliged him to seek new sources of supply; that burden had always fallen on the land; the towns being secure through their humility; but many of them, being now grown wealthy by industry and commerce, began to contribute their share to the public expence. Talliage, a tax on personal property, similar to scutage on land, was adopted about this time, and was probably an active cause of summoning representatives of towns, who might in person grant the property of their constituents.

stituents. The crown indeed would sometimes take it without attending to this form; but the statute *de talliagio non concedendo*, made in the 25 Edward I. restrained this tyranny, and secured the continuation of that right, which though solemnly established by Henry III., would probably soon have grown into disuse. It is not to be supposed that the plan of representation was at this early period matured into its present perfection; but, from the 49th Henry III. the existence of the house of commons has been regular; and though that body has been subject to occasional degradations, according to the strength or malignity of certain monarchs, yet it progressively advanced its own privileges, and with them the rights and freedom of the people, till it attained its present establishment.

FORMATION.—The House of Commons is thus composed.

	Members.
ENGLAND returns; For Counties	80
Cities	50
Universities	4
Cinque ports	16
Boroughs and towns	339
	—489
WALES returns; For Counties	12
Towns, &c.	12
	— 24
SCOTLAND returns; For Shires or Stewartries	30
Royal burghs	15
	— 45
IRELAND returns; For Counties	64
Cities	9
University	1
Boroughs and towns	26
	—100
	—
	Total 658

QUALIFICATIONS REQUISITE TO BE A MEMBER OF THE HOUSE OF COMMONS. Independently of the circumstances of mature age, and those which are implied in the oaths of allegiance, abjuration, and supremacy, a person to be elected a member for a county, must have a freehold or copyhold, or must have been mortgagee in possession, at least seven years, of a clear estate of the value of 600*l.* per annum; and to be elected for a city, borough, or other place, except the universities, of the value of 300*l.* per annum. If a person who is not so qualified

is elected and returned, the return is void; and by statute 9 Anne, c. 5. any person who shall appear as a candidate, or shall be proposed to be elected, upon reasonable request to him to be made at such election, or before the day prefixed in the writ of summons for meeting of parliament, by any candidate, or any two or more persons having right to vote at such election, shall swear to his qualification, which oath is to be returned into the court of chancery or king's bench, within three months after the election, under a penalty upon the sheriff of one hundred pounds; one half to the informer, and one half to the poor: and if the candidate so required refuses to take the oath at the time of election, or before the day in the writ mentioned for the meeting of parliament, his election is void. This act, however, excepts the eldest son and heir apparent of a peer, or a person qualified to be a knight of the shire. By a subsequent statute, 33 Geo. II. c. 10. every person, chosen to serve as a member of parliament, must swear to his qualification, before he sits at a debate in the house, or votes, and shall give in a roll or schedule, containing the particulars of his qualification, of what the same consists, and where situate, or his election shall be declared void, and a new writ shall issue. By the act of union with Ireland, it is declared, that the qualifications in respect of property of the members elected to sit in the house of commons, shall be the same as are provided by law in the cases of elections for counties, cities, and boroughs in England, unless any other provision shall hereafter be made in that respect by act of parliament.

DISQUALIFICATIONS. The following persons cannot sit in the house of commons: aliens, even if naturalized, minors, the twelve judges, and the judges of session, juchiciary, or exchequer, in Scotland; persons in holy orders, or having ever been ordained; persons attainted of treason or felony; persons concerned in the management of any duties or taxes, created since 1692, (except the commissioners of the treasury,) commissioners of prizes, transports, sick and wounded; wine licences, navy, and victualling; secretaries or receivers of prizes; comptrollers of the army accounts; agents for regiments; governors of plantations and their deputies; officers of Minorca or Gibraltar; officers of the excise and customs; clerks or deputies in the several offices of the treasury, exchequer, navy, victualling, admiralty, pay of the army or navy, secretaries of state, salt, stamps, appeals, wine licences, hackney coaches, hawkers and pedlars; and all persons that hold any new office under the crown, created since 1705; and persons, having pensions under the crown, during pleasure, or for any term of years; sheriffs of counties, and mayors and bailiffs of boroughs,

are not eligible in their respective jurisdictions, as being returning officers; but a sheriff of one county is eligible to be knight of another. No registrar for registering memorials of deeds, &c. within the west or east riding in the county of York, or his deputy, is capable of being elected; nor any contractor with the officers of government, or with any other person, for the service of the publick, so long as he holds any such contract, or derived benefit from it. If any member accepts an office of profit from the crown, except an officer in the army or navy accepting a new commission, his seat is vacated; but such member is capable of being re-elected. Persons convicted of bribery at any election, or of treating the electors with meat or drink during the election, are incapable of sitting till that parliament shall have been dissolved; but, unless included in these standing restrictions and disqualifications, every subject of the realm is eligible of common right: though there are instances, wherein persons in particular circumstances have forfeited that common right, and have been declared ineligible *for that parliament*, by a vote of the house of commons, or *for ever*, by an act of the legislature.

QUALIFICATIONS REQUIRED IN ELECTORS. In elections of county members, every voter must have a freehold of the clear yearly value of forty shillings, over and above all rents and charges, payable out of, and in respect of the same; and have been in the actual possession, or receipt of the rents and profits thereof, for his own use, twelve calendar months, unless it came to him within that time, by descent, marriage, marriage settlement, devise or promotion, to a benefice in a church, or to an office. To these facts the freeholder is to swear, if required by either candidate; and further, that the estate has not been granted to him fraudulently, on purpose to qualify him to vote; and to some other particulars. Fraudulent grants are such as contain an agreement to reconvey, or to defeat the estate granted; which agreements are made void, and the estate is absolutely vested in the person to whom it is so granted; and every person, preparing or executing such conveyance, or voting under it, forfeits 40*l.* And no person shall vote in respect of an annuity or rent-charge, unless registered with the clerk of the peace twelve calendar months before.

The qualifications of electors in cities, boroughs, and Cinque Ports vary, according to the peculiar circumstances of each place, existing at the time when it first began to return members to parliament; or established by custom from time immemorial; or by decisions of the house of commons, or its committees, sitting under the statute called the Grenville Act. In some

some cities, freeholders only have the right of voting; in some places the right is reserved to the corporation; in others to the burgage-tenants; in some the populacy, in a limited sense, are the electors; in others, the populacy, in a sense almost unlimited, nothing more being required than residence. These varieties, and the particular nature of some of them, have been the occasion of much discussion, and given birth to many projects, for what is speciously called a *Parliamentary Reform*. In that dispute it would not be proper, on this occasion, to intermeddle, further than by the expression of a general opinion, that no project which has yet been laid before the public, promises nearly so much benefit to the public, or dignity to the senate, as an adherence to the established course, which habit has rendered congenial to the people, and which, by its variety in qualification, and means of obtaining the right of suffrage, affords opportunity for every class in the British community, diversified as it is, to find adequate representatives.

A general restraint upon voters in cities and boroughs is imposed by the statute 3 Geo. III. c. 15. which declares, that no freeman of any city or borough (other than such as claim by birth, marriage, or servitude) shall be entitled to vote therein, unless he has been admitted to his freedom twelve calendar months before. No length of possession is required from voters in burgage-tenure boroughs; and by the 26 Geo. III. c. 100. it is enacted, that in boroughs, where the householders, or inhabitants of any description, claim to elect, no person shall have a right to vote as such inhabitant, unless he has actually been resident in the borough six months previous to the day on which he tenders his vote.

The voter must, if required, swear to his name, addition, or profession, and place of abode; and also, like freeholders in counties, that they believe they are of the age of twenty-one, and that they have not been polled before at the election; and all voters, if required, (which is now but rarely done,) take the oaths of abjuration and against transubstantiation, and the worship of saints. An oath may likewise be demanded, that the voter has not received any gift, reward, or promise, to induce him to give his suffrage; and this is called the bribery oath.

DISQUALIFICATIONS OF ELECTORS. Women, infants, idiots, madmen, and aliens, are absolutely disqualified: but persons made denizens, or naturalized, acquire the right from that time. Persons convicted of bribery, perjury, or subornation of perjury; and those who refuse to take the oaths, (or, if quakers, to make the affirmations,) required by the statutes, are disabled from voting. Persons receiving alms cannot vote: but this does not extend to the militia-man, whose family receives

ceives parochial aid, during the term of his actual service. And by the statute 22 Geo. III. c. 41. no commissioner, collector, supervisor, gauger, or other officer or person employed in charging, collecting, levying, or managing the duties of excise; nor any commissioner, collector, comptroller, searcher, or other officer or person employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof; nor any commissioner, officer, or other person employed in collecting, receiving, or managing any of the stamp duties; nor any person appointed by the commissioners for distributing of stamps; nor any commissioner, officer, or other person employed in collecting, levying, or managing, any of the duties on salt; nor any surveyor, collector, comptroller, inspector, officer, or other person, employed in collecting, managing, or receiving the duties on windows, or houses; nor any post-master, post-masters-general, or his or their deputy or deputies, or any person employed by or under him or them, in receiving, collecting, or managing the revenue of the post-office, or any part thereof; nor any captain, master, or mate of any ship, packet, or other vessel, employed by, or under the post-master, or post-masters-general in conveying the mail to and from foreign parts, shall be capable of giving his vote at any election. And if any such person shall, while he holds such office, or within twelve months after, presume to vote, his suffrage is declared void, and he is subject to a penalty of 100*l.* one half to be paid to the informer, the other to the treasurer of the county where the offence is committed; and he is disabled to hold any office. But this act is declared not to extend to commissioners of land tax, or any person acting under their appointment in collecting or managing the land-tax; or to any other person concerned in collecting or managing any other rates or duties granted by authority of parliament; or to any person holding an office, usually granted to be held by letters patent, for any estate of inheritance, or freehold. These penalties are incurred, not merely by voting, but by persuading or influencing any elector to give or withhold his suffrage.

MANNER OF PROCEEDING TO AN ELECTION. On a dissolution of parliament, a warrant or bill issues, signed by the king, addressed to the lord chancellor, or keeper of the great seal, directing him, on receipt thereof, to cause the usual number of writs to be made and sealed, under the great seal. Upon this authority the writs are made out and issued; and, to prevent delays or cabals, and preserve uniformity throughout the kingdom, the chancellor is required by statute to issue the writs with as much expedition as may be; and there must be forty days between the teste and return. But the issuing of the
writ

writ by the chancellor is only on the first summons of the parliament; for when sitting, the warrant for the writ proceeds from the house of commons. Formerly, when the constitution was in an unsettled state, the issuing of the writ was regulated entirely by the lord chancellor; but so early as in the year 1580-1, when, perhaps, prerogative was at the highest, the commons resolved, "That during the sitting of this court there do not, at any time, any writ go out, for the choosing or returning of any knight, citizen, burgesis, or baron, without the warrant of this house, first directed for the same to the clerk of the crown, according to the ancient and accustomed jurisdiction and authority of this house." This apparently confined the power to the actual sitting, and left the chancellor to issue them during the recess: but in 1672-3 the house resolved the meaning of the former resolution to be, that from the first day of meeting, whether actually sitting or not, the house had the power of ordering the writ to issue; and it has ever since exercised the right. To supply vacancies that may happen during a prorogation or adjournment, and that the full number of members may be present at the meeting of parliament, and partly to prevent long contests, it is provided by statute, that if the house be prorogued or adjourned for twenty days, or more, and a member dies, or becomes a peer during the interval; on certificate thereof in writing from two members, the speaker shall make out his warrant to the clerk of the crown to issue a new writ, having first given fourteen days notice of his intention in the London gazette: but such writ need not issue, unless fourteen days would expire from the time of delivering the certificate, before the next meeting.

The substance of these writs ought to continue in their original essence, without any alteration or addition, unless it be by act of parliament; for, if original writs at the common law can receive no alteration or addition, but by act of the legislature, so, *a fortiori*, cannot those for the summons of the high-court of parliament, where a writ has issued, directed to the sheriff of one county only, the borough lying in two counties, or where it was delivered to the sheriff of a wrong county, or one of the returning officers was dead, and there was not time for the election of another, the house has ordered the messenger of the great seal to forbear delivering the writ, or a supersedeas to issue: but where the writ was directed to the bailiff and burgesis, the bailiff being only the lord's minister, and not the returning officer, and the right of voting being in the burgh holders, and not in the burgesis at large, yet the misdirection was held not to vitiate the writ; and though delivered to another, and not to the bailiff and the burgh holders, yet the election

election under the writ so misdirected and delivered was held good; and where a particular place, by its corruption or otherwise, has incurred the displeasure of the house, the issuing of the writ is suspended by order of the house, as in the Hindon and Shaftsbury cases.

As the messenger of the great seal is responsible for the due delivery of the writ, he may entrust it for carriage to whomsoever he pleases; even to a candidate: but it is expressly provided, that it shall be delivered to the proper officer to whom the execution of the writ belongs, and to no other: and where writ or precept has been delivered to the candidate himself, or to two burgesses who were not constables of the borough, the parties delivering them were committed by the house. In the counties palatine, the writ issues to the chamberlain, his lieutenant, or deputy, who makes his precept to the sheriff; and in that of Durham it issues to the bishop or his chancellor. In the Cinque Ports it is directed to the warden, except for the election at Dover, where it is delivered to the constable of Dover.

For the election of citizens and burgesses, the writ itself does not issue to the returning officer, but to the sheriff, who sends his precept, under his hand and seal, to the principal magistrate within the city and borough, (wherein by reason of the local jurisdiction he cannot interfere,) directing him to comply with the substance of the writ, which is shortly set forth.

In county elections the writ does not direct the time, place, and manner of election with sufficient minuteness; but these are supplied by several statutes which ordain, that the sheriff shall, within two days after the receipt of the writ, cause proclamation at the usual place of election, of a special court, to be holden there for purpose of such election only, any day except Sunday, not later than the sixteenth day, nor earlier than the tenth, from the day of making such proclamation, and to proceed then and there as at a county court, or adjourned county court, under the laws in being; and he is required to go to election between the hours of eight and eleven in the forenoon. The county court must be held at the most public and usual place of election within the county, where it hath been usually held for forty years last past; and the sheriff is forbidden to adjourn the court to any other place, without consent of the candidates. In the county of Hants, he may adjourn from Winchester to Newport, in the Isle of Wight, at the request of one of the candidates. And so essential is the place of the election prescribed by the statute, that when any particular circumstance requires a variation, the legislature itself must interpose to authorize it. Therefore when prisoners were stationed at Winchester, who required a guard, the
soldiery

foldiery being, by other statutes, ordered to be removed during the election, it was enacted that the election should be held at New Alresford, and not at Winchester.

In city and borough elections, the sheriff, being originally under no special or express regulation, used frequently to detain the writ, and neglect to issue the precept, and often would take upon himself to make the return of citizens or burghesses as elected, when, in truth, there had been no election. For remedy of these abuses several statutes have provided, that the sheriff shall issue his precept within three days after the receipt of the writ, and deliver, or cause the same to be delivered, to the proper returning officer, and no other, who is to indorse the date of the receipt in presence of the person delivering it. In the Cinque Ports, the time for issuing the precept was enlarged to six days. The returning officer of the city or borough was formerly under no particular direction of time or place, for proceeding to the election, provided he was ready to make his return within the period required by the writ; but it has been enacted, that he should proceed to the election within eight days from the receipt of the precept, giving four days notice, in which he must express the purpose of meeting, as well as at the time, and place; and not state it to be a meeting, generally. The place of election must be within the district, and ought to be in the guildhall; and though there is no statute making that necessary, yet if it were held in any other place, contrary to the usual course, which should occasion a prejudice to any of the candidates, it would probably make the election void.

For the prevention of undue influence many regulations are adopted.

When the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered there are to remove, at least one day before the election, to the distance of two miles or more; and not to return till one day after the poll is ended. Riots have been frequently determined to make an election void: by vote of the house of commons, no lord of parliament, or lord-lieutenant of a county, has any right to interfere in the election of commoners; and, by statute, the lord-warden of the Cinque Ports shall not recommend any members there. It is also enacted, that no candidate shall, after the date (usually called the *teste*) or after the ordering of the writs, that is, after the signing of the warrants to the chancellor for issuing them; or after the vacancy, give any money or entertainment to the electors, or promise to give any, either to particular persons, or to the place in general, in order to his being elected; on pain of being incapable to serve for that place in that parliament. And if any money, gift, office, employment, or
reward,

reward, be given to any voter, at any time, in order to influence him to give, or withhold, his vote, as well he that takes as he that offers, such bribe, forfeits 500 l. and is for ever disabled from voting and holding any office in any corporation, unless, before conviction, he will discover some other offender of the same kind, and then he is indemnified for his own offence.

On the day fixed for the election, the returning officer is first to take an oath against bribery, and for the due execution of his office. It is then usual in cases where a contest is expected, that the persons intending to be candidates are put in nomination by their respective friends; and generally they address the electors themselves. The returning officer then requires a shew of hands on behalf of each candidate, and declares who of them, in his judgment, has a majority. The party to whose disadvantage the declaration is made, by himself, or any elector, demands a poll. In this place it may be necessary to observe, that a candidate is not precluded from offering himself, because he was not put in nomination the first day; a new one may be proposed at any time during the poll; but the electors who have once given their suffrages cannot retract, or alter them, in consideration of that, or any other circumstance.

By several statutes it is enacted, that the poll shall commence on the day demanded, or on the next, unless Sunday, and then upon the following day; and not to continue more than fifteen days, Sundays excepted; and the poll is thereby required to be kept open each day during its continuance, for seven hours at least, between the hours of eight and eight. In county elections, the sheriff, or, in his absence, the under-sheriff, with such others as he shall depute, proceed to take the poll immediately on its being demanded. The clerks are to take it in the presence of the sheriff, or under-sheriff, or such as shall be deputed; and the sheriff, or under-sheriff, swear the clerks truly and indifferently to take such poll, and to set down the name of the freeholder, the place where his freehold lies, and for whom he is polled. The sheriff, or, in his absence, his under-sheriff, appoints, for each candidate, such one person as he shall nominate, to be inspector of every clerk appointed to take the poll. Booths are erected at the expence of the candidates, proportioned to the hundreds within the county, not exceeding fifteen in number; and a clerk appointed to take the poll at each booth; and lists are made out of the towns, villages, parishes, or hamlets, in each hundred, rape, or district; and a copy delivered to each candidate on request: and none are to vote for lands lying within any other hundred, town, or parish, except in those mentioned in the lists of
such

such booth, unless the lands lie in some place not mentioned in any of the lists. Elections for cities and other places proceed under nearly the same regulations; and for protecting the rights of the candidates, counsel are allowed to attend and discuss, before the returning officer, any objections which may be made to the voters.

The rights and powers of the returning officer, in these cases, do not appear to be clearly ascertained. He must, if required, oblige the candidates, or either of them, to swear to their qualifications, but he cannot judge of their disability. He may oblige the electors to swear to their qualifications, age, religion, and exemption from bribery; and, on objection taken to any of them, may hear the objection discussed by counsel; but the evidence of the voter is conclusive in the case, no other testimony can, during the election, be adduced; and it is very doubtful whether the voter is obliged to answer any question tending to prevent him from exercising the franchise which he claims. If a person having a right to vote, is hindered by the presiding officer, an action on the case will lie; but it would be incumbent on the plaintiff to prove that the obstruction was wilful and malicious. If the freedom of election is violated by any riotous and tumultuous proceedings, the sheriff may take the offenders into custody; but whether he may commit, where the election is not obstructed in any manner amounting to a breach of the peace, may admit of some doubt.

SCRUTINY. A poll protracted to the latest moment, must be closed at three o'clock in the afternoon, on the fifteenth day; and the returning officer must then immediately, or on the next day, publicly declare the names of the persons who have a majority of voices; and forthwith make a return accordingly, unless a scrutiny is demanded by any candidate, or by two or more of the electors, which he shall deem it necessary to grant. In that case, he is to proceed thereupon; but so as that, in all cases of a general election, if he has the return of the writ, he shall cause a return of the members to be filed in the crown office, on or before the day on which the writ is returnable; and if he acts under a precept, he shall make a return of that instrument at least six days before the return of the writ; but if it is not a general election, then, in case of a scrutiny, a return of the member shall be made within thirty days after the close of the poll. Upon a scrutiny, the returning officer cannot compel any witness to be sworn, though the statute gives him the power of administering an oath to those who consent to take it. Where

there are objections to votes on each side, he must decide on them alternately.

RETURN. The scrutiny being finished, the sheriff must make a return of the persons who have a majority on the revised poll within the time limited by law. The words of the writ, so far as they relate to the return, are, "and the names of the knights, citizens, and burgessees, so to be elected, you cause to be inserted, in certain indentures to be thereupon made between you and those who shall be present at such election, and them at the day and place aforesaid you cause to come, &c. &c. And that the election in your full county, so made distinctly and openly, under your seal, and the seals of those who shall be present at such election, you do certify to us, in our chancery, at the day and place aforesaid, without delay, remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ." The certificate of the election is required to be the same both in county and borough elections; that is, by indentures, under the seals of the electors, and of the returning officer, who seals a counterpart. This practice has been constantly complied with, and seems analogous to proceedings of inquisition before the sheriff and coroner, who return their inquests under seal. Any other mode of making the return has been held bad, but amendable.

For a false return, the sheriff, by the old statutes of Henry VI., forfeits 100*l.* and the returning officer in boroughs, 40*l.* For offences against the act of 25 Geo. III. c. 84, they are punishable by information or indictment, to which no *nolle prosequi* or *cesset processus* can be entered; and if any sheriff or returning officer shall wilfully delay, neglect, or refuse, duly to return any person who ought to be returned, the party may, on the decision of a select committee in his favour, sue such returning officer, in any court of record at Westminster, or the court of sessions in Scotland; and shall recover double the damages he shall sustain by reason thereof, with full costs of suit. Where the right of election is doubtful, and consequently what candidates are duly elected, the returning officer may, and, for his own safety, ought to make a double return. But this must be done on the returning officer's own judgment, not on the agreement of the parties. When the election is over, the returning officer is bound, under a penalty of 500*l.* to deliver forthwith a copy of the poll to any person desiring it, and paying a reasonable charge for writing it. And the sheriff must, within twenty days after a county election, deliver upon oath to the clerk of the peace, all the poll books
of

of such election, without any embezzlement or alteration; and where there are more clerks of the peace than one, the original poll books to one of the clerks, and attested copies to the rest, to be kept among the records of the county.

PETITION. The persons returned according to the forms above described are the sitting members, until the house of commons, upon petition, shall adjudge the return to be false and illegal. By the statute 10 Geo. III. c. 16, called the Grenville act, explained, amended, and improved by several succeeding acts of the legislature, a tribunal is erected and regulated for determining the merits of contested elections. By these statutes, any person interested may present a petition, complaining of an undue election; but one subscriber of the petition must enter into a recognizance, himself in 200*l.* with two sureties in 100*l.* each, to appear and support his petition; and then the house appoint a day beyond fourteen days after the commencement of the session, or the return of the writ, and give notice to the petitioners and the sitting members to attend the bar of the house on that day by themselves, their counsel, or agents; which day may be altered; but notice must be given of the new-appointed day. On the day fixed, if one hundred members do not attend, the house adjourns from day to day, except over Sundays, and for any number of days over Christmas-day, Whit-Sunday, and Good-Friday. And when one hundred or more members are present, the house shall proceed to no other business, except swearing in members, receiving reports from committees, amending returns, attending his majesty or commissioners in the house of lords, receiving messages from the lords, or, on days appointed for the trial of any articles of impeachment exhibited by the commons in parliament, the business necessary for that purpose; then the petitioners, their counsel, and agents are ordered to the bar, the door locked, the orders of the day read, and the names of all the members belonging to the house, written or printed on separate pieces of parchment of equal size, are put into six boxes or glasses in equal numbers, and the clerk draws a name from each of the glasses, in rotation, which name is read by the speaker; and if the person is present, and not disqualified, it is put down, and in this manner they proceed till forty-nine such names are collected. But besides these forty-nine, each party selects out of the whole number present, one person who is to be his nominee. Members who have voted at that election, or who are petitioners, or are petitioned against, cannot serve; and persons who are sixty years of age, or who have served before, are excused if they require it; and others who can shew any material reason, may also be excused by the indulgence of

the house. After forty-nine names are so drawn, lists of them are given to the respective parties, who withdraw, and alternately strike off one (the petitioners beginning) till they are reduced to thirteen; and these thirteen, with the two nominees, constitute the select committee. If there are three parties, they alternately strike off one; and in that case the thirteen chuse the two nominees. The members of the committee thus formed are then ordered by the house to meet within twenty-four hours; and they cannot adjourn for more than twenty-four hours, except over Sundays, Christmas-Day, and Good-Friday, without leave of the house; and no member of the committee can absent himself without the like leave, upon special cause verified upon oath. The committee cannot originally proceed to business with fewer than thirteen members; but after they have sat fourteen days, twelve, and after twenty-five days, eleven members are sufficient. If for three successive days the requisite number fail in their attendance, the committee is dissolved. They continue to sit, notwithstanding a prorogation of parliament. They are all sworn at the table of the house, that they will give a true judgment according to the evidence; and every question is determined by a majority. They may send for witnesses, and examine them upon oath. When the whole evidence is heard, they report to the house whether the election be a due election or void; and also whether the petition or defence be frivolous and vexatious, in which case the party aggrieved shall recover costs: and the house, on being informed of such report by the chairman of the committee, order the same to be entered in their journals, and give the necessary directions for altering or confirming the return, or for issuing a new writ, or for carrying such determination into execution, as the case may require.

But when the committee are of opinion that the merits of a petition depend upon a question, respecting the right of election, or the appointment of a returning officer, they require the counsel of the respective parties to deliver a statement of the right for which they contend, and the committee then report to the house those statements with their judgments thereupon; and if no person petition within a twelve month, or within fourteen days after the commencement of the next session, to oppose such judgment, it is final and conclusive for ever. But if such a petition be presented, then, before the day appointed for the consideration of it, any other person, upon this petition, may be admitted to defend the judgment; and a second committee are appointed exactly in the same manner with the first; the decision of which committee puts an end to all further litigation on the point in question.

EFFECT OF ELECTIONS. The individual thus elected and returned, becomes the representative of the commons of the united kingdom of Great Britain and Ireland, and not the delegate or agent of the particular place for which he takes his seat.

DUTY OF ATTENDANCE. In ancient times a salary was allowed to each member for his attendance: to a knight of the shire, 4s. and to a citizen or burghers, 2s. per day, for expences going to, remaining at, and returning from parliament; this stipend was so burdeusome to several places, that they obtained permission to desist from sending members, but it has long been discontinued. While it remained as the reward of attendance, a suppression of it, and fine and information for contempt, afforded means of punishing those members who absented themselves from the house without a licence, entered on the book by the clerk. The duty of attending is still equally imperative, and the necessity far greater than in those times; but no mode of enforcing it adopted, except a *call of the house*, which by act of parliament always takes place, before the taking into consideration a petition relating to a controverted election, and generally, on the motion of any member who has business of importance to bring forward. The order for a call is always accompanied with a resolution, that such members as do not attend, be taken into custody of the serjeant at arms; but this necessary severity is rarely exercised. It is a common proceeding, when the house is going upon important business, to send the serjeant with the mace into Westminster Hall, and the places adjacent, to summon the members to attend the service of the house; and this is almost universally done, when the house is to be called over. When it is observed that members stay in the country, and absent themselves from the business of the house, it is usual to order the house to be called over; and sometimes the speaker is directed to write circular letters to the sheriffs to summon the members to attend; copies of which are always entered in the journal: it is also not uncommon to order, "That no member shall go out of town without leave, to be obtained by motion in the house." And it is the duty of the commons, especially in times of difficulty, to compel the attendance of members by frequent calls; and not to permit the indolence of some, the inattention of others, or the love of amusement in many, to leave the most important and interesting questions to be discussed and decided upon in thin houses.

MEMBER CANNOT RESIGN. He who is once duly chosen, cannot relinquish his seat, nor be discharged from it, but by operation of law. Sicknefs was formerly urged as an excuse;

and it was held, that an incurable disease would be a sufficient ground for granting a prayer to be removed; but the more modern and better opinion is, that the impossibility of ascertaining the degree of infirmity under which a member may labour, and of pronouncing that he is incurable, is a sufficient cause for not removing him, though, to all appearance, he may never be able to attend again. Instances are, however, recorded of new writs being issued to supply the place of members who refused to take the oaths, and subscribe the declaration required by law. If a person is elected for two places, which often happens at a general election, he may chuse for which he will serve, and a new writ issues for the other; but a member who has once taken his seat, cannot resign it in order to be elected for another place. The general means of vacating seats in the house of commons are, death; being called up by royal favour, or succession, into the house of lords; accepting of offices; and expulsion.

Death is mentioned only for the sake of observing, that when the house, by a false report, was induced to issue a writ, on the supposition that a member was dead, they, of their own authority, issued a *superfedas*, without application to the chancellor, though that measure was strongly urged by some very able lawyers.

Peerage must, in course, disqualify a member from retaining a seat in the lower house; though the eldest sons and heirs apparent of peers are allowed to sit. A doubt was raised in debate, in the year 1782, whether Lord Rodney, being created a peer, in his absence and without his knowledge, ought to be understood to have vacated his seat, before he had accepted the intended mark of royal bounty; but the question was not considered very serious, and a writ issued.

Accepting certain places of trust and profit, under the crown, vacates the seat; some placemen are incapable of being re-elected; others not. Of late years it has been the practice to evade the strict law which forbids a member to renounce his seat, by obtaining from the minister an appointment to the *stewardship of the three Chiltern hundreds*, or of the *manor of East Hendred*. Long acquiescence has given a sanction to this parliamentary fiction; and therefore it is perhaps better, merely to state it, than to offer any of those animadversions to which it gives rise.

Expulsion. The right of the house of commons to expel members for conduct injurious to their body, disgraceful to their proceedings, or tending, by the ignominy of the individual, to bring contempt on those who are associated with him, is ancient and undoubted. In the celebrated case of Mr. Wilkes, the

the question, whether a person so expelled, was eligible to sit again in the same parliament, was agitated with great clamour and violence for several years. At length, rather as a sacrifice to popularity than to justice, or even expediency, the proceedings on that subject were expunged from the journals. If this decision be construed to import, that the member expelled is capable of sitting again in the same parliament, without a vote of the house retractive of their previous decision, the privilege of parliament in this respect exists in vain. It may be counteracted and defied by the interference of a minister, by the caprice of an individual possessing the property or patronage of a borough, or by the factious perseverance of any set of electors, determined to support a favoured individual, and to vilify and degrade the legislature.

PRIVILEGES. The privileges, liberties and jurisdiction of parliament are the right and inheritance of the subject; they tend, in general, to make those, whose time and vigilance are devoted to the service of the nation, free and respectable. Some privileges which extend to members of both houses alike, have been enumerated; and some others which belong to both, or are peculiar to the lower house, with their limitations and restrictions, are subjoined.

Exemption from Arrest was formerly a much more extensive immunity than it is in these days. It spread the sanction of the member's charter over an indefinite number of attendants, and over his goods and lands. The latter branches of privilege are now suppressed, and during an adjournment the personal liberty is limited to forty days. This privation of privilege is a great retrenchment of the right claimed in the reign of James I. when, on an intended adjournment for five months, a resolution was drawn up by Sir Edward Coke, and carried, "That
 " in case of any arrest, or any distress of goods, serving any
 " process, summoning the land of a member, citation or sum-
 " moning his person, arresting his person, suing him in any
 " court, or breaking any other privilege of this house; a letter shall
 " issue, under Mr. Speaker's hand, for the party's relief there-
 " in, as if the parliament was sitting; and the party refusing
 " to obey it, to be censured at the next access." Nor did a motion prevail that the lands and goods of members, being debtors, might not be privileged during that long recess. The privilege from arrest includes all cases of debt, trespass, or contract; nor will the courts at Westminster grant an attachment against a member for not paying a sum of money awarded, though the defendant consent, on condition that the attachment shall lie in the office for a certain time. But no privilege extends to treason, felony, or surety of the peace, in

which term is included the publication of libels; nor is a member protected against being compelled by process of the courts at Westminster to obey a writ of *Habeas Corpus* directed to him. The principal grounds for the claim of this privilege are, the securing to members their right of attendance in parliament, unmolested by threats or insults from private persons; their thoughts and attention undisturbed by any concern for their goods or estate; their personal presence in the house not to be withdrawn, either by the summons of inferior courts, by the arrest of their bodies in civil causes, or, what was of more importance, by commitment by orders from the crown, for any supposed offences. But it must be always understood, that privilege which is allowed in case of public service for the commonwealth, must not be used for the danger of the commonwealth; and those who have been the most strenuous supporters of it have been more ready to allow, "That it equally
 "imported them, as well to see justice done against them that
 "are criminous, as to defend the just rights and liberties of the
 "subjects, and parliament of England."

Protection from Assault and Abuse. The sacred character of a member of parliament has always been very highly considered, and the assault of his person, or such publications or words as convey slander against him individually, or against the proceedings of the house, have ever been subject to severe animadversion. At first, it was usual, in such cases, to address the crown for punishment of offenders, and statutes were enacted against those who assaulted members of parliament, or their servants; but in later times, these laws being found ineffectual, the house of commons very properly took the inquiry and punishment into their own hands. It has, however, been very common, particularly since the revolution, for the house, in cases of libels, and several other offences, either to order the attorney general to prosecute the offenders, or address the king to give directions for that purpose. This mode of proceeding has been generally confined to cases, which deserve a punishment which the house of commons cannot inflict.

LIBERTY OF SPEECH. This essential and invaluable charter is now established on as firm a footing, and exercised in a manner as unrestrained as the most sanguine advocate for freedom of debate could desire or imagine. It was however obtained, as many other rights were, in consequence of explanations and firm demands, arising from censures, prosecutions in the star chamber and other courts, and similar exertions of ministers in the imperfect periods of the constitution, to restrain or suppress a licence, which must, if indulged, be fatal

to power unwarrantably exercised. This right of speech and freedom from question in any other place, for what is said in either house of parliament, is attended with a regulation for preventing the publication of the speeches of members, which, though constantly in force, is daily violated, not barely with the connivance, but with the assent, and almost the express sanction of the house. It would not be proper in this work to discuss the fitness of such constant and speedy disclosures, not to the nation alone, but to all the world, of every expression to which the unrestrained freedom of speech gives birth in a popular assembly. The practice is now established and cherished in too great a degree to be suppressed, though it may occasionally be controlled: to say that it is but right and decent for the constituents to have an opportunity of knowing what is said and done by their representatives, appears almost a truism: but the daily publication of debates on subjects yet undecided is often productive of bad effects, by inspiring exaggerated hopes and unfounded fears, and by inducing members to address their sentiments rather to the galleries than to the chair. The general disposition to debate on all public affairs, has perhaps been increased by this practice; but the disputants without doors are put much more upon a level than formerly; every paper which contains the argument on one side, gives also the reply; whereas formerly, political disputes were only judged of by party pamphlets, and occasional publications of protests, and garbled debates. Every liberty may be perverted, and licentiousness may result from malice or from ignorance; but guarded as the members of parliament are, both by equal laws and exclusive privileges, they have little to fear from personal misrepresentation; and a moderate and timely exertion of the standing order to clear the house, when particular debates are expected, will always insure the nation against the effects of indiscreet publications of matters which ought to be kept secret.

FRANKING OF LETTERS. This privilege, rather, in its present state, honorary than advantageous, will be more properly considered in treating of the post office; and there are some minuter privileges, such as, exemption from serving on juries, and some distinctions in the claims of privilege, which are rather to be considered as appertaining to a law treatise, than to a work of this kind.

The great privileges of the freedom of speech, and exemption from arrest, are prayed for by the speaker to the king, at the beginning of every parliament; and in the course of debate in the house, a question of privilege must be disposed of whenever it arises, before other business can be proceeded on.

THE HOUSE. The house of commons is a long spacious
8 room,

room, with benches for the accommodation of members, an elevated chair for the speaker, a table at which the clerks sit, and on which the mace is laid, and which is furnished with journals and other books necessary for information, glaives for ballots, &c.; there are also galleries on each side, and at the end over the door; the side ones for members, who frequently address the chair from thence, that at the end for strangers, who are admitted either by a ticket from a member, or by permission of the door keepers, who have a perquisite on the occasion. There is a bar, below which, counsel and witnesses, and other persons desired to attend the house with documents, or as delinquents, are stationed. The lobby is the general avenue to the house, and there are many rooms for private committees.

FORM OF SITTING. In general, all seats in the house are free to every member. On the opening of a parliament, the members for the cities of London and York claim a right of sitting on the lower bench, on the right hand of the speaker, and generally exercise it; at other times this is called the treasury bench, (and as appears from the ancient journals, used to be reserved for privy counsellors,) and is now, by favour of the house, left for the lords of the treasury, and other members in great offices, who are supposed by their avocations to be prevented from coming down to take places for themselves. but this too is matter of courtesy, and not of right, for Mr. Pulteney, when in the height of opposition to Sir Robert Walpole, always sat on the Treasury Bench. Of right, no member can claim any other seat than what he has taken at prayers, or finds vacant afterwards, on his coming into the house: it is, however, frequently allowed to members who have passed through the great offices, to keep the same seat, without being put to the inconvenience of coming down to take it. It is commonly understood, that a member who has received the thanks of the house in his place, is intitled to that place whenever he comes to the house, at least during that parliament; and it is generally allowed him by the courtesy of the house. Disputes occasionally arise respecting the right to seats which members have left, depositing in them a glove, book, or other thing, and intending to return; but these are settled by the speaker. The right to seats is lost by attending the speaker to the house of lords, and by all but the tellers on a division; but, in general, party divides the house into two arrangements, known by the name of the treasury and opposition benches.

ELECTION AND OFFICE OF SPEAKER. Anciently there was no constant speaker of the House of Commons, but one was elected occasionally, or *pro tempore*; but now at the meeting of every new parliament a speaker is chosen, whose office, unless voluntarily

voluntarily vacated, lasts till the dissolution. It is essentially necessary, to enable the house to proceed to elect a speaker, that a direction or permission from the king should be signified by the lord chancellor, in the house of lords, or by some privy counsellor in the house of commons. The exceptions to this rule are the convention parliaments in 1660, and 1688, but they are exceptions which fortify, rather than weaken the general principle.

When a considerable number of members of a new house of commons have taken the oaths, and are assembled on a day prefixed, a message is sent, requiring their attendance in the house of lords. The clerk of the house of commons, with such members as think fit, repair to the upper house, where the lord chancellor informs them, that his majesty will defer declaring the causes of calling the parliament till there shall be a speaker of their house, and therefore it is his majesty's pleasure, that they do immediately repair to their usual place of sitting, chuse a speaker, and present the person so chosen to the king, in the house of lords, on a day mentioned.

On the return of the members to the house of commons, the clerk being seated at the table, and the mace laid under it, any member who is desirous of recommending a person to be speaker, addresses himself to the clerk, and with what exordium or observations he thinks fit, names the individual, who must be present at the time. Any other member may put another person in nomination, and in that case the house is divided, not by going out, as on other divisions of the house, but by separating to the right and left of the chair, as in committees; the clerk appoints one teller on each side. If there is no competition, no question is put. The speaker elect is then conducted to the chair by his friends, generally with some expressions of reluctance on his part, and when he is seated, the mace is laid on the table by the serjeant. Formerly the person in the chair held some considerable office in the state, but the more pure practice of modern times has been to allow a salary, corresponding with the dignity of his station, and sufficient to secure him from the imputation of dependency on the court, but although no office is in these times held by the speaker while he continues to hold that high and honourable station, several who have left it have been advanced to the most eminent situations in the state, and it has been usual for the house to address his majesty, requesting that some mark of his bounty might be conferred on a retiring speaker.

At the time appointed, the speaker, with a train of members, appears in the house of lords, and informing the king of the election which has been made, alleges his own doubts of
 VOL. I. * R 6 ability,

ability, and prays his majesty not to confirm the choice of the commons, but direct them to fix it on a more able individual. This practice is as ancient as the appointment of a permanent speaker, and was perhaps intended for various purposes: it might be, when freedom of speech was less established than now, to discharge the president of the popular assembly from the disgrace and penalties he might have incurred, if he voluntarily assumed the lead where expressions might be used offensive to the crown. It might be intended as an express and perpetual recognition of the power undoubtedly possessed by the crown, of rejecting the person chosen by the commons, and even of recommending an individual whom he would approve. But, however it might originate, the practice of making an excuse by the speaker, and that equally general, of confirming the election of the commons by the king, have not been uniformly followed. In the time of Charles II. (7th March, 1678,) Sir Edward Seymour, who had been chosen speaker of the house of commons, knowing that it had been determined, at a council the night before, to accept of his excuse, on account of some dispute he had with Lord Danby, purposely avoided making any, in order to throw the greater difficulty on the chancellor in refusing him. The king, however, persevered in his intention, and the house, after much discussion, elected another speaker.

After confirmation of the choice made by the commons, it is usual for the speaker to request for the house and himself; 1st. Freedom of access to the sovereign. 2d. Pardon for himself if he should mistake or misreport any matter that he was ordered to declare. 3d. Freedom of speech; and 4th. Exemption from arrests and suits, for the members and their servants; adhering in this to the ancient form, although, by statute, the protection of servants is no longer allowed.

When the speaker has been chosen, and the commons returned to their own house, a bill is read, from which the session begins.

During the speaker's absence, whether from illness, or any other cause, no business can be done, nor any question proposed, but that of adjournment, which is put by the clerk. This great inconvenience is much increased of late years, from the quantity of business, and lengthened sittings of the house of commons; many propositions have been made, but without effect, for a deputy-speaker, or one *pro tempore*. By a late act of parliament, the speaker, if absent from the realm, is enabled to perform one part of his office, that of issuing warrants to the clerk of the crown, for making our writs to elect members, in the room of such as die or become peers during a recess, by deputies appointed by himself.

A principal duty of the speaker is to keep order during the debates. The following modes of conduct have been declared, at different times, to be disorderly ;

First. Members speaking twice, or oftener, in the same debate.

Second. Members speaking impertinently, or beside the question.

Third. Using unmannerly or indecent language against the proceedings of the house ;

Fourth. Or against particular members.

Fifth. Using the king's name irreverently, or to influence the debate.

Sixth. Hissing, or disturbing a member in his speech.

Seventh. Walking up and down the house, standing on the floor, in the gangways, or in the gallery.

Eighth. Taking papers and books from the table, or writing there, to the great interruption of the clerks : and

Ninth. Crossing between the chair and a member that is speaking ; or between the chair and the table ; or between the chair and the mace, when the mace is taken off the table by the serjeant.

From the warmth of debate, the occasional irritation which prevails, the desire of some members to gain admiration, and the inexperience of others in the rules and forms of the house, it is often not easy, sometimes, perhaps, not possible, for the speaker to enforce all these rules in their strict sense. But, in general, the task is performed with as much rigour as can be assumed without the appearance of tyranny, and with an impartiality which never affords just ground of complaint. The standing orders of the house are not to be discussed, but enforced, and all parties have an evident interest in maintaining the established regulations, and supporting the speaker in the proper exercise of the authority which they have intrusted in his hands, not for the purpose of gratifying him in a love of pre-eminence, or appearance of command, but of protecting and insuring their own most valuable privileges. It was observed by Mr. Onslow, who filled the chair upwards of thirty years, " That nothing tended more to throw power into the hands of administration, and those who acted with the majority of the house of commons, than a neglect of, or a departure from, these rules. The forms of proceeding, as instituted by our ancestors, operated as a check and controul on the actions of ministers ; and they were, in many instances, a shelter and protection to the minority, against the attempts of power." The majority can protect themselves by their numbers against any injurious attempt ; but the minority

rity can check the wantonness of power, only by observing and requiring a strict adherence to the standing orders.

It belongs to the speaker's place to appoint tellers, two on either part, indifferently. If any doubt arise upon a bill, the speaker is to explain, but not to sway the house with argument or dispute. When he desires to speak, he ought to be heard without interruption, if the house be silent and not in dispute.

The speaker, though he ought, upon all occasions, to be treated with the greatest respect and attention by the individual members of the house, is, in fact, but a servant to the house, and not their master; and it is therefore his first duty to obey implicitly the orders of the house, without attending to any other command. This duty is extremely well expressed, in a few words, by Speaker Lenthall; who, when that ill-advised monarch Charles I. came into the house of commons, and, having taken the speaker's chair, asked him, "Whether any of the five members that he came to apprehend were in the house? Whether he saw any of them? And where they were?" made this answer:

"May it please your majesty,

"I have neither eyes to see, nor tongue to speak, in this place, but as the house is pleased to direct me; whose servant I am here; and humbly beg your majesty's pardon, that I cannot give any other answer than this, to what your majesty is pleased to demand of me."

The speaker ought to be very cautious, and pay an exact attention to the rule: "That he is to explain, but not to sway." If referred to for information, in point of order or practice, it is his duty to state every thing he knows on the subject, from the journals, or the history of parliament; but he ought not to argue, or draw conclusions from this information.

The speaker has no voice but to utter the sense of the house, when declared; and accordingly, when Sir Edward Seymour, who filled, at the same time, the chair of the house, and the office of treasurer of the navy, offered, in a debate on maritime affairs, to speak to the point as treasurer, the house decided that he could not be heard.

It has been established by ancient authority, that the speaker has no right to vote in a question, unless the numbers be equal; and then it becomes his office to give a casting voice: on this occasion, it has been sometimes usual to state his reasons; but, at that moment, all possibility of swaying or influencing the house is past.

It is part of the speaker's office to sign warrants to the clerk of the crown to make out new writs, for the electing of members, to serve in the room of those whose seats are become
vacant.

vacant. In 1672 an attempt was made by Lord Shaftsbury, then chancellor, to arrogate to the crown the privilege of issuing writs during a prorogation; but the house, on its meeting, before any other business was discussed, resolved, "That the speaker do issue his warrants to the clerk of the crown, for superseding all the writs for election of members, that were not executed before the first day of this session; and that all elections upon writs issued since the last session are void; and that Mr. Speaker do make out his warrants for issuing writs for those places." The exercise of this branch of the speaker's power could be solely by virtue of the authority of an order of the house of commons, until, by statutes 10th Geo. III. c. 41. and 15th Geo. III. c. 36. he was enabled, during a recess, without such order, under particular limitations and restrictions, to issue his warrants.

When the house order any member, or other person, to be reprimanded, or thanked, it is part of the speaker's duty; and his speeches, on these occasions, are frequently ordered to be printed, and entered in the journals.

In point of rank, the speaker of the house of commons is placed next to the peers of Great Britain, as well during the prorogation as the sitting of parliament. In all public commissions he is so ranked; and has the precedence at the council table, as a privy counsellor. And although on common occasions, and by practice at the council board, and in commissions of the peace, and in some other commissions, the speaker gives place to Irish peers, and whoever else by courtesy takes place before some peers of the realm, as sons of dukes and marquesses; yet in all commissions by act of parliament he is named before these; and so ought to be in all solemn and national matters. During the sitting of parliament, and adjournments of it, the speaker has the keeping of the mace, and is to be attended with it, and ought never to appear on any public occasion without it; and then always in his gown.

PROCEEDINGS IN THE HOUSE: Prayers. Every day before the house of commons assembles, prayers are said in the house by the speaker's chaplain. On solemn days, as 30th January, 29th May, and 5th November, some divine of the dignity of dean, or doctor in divinity, is desired to preach a sermon before the house. Committees may however sit before prayers.

NUMBER OF MEMBERS. As the rule that 40 members should be present, was intended to prevent questions being carried by surprise, and in a thin house, it has been observed inviolably, both as to the number present, when the speaker takes the chair, and as to his quitting it again immediately, if that number does not appear at four o'clock. This distinction of not adjourning immediately, if it is before

four o'clock, but of waiting, and, if sufficient members come in, proceeding to business, arises from that being the hour prescribed by the 30th Charles II., and 13th William III.; before which any member may take the oaths at the table; and therefore if the speaker has taken the chair, and a member is introduced before that time, he may be sworn, though 40 members are not present; for a regulation adopted by the house of commons cannot supersede the directions of an act of parliament. But if, whilst any business is depending after four o'clock, notice is taken that forty members are not present, the speaker by his own authority, without putting a question, adjourns the house, but not over a sitting day, unless they have previously resolved, "That at their rising, they do adjourn to a particular day," which is frequently done when the house is expected to break up for want of forty members. By the practice of the house, it is equally necessary, that forty members shall be present, in a committee of the whole house; if not, the chairman immediately leaves the chair, the speaker resumes it, and the chairman reports only the cause of their dissolution. The speaker, or the chairman of the committee, is considered as one of the forty.

STRANGERS. To preserve that freedom in debate, without which parliament would sit in vain, the house of commons has many severe regulations for the exclusion of strangers; and although these are not generally enforced, yet on particular occasions they are resorted to with great advantage to the house, and consequently to the public. When a member on his place takes notice to the speaker of strangers being in the house or gallery, it is the speaker's duty, immediately to order the serjeant to execute the standing order, and clear the house of all but members; on this point he permits no debate, nor is any question moved; a violent struggle is frequently made, and considerable warmth prevails; members move for the order to be read, endeavour to explain, and debate upon it; but, in a short time, the confusion subsides, and the house is cleared, for if any one member insists, the speaker has no discretionary power. Members sometimes threaten to move for a day to consider, explain, or repeal the order, but cool consideration shews the essential necessity of leaving it unaltered. The house have, in many instances, connived at the breach of it; and it has been often understood, that the observance should be remitted with respect to peers, officers of the house of lords, and some other personages, but this is only sufferance; the order itself must necessarily exist, and when required be put in execution without delay or debate. No man, whether peer or in office, can claim the suspension or non-observance of it as a right; in many instances

stances disputes between the two houses have caused it to be rigidly, and perhaps peculiarly, enforced. In former times, ladies were admitted to hear the debates, but for many years that practice has very properly been discontinued.

DOOR LOCKED. When a question of great importance is about to be agitated, and which, from its nature, requires the utmost secrecy, it has not been unusual to order the doors of the house to be locked, and the keys laid on the table; that no member may go forth to give information of the subject in debate. But the value of this measure of precaution is much diminished, by the necessity of moving, seconding, and debating it as a question, instead of making it a standing order. The end of secrecy can never be insured, and that of dispatch may be frustrated.

MOTIONS. Every transaction in the house is the subject of a motion: some are made at a time stated by previous determination of the house; or in consequence of some notice given by a member, and entered in a paper called the "Order of the day;" others arise specially out of the business before the house, or a necessity for some immediate measure of regulation, and are made according to the judgment of the members, or, according to established practice, by the speaker.

RIGHT OF SPEAKING. When the motion has been made, it is read from the chair, and if to be debated, seconded; every member has a right to speak, subject to the general rules imposed for the preservation of order and decorum. The great rule, that no member shall speak twice to the same question, ought to be enforced by the speaker, without the interposition of the house demanding order; but it is inevitably broken on many occasions, under pretence of "informing the house of a fact," or of "explaining." It is to allow more ample and frequent discussion than this order will admit, that a committee of the whole house is instituted, where every member may speak as often as he pleases. If a new motion is made, pending the former motion, as "to adjourn," or by way of "amendment," or for "the previous question," this entitles every member to speak again; the strict observance therefore of this rule against speaking twice, so highly necessary to the dispatch of business, must, after all, very much depend on the good sense and modesty of the members themselves, not to obtrude their speeches unnecessarily. It often happens that, two members rising nearly at the same time, the house do not immediately acquiesce in the speaker's decision, who was up first; and if it were pertinaciously contended, it must be determined by a question. When a member speaks, he is to stand up in his place, uncovered, and to address himself to the chair, and not to any

particular member; if he is on the lower seat, he must have one foot within the floor: a member has, in one or two instances, been allowed to speak sitting, on account of illness. If a member speaks beside the question, it is the duty of the speaker to interrupt him. Every member is entitled to be heard quietly, and without interruption; but if he finds that it is not the inclination of the house to hear him, and that by conversation, or any other noise, they endeavour to drown his voice, it is the most prudent way to submit. If a member uses disorderly words, they may, by order of the house signified through the speaker, be taken down by the clerk, for the purpose of making them the ground of an accusation. A member may speak, and often does, from the gallery; but he must have a seat, and not speak in the passage ways, or from behind the clock.

MEMBERS INTERESTED OR ACCUSED. It is a general rule that no member may be present in the house when a bill, or any business concerning himself, is debating; but while the bill is only reading or opening, he may. This regulation has been strictly observed in cases of great moment; but in matters of less importance, although the private interest of the member has been essentially concerned, it has been neglected. A member accused is not to withdraw, till he knows what will be the substance of the charge against him; and till he has had an opportunity of explaining to the house the motives of his conduct. Where the charge arises out of a report from a committee; or from an examination of witnesses in the house, the member knows to what points he is to direct his exculpation; and may therefore be heard to them, before any question is moved or stated against him; and in this case he is to speak, and withdraw, before the motion; but where the question itself is the charge, as for any breach of the orders of the house, or for matter that has arisen in the debate, there it must be moved, the member heard in explanation or exculpation, and then, and not till then, he is to withdraw.

OF READING PAPERS. It has been a common error, and used frequently to be mentioned in the house of commons, that every member has a right, on his own motion, to insist that any act of parliament, journal, paper, or account, on the table, be read, without the house having any power to prevent him. The practice is, that, if any member moves for an act of parliament, a journal, or paper, to be read, which the house sees is really for information, and not for affected delay, and no member objects to it, the speaker directs it to be read, without a question; but if any objection is made, the speaker must take the sense of the house, by a question, on this difference
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of opinion, as on every other. Where papers are laid before the house, or referred to a committee, for consideration, every member has a right to have these papers read through once at the table, before he can be compelled to give an opinion on them; but afterward they cannot be read without the consent of the house.

OF PUTTING QUESTIONS. In putting questions, the general rule is to decide first on that which was first moved and seconded. It was the ancient practice for the speaker to collect the sense of the house from the debate, and thence to form a question on which to take their opinion, but this has been long discontinued: at present the usual method is, for the member who moves a question to put it into writing, and deliver it to the speaker; who, when it has been seconded, formally proposes it; the house is then said to be in possession of it, and it cannot afterwards be withdrawn without leave. The speaker must read it as often as desired by any member; but as it frequently happens that questions are moved, upon which the house do not wish to give any opinion, they avoid it, by moving either "To adjourn," or for the "Order of the day," or for "The previous question," or propose such amendments as change its nature, and make it inadmissible even by the proposers. The motion to adjourn must, in order to take place of a motion already made and proposed, be put simply, not with the addition "to any particular day;" but "That this house do now adjourn." The motion for, "The orders of the day to be read," to entitle it to precedence, must be for the orders generally, and not for any particular order; and if this is carried, the orders must be read and proceeded on in the course in which they stand; but even this motion will be superseded by one of adjournment. If the question is carried "For reading the orders of the day," the original question does not appear on the votes; but if the previous question is moved, the first question must be stated in the votes, in order to introduce and make intelligible the second. The effect of the previous question is only to put off the coming to that question, at that time, and is in these words, "That this question be now put." The same question may be therefore moved on 'another' day. The question thus deferred ought not, though altered in 'words,' if not essentially and substantially changed in 'matter,' to be again put that day. It is a rule, that in a committee of the whole house there can be no previous question; if therefore it is wished to avoid a decision, it is usual to move, "That the chairman do leave the chair," which has the effect of a motion to adjourn, and takes place of every other. The alteration of a question by amendments, till it

bears a sense different from what was intended by the proposers, is, perhaps, not quite fair, but has been often done.

When a question is complicated, that is, consists of two or more propositions, it has been often said, that it is the right of any member to have it divided, in order that he may give his opinion on each proposition separately; but on the 16th of February, 1770, it was thought necessary to take the sense of the house on it, and they decided in the negative. Perhaps, when questions were formed by the speaker from the debate, and not moved by a member, it was a proper objection to the manner of the speaker's stating a question, that it was complicated, and he might be desired to separate it; but when a question moved, and seconded, is proposed from the chair, however complicated it may be, the only mode of separating it is by moving amendments; and these must be decided by the house on a question; unless by "Order," or by "Consent," of the house it is divided.

The right of making a motion for the "Orders of the day" to be read, in the midst of another proceeding, does not exist during a proceeding on one of the orders; it is only to supersede a question on any other matter, not properly the business of the day.

The rule that the same question, which has been once proposed and rejected, should not be offered again, in the course of the same session, should be adhered to as strictly as possible, in order to avoid surprise and unfair proceeding. It is not however to be so strictly and verbally observed, as to stop the proceedings of the house; it is rather to be kept in substance than in words; and the good sense of the house must decide, on every question, how far it comes within the meaning of the rule. It clearly does not extend to prevent putting the same question in the different stages of a bill; nor to prevent the discharging of orders, though they have been made on great deliberation; but it has been always understood to exclude contradictory matters from being enacted in the same session. In the report of an address to the king, the house is not confined to discuss only how the committee have exercised their power in framing it, but may discuss the whole subject matter. With respect to bills, it is clear, that wherever any clause or words are in a bill, though they should have been inserted, as an amendment, by the house, yet in any other subsequent stage the sense of the house may be again taken on those words, and they may be left out; because every stage of a bill submits the whole and every part of it to the opinion of the house; and this being a known order there can be no surprise. In modern times it has become usual in some acts, such as those of sup-
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ply, and military regulation, to insert a clause, that they may be repealed, altered, or amended, in the course of the same session.

DIVISION OF THE HOUSE. When the debate on any motion is concluded, the speaker puts the question, requiring those who are of opinion that it should be carried to say "Aye," those of a contrary opinion to say "No;" and he then affirms, according to his judgment, that "the *Ayes*, or the *Noes*, have it." If a member on the side opposite to that in favour of which the speaker decides, is desirous to ascertain the numbers, the custom is, for him to contradict the decision of the chair, and claim a division. And this may be done at any time, until some member who was absent, comes into the house, but after that it is too late.

The ceremony of dividing involves in it many more nice cases and accurate distinctions, than could be conceived to appertain to such a subject, except by those who have habituated their minds to a consideration of the numerous refinements on questions of right, which are ever introduced, where many persons contend for victory, and all are perfectly free and equal. It would be tediously minute to enumerate in this work all the regulations to which those refinements have given birth; it will suffice to exhibit a general outline of the course adopted, and the more material rules.

The manner of dividing the house is for one side to go out, and the other to remain in; but who shall go out is a subject of many regulations and distinctions; it does not depend on the negative, or affirmative, of the question propounded from the chair, but is limited by a general rule: "That those who give their votes for the preservation of the orders of the house, should stay in; and those who give their votes otherwise, to the introducing of any new matter, or any alteration, should go out." This rule, as may be supposed, requires a separate decision on almost every species of case that occurs, and upon every separate mode of proceeding adopted.

Before a division, either of the house, or a committee of the whole house; indeed, before the question is put, upon which it is probable there may be a division, the speaker, or chairman, should take care that all strangers are withdrawn, as the only method of preventing members from coming in, and being told in the division, though not present at putting the question. All members who were in the house when the question was put must be told on one side or the other, and cannot be suffered to withdraw; if they have retired only to Solomon's porch, or the speaker's room, they are considered as part of the house, (there being no avenue to them but through the house,)

and, if any member insist upon it, they must return and must be counted: if they were in either of these places when the question was put, and consequently did not hear it, they have a right to have it read, and to vote for either side, even though the door should be shut; but if from inattention, or any other circumstance, they have neglected to go forth till after the door is shut, then they must be told with those who remain in the house, though entirely contrary to their avowed inclination. It is the duty of the tellers to direct the shutting of the doors. Whilst the tellers are performing their duty, members should be silent; for if one of them thinks there is a mistake, or if they are not all agreed, they must begin and tell again. No member must remove from his place, when they have begun telling; nor can any member be told but sitting in a seat, and not on the steps of any of the passages. When they have told the members in the house, and are all agreed, they should deliver in the number at the table, to the clerk, that there may be afterwards no dispute. If any difficulty arises in point of order during the division, the speaker must take upon himself to decide it, 'peremptorily;' for, as to decide it by the house would occasion a division upon a division, there is no other mode but to submit implicitly to his determination, subject however to future censure, if irregular or partial. In order to form a determination in such cases, though there can regularly be no debate, it has frequently happened that old and experienced members have, by permission of the speaker, assisted him with their advice, sitting on their seats, and speaking with their hats on, to avoid even the appearance of a debate; but even this cannot be done but by the speaker's leave; for if it could, the division might last several hours.

TELLERS. On divisions, the speaker appoints two tellers for each side, selected from those who vote on the affirmative and the negative. It has sometimes happened, that when a division has been demanded, it has been found that there is but one member on one side of the question, and consequently not enough to appoint two tellers. Such a circumstance is not creditable to the individual who stands in such a situation, as it proves that he has sought a division for the sake of interrupting the proceedings of the house, and occasioning inconvenience and unnecessary delay. When this case occurs, the division cannot go on, but the speaker declares on the other side. If there are two tellers, the division must proceed, and be reported, though on one side the return of numbers should be none. If any difficulty arises on telling in the members, or the tellers should disagree in their numbers, it does not appear how this could be decided but by another division; as was done where a stranger was
told

told in as a member. When the tellers are agreed, the usual manner of reporting the numbers is, for those tellers who have told on the part of the majority to take the right hand on coming up to the table, and they all make three obeysances to the chair, as they proceed from the bar. But if the numbers are equal, the tellers are mixed alternately.

SUPPLY. Without entering at large into a history of the manner in which supplies for the use of the crown, or support of government, were raised in old times, it may be sufficient to observe, that it is the ancient, indisputable privilege and right of the commons, that all grants of subsidies, or parliamentary aids, begin in their house, and are first bestowed by them; although their grants are not effectual to all intents and purposes, until they have the assent of the other two branches of the legislature. The general reason given for this exclusive privilege of the house of commons is, that the supplies are raised on the body of the people, and therefore it is proper that they alone should have the right of taxing themselves. This reason would be unanswerable, if the burthens imposed by the commons rested on themselves alone; but the property of the lords is equally taxed, and therefore this cannot be the reason why the commons alone should raise and model the supply. The true cause arising from the spirit of our constitution, seems to be this: The lords, being a permanent hereditary body, created at pleasure by the king, are supposed more liable to the permanent influence of the crown than the commons, who are a temporary elective body, freely nominated by the people; and therefore it is sufficient that the lords have a power of rejecting the grants of the commons, if lavish or improvident.

The house of commons have, with great wisdom, imposed rules and restrictions on themselves, in the exercise of that great and most important privilege, "The sole and exclusive right of granting aids and supplies to the crown;" that they may not, by sudden and hasty votes, incur expences, or be induced to approve of measures, which might entail heavy and lasting burthens on themselves and posterity. On this principle, in the year 1667, the house established a rule, that a motion made for any public aid or charge on the people ought not immediately to be taken into consideration and debated, but adjourned to a further day, and referred to a committee of the whole house, whose opinion should be reported before any resolution or vote should pass thereon. This regulation insures sufficient notice, and prevents members from being surpris'd into a vote, by allowing them time to be prepar'd with every argument which the question may demand.

In a committee of the whole house, every member may speak as often as he finds it necessary; and is not confined, by the rules observed in speaking in the house, which, in matters of account and computation, would be inconvenient, and tend to the suppression of much real and useful information. This mode of proceeding likewise gives an opportunity of a further and more mature deliberation, when the resolutions of the committee are reported; the house may then agree or disagree, or recommit the whole, or any part of the report, for the purpose of receiving more accurate information, or more narrowly inquiring into the nature and expediency of the measure proposed. This excellent rule is seldom deviated from, except when the house address the crown to advance money for any particular purpose, and give assurances that the expences so incurred shall be repaid out of the grants of next session. This practice has indeed been generally confined to small sums, and to services the amount of which cannot at the moment be exactly ascertained; it has also been used, for the most part, at the end of the session, when the committee of supply is closed, and when the sum required has not been thought of sufficient magnitude, to adopt the form of opening it again.

It is considered irregular for the house, when the speaker has resumed the chair, to make an amendment, augmenting a tax, or imposing a penalty; but if such a measure is deemed necessary, it is usual to recommit the bill. It is also a standing order, that no bill be ordered to be brought in for any work proposed to be carried on by tolls, or duties, to be levied on the subjects in particular places, till the petition in its favour has been referred to a committee, and they have examined the matter and reported it to the house. This previous examination however is necessarily very slight and imperfect, the parties examined not being on oath, and the promoters of the bill not confronted by those who may be inclined to oppose it. Parliament has however cautiously guarded the rights of the subject from being invaded by bills for tolls, and similar modes of imposition, by directing that notices shall be given before the bringing in of bills of certain descriptions, and by affording ample time in the course of their proceedings, for presenting petitions.

So reasonably jealous are the commons of the valuable privilege of solely granting supplies, that they will not suffer the house of lords to exert any power but that of rejecting; they will not permit the least alteration or amendment in the mode of taxing the people by a money bill. Under this appellation are included all bills, by which money is directed to be raised on the subject, for any purpose, or in any shape; either for
the

the exigencies of government, and collected from the kingdom in general, as the land tax; or for local benefit, and collected in any particular district, as by turnpikes, or parish rates. From the earliest periods of history this jealousy has subsisted. In whatever mode the lords have attempted to invade this right, the commons have vigorously resisted; and they have asserted and maintained their claim, through such a long and various course of precedents, that the lords have now long desisted from beginning any bill, or making amendments to bills passed by the commons, which, in the form of positive taxes, pecuniary penalties, or in any other shape, might impose burthens on the people. It must be admitted, that the commons did not always insist, with the same precision and exactness as they have of late years, upon this privilege. In many instances, particularly before the revolution, the lords made, and the commons agreed in, amendments to such bills; but they soon found that, under pretence of amendments, the lords inserted matter which had the appearance of trenching upon the privileges of the commons: so that, after several discussions and conferences, they found themselves obliged to extend the rule, and resolve, "That, in all aids given to the king by the commons, the rate or tax ought not to be altered by the lords." On the same principle, the commons have objected to any alterations made by the lords, in the application or distribution of pecuniary penalties imposed by the commons; but it does not appear, that this objection has been extended by the commons to instances in which the lords, by disagreeing to clauses, or making other alterations in the bill as sent from the lower house, have withdrawn from the penalty the objects upon whom it was meant to attach.

The following propositions contain nearly every thing which has been claimed by the commons on this subject:

1st. That in bills of aid and supply, as the lords cannot begin them, so they cannot make any alterations either as to the quantum of the rate, or the disposition of it; or indeed any amendment whatsoever, except in correcting verbal or literal mistakes: and even these the house of commons direct to be entered specially in their journals, that the nature of the amendments may appear; and that no arguments prejudicial to their privileges may be drawn from their having agreed to such amendments.

2dly. That in bills which are not the special grant of supply, but which however impose pecuniary burthens on the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor, &c. for which purposes, tolls and rates must be collected; in these, though the lords may make amend-

amendments, they must not alter the quantum of the toll or rate, the disposition or duration of it, or the persons, commissioners, or collectors, appointed to manage it. In all the other parts and clauses of these bills, not relative to any of these matters, the commons have not objected to the lords making alterations or amendments.

3dly. Where the bills, or the amendments made by the lords, appear to be of a nature which, though not immediately, yet in their consequences will bring a charge upon the people, the commons have denied the right of the lords to make such amendments; and the lords have acquiesced.

And lastly, the commons assert, that the lords have no right to insert in a bill pecuniary penalties or forfeitures; or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the commons.

These rules, with respect to the passing or amending of bill, are clear, distinct, and easily understood and applied.

Committees of the whole house are appointed at the commencement of every session. The one, for considering of the quantum of supply to be granted for the purposes of the state; the other, to find out ways and means for raising that supply.

The *Committee of Supply* is to consider of a grant, made to his majesty by a former vote or determination of the house. As it takes its origin from the aids which are demanded by the crown, it can properly have cognizance only of matters laid before the house, by direction of the crown, for the public service; and therefore, if it is thought expedient to vote in the committee of supply sums which are not intended for the service of the army, navy, ordnance, or any other aid, demanded by the crown, the house must vote a particular instruction, before they can take the matter into consideration. And the house have restrained the nature of grants to be demanded by this committee by a standing order, "That they will receive no petition for any sum of money relating to public service, but what is recommended from the crown."

The *Committee of Ways and Means* is formed to find out modes of raising the sums which the house, on resolutions reported from the committee of supply, and agreed to, have granted to his majesty: and their first consideration is, that the money proposed to be raised by loans or taxes, or in any other mode, should not exceed that granted in the committee of supply. It is therefore incumbent on the chancellor of the exchequer, or the member who proposes the ways and means, to explain and shew to the house, by a detail, that the sums voted are sufficient to justify the committee of ways and means in imposing such taxes then recommended.

When the committees of supply and ways and means are closed, the house of commons pass a bill, in which the several grants, made in the committee of ways and means, by land-tax, malt-tax, loan, sinking-fund, &c. are recapitulated, and directed to be applied to the services voted in that session in the committee of supply; specifying the particular sums granted for each service, appropriating accordingly the money which shall be paid into the exchequer, and directing that the supplies shall not be devoted to any other purposes. The sums voted for the different heads, on account of the army, ordnance, militia, foreign subsidies, &c. are, in the bill of appropriation, separately and specifically applied to those services. But with respect to the navy, the practice has been different. In this service all the different grants on the head of wages, victualling, ordnance, ordinary and extraordinary, are, in the appropriating bill, added together, and the whole sum appropriated generally for the naval service. This distinction has arisen from necessity, the nature of the sea service, and the acknowledged impossibility of confining the expenditure of sums granted, to specific services. The long absence of ships in different quarters of the globe; the uncertainty of their return; the difficulty of ascertaining the time in which any ship will be completely finished or repaired for sea; with many other circumstances, render it almost impossible to observe in this, as in the other services, that rule which, whenever it is possible, ought most strictly to be adhered to. The house of commons, aware of these circumstances, do not appropriate the sums voted for the navy specially, but generally: but the expenditure is subject to future inquiry and examination in the house.

Notwithstanding every precaution which can be taken to confine the expences of the different services within these sums voted, experience shews it to be impossible; in all the different services, the navy, the army, and the ordnance, there has always been an exceeding, or debt contracted, which has been brought before parliament in a subsequent session, under the title of navy debt, or of extraordinaries, incurred and not provided for. Formerly these exceedings were moderate, as appears from the accounts during the war of the succession; and that which terminated in 1743: in 1758 they first became very large; but in the American war, the sums demanded, as extraordinaries of the army incurred and not provided for, fell not far short of the whole sums voted by parliament on the estimate for that service; nay, in the year 1782 they appear to have exceeded them.

In the struggles which were formerly maintained between the different branches of government for ascendancy, the

commons, availing themselves of their own power over the national purse, were in the habit of *tacking*, as it was called, to a bill of supply, some other independent measure or provision, with an intention of thus obtaining the assent of the crown, or the lords, to that which they would otherwise probably reject. Against this unparliamentary and unfair practice, the lords, in 1699, remonstrated with great weight: "The joining together in a money-bill things so totally foreign to the methods of raising money, and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the lords, and prerogative of the crown. For, by this means, things of the last ill consequence to the nation may be brought into money-bills; and yet neither the lords nor the crown be able to give their negative without hazarding the public peace and security." In 1702 they passed a formal resolution, and ordered it to be added to their roll of standing orders, "That the annexing any clause or clauses to a bill of aid or supply, the matter of which is foreign to, and different from, the matter of the said bill of aid or supply, is unparliamentary, and tends to the destruction of the constitution of this government." However desirable the end may be that is at any time aimed at by this measure, the means are always bad; it is much safer to trust to time and circumstances, which sooner or later dispose the minds of men to accept and approve of propositions really tending to the public good, than to obtain even the best of laws, by breaking down those bounds and fences which the wisdom of past ages has set up; and to let in disorder and confusion, which may finally prove fatal to the security, perhaps the existence, of the constitution *.

It

* On this subject it would be an injustice to the reader to withhold the sentiments of the Lord Chancellor Finch, delivered in a speech to both houses, on the 23d May, 1678; "The late way of tacking together several independent and incoherent matters in one bill, seems to alter the whole frame and constitution of parliaments, and consequently of the government itself. It takes away the king's negative voice in a manner, and forces him to take all or none; when sometimes one part of the bill may be as dangerous for the kingdom, as the other is necessary. It takes away the negative voice of the house of peers too, by the same consequence, and dishonours the lords of that honour they were born to, the liberty of debating and judging what is good for the kingdom. It looks like a kind of defamation of the government; and seems to suppose the king and the house of lords to be so ill-affected to the public, that a good bill cannot carry itself through by the strength of its own reason and justice, unless it be helped forward by being tacked to another bill that will be favoured. It does at last give up the greater share of legislation to the commons, and, by consequence, the chief power of judging what laws are best for the kingdom. And yet it is a privilege that may be made use of against the commons, as well as by them; for, if this method hold, what can hinder the lords, at one time or other, from taking advantage of a bill very grateful to the commons, and much desired by them, to tack a new clause to it of some foreign matter, which shall not be altogether so grateful nor so much desired? and

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It is a general rule, established soon after the Revolution, that the house will not receive any petition "against a bill, then depending, for imposing a tax or duty." The principle, upon which this rule was adopted, appears to be this: that a tax, extending in its effect over every part of the kingdom, and more or less affecting every individual, and, in its nature necessarily and intentionally imposing a burthen upon the people, it can answer no purpose for any set of petitioners to state these consequences as a grievance. The house of commons, before they come to a resolution which imposes a tax, cannot but know that it may very sensibly affect the commerce or manufacture upon which it is laid; but they cannot permit the inconvenience that may possibly be brought upon a particular branch of trade to weigh, when put in the balance with those advantages which are intended to result to the whole, and which the public necessities demand from them. For these reasons it has been thought better and more candid, at once to refuse receiving petition, than by a momentary countenance to mislead the petitioners into an opinion, that they can prevail on the house of commons to change their intended proceeding. This rule does not, however, preclude petitions from the corporation of the city of London: as the forms of the house are different from those usually adopted. The contents of a petition from the corporation of London are not opened by a member, as is required in every other case; but the petition is brought to the bar by the sheriffs, and without a question delivered to the clerk, who brings it to the table; and, when the sheriffs are withdrawn, the speaker puts the question; it is read; and then, the house becoming acquainted with the contents, dispose of it as they think proper. The practice of refusing to receive petitions has been confined to such only as object against a tax, which the house of commons is imposing for the current service of the year; and has never been applied to petitions, offered in a subsequent session, desiring a repeal or reconsideration of the taxes imposed.

Bills of supply, to be presented by the speaker to the throne, are not returned from the lords by the masters in chancery; the clerk of that house delivers them privately to one of the clerks of the lower house; and if there is any doubt which are, or are not, bills proper for the speaker to present, the clerk of the house of lords, in delivering a list of those ready for the

"then the commons must take advantage too. Thus every good bill shall be dearly bought at last; and one chief end of calling parliaments, the making of good laws, shall be wholly frustrated, by depending from that method which the wisdom of some necessities prescribe, on purpose to prevent and exclude such inconveniences. Their innovations, the king craves, to abolish; and hath commanded me to say to you, *Statu super his antiquis.*"

royal assent, desires that the speaker would mark in it the bills of supply; and those are immediately sent down to the commons. When the king is present on the throne, it has been customary, on presenting any bill for the particular service of the crown in the course of the session, for the speaker to make a speech at the bar of the house of lords, either immediately arising out of the subject matter of the bill itself; or, in presenting the bills of supply at the close of the session, to recapitulate the principal objects which have employed the attention of the commons during their sitting. These latter speeches, as the parliament is immediately prorogued, cannot appear in the journals of the house of commons; but the substance of them is entered in those of the lords. Those made by the speaker in the course of a session are sometimes desired to be printed.

BILLS. Anciently, the manner of proceeding in bills was much different from what it is at this day; for, formerly, the bill was in nature of a petition; these were entered on the lords' rolls, with the royal assent; and on this, as a ground work, the judges used, at the end of the parliament, to draw up the act in the form of the statute, which was afterwards entered on the *statute rolls*; which were different from the *lords' rolls*, or the *rolls of parliament*. Upon these *statute rolls*, neither the bill, nor petition from the commons, nor the answer of the lords, nor the royal assent, was entered, but only the statute, as it was drawn up and penned by the judges; and this was the method till about Henry the Fifth's time; when it was desired, that the acts of parliament might be drawn up and penned by the judges before the end of parliament; and this was by reason of a complaint then made, that the statutes were not equally and fairly worded. After the parliament was dissolved or prorogued, in Henry the Sixth's time, the former method was altered, and bills containing the form as well as the substance of the act of parliament, were first brought into the house; the ancient form of a petition being discontinued; upon which bills was written by the commons, *Soit baillé aux seigneurs*; and by the lords, *Soit baillé al roi*; and by the king, *Le roi le veut*: all this was written upon the bill; which, when thus indorsed, was to remain with the clerk of the parliament, who was to enter it according to its tenor on the statute rolls, but without the answer of the king, lords, or commons. Then issued writs to the sheriffs, with transcripts of the statute rolls, commanding them to proclaim the statute.

With respect to bills in general, the following regulations now prevail: Every act of parliament shall have the assent of the lords and commons, and of the king. A bill may be introduced by any member; but it must be after an order of the house, on motion, directing him to prepare and bring it in;

and sometimes a committee is ordered for that purpose. A bill is read three times before it passes. After the first reading, it is delivered, with a brief of it, to the speaker, who having read the title, reports the substance of the bill to the house. When it is read, and the effect thus reported, it may be opposed by any member, and debated, or rejected on any of the readings; but the usual course is upon the second reading. After the second reading it is referred to a committee, which is sometimes one of the whole house; but if there be no objection on the second reading, nor any blank, it is engrossed without a commitment: otherwise it is not engrossed till it has passed the committee, and is reported to the house. A bill, transmitted from one house to another, is not ordered to be again engrossed; because it comes in parchment from the other house. After the third reading of a bill by the clerk, and the effect of it reported by the speaker, if no objection is made, the speaker proposes the question, whether it shall be passed? When a bill is passed by the commons, the clerk within the bill, at the top on the right hand, writes *soit baillé aux seigneurs*, and it is transmitted to the lords by some of the commons. When a bill is presented by the commons to the other house, the chancellor puts a question, that a messenger from the commons be admitted; and then rising and carrying the bag, and being attended by the mace, receives it at the bar. If a bill be first passed by the lords, it is indorsed, *soit baillé aux communs*, and transmitted to them by two of the assistants in the house of peers. These, on being admitted into the lower house, after three congees at the table, shew that the lords have passed such a bill, and read the title. Though a bill be transmitted to the lords, yet it remains the bill of the commons; and if the lords make an amendment by the omission, change, or addition of any words, it ought to be written on paper, not on parchment, with a reference to the line where it ought to be made. And then the lords subscribe the bill with these words, *a cesy bill amesque les amendments a mesme le bill amesme les seigneurs sont assentus*. Clauses are sometimes added in the house where the bill originates, and are called riders. Disagreement between the two houses on these points occasions conferences, the nature and form of which have already been explained.

Acts are either general or special, public or private.

A *general or public* act is an universal rule that regards the whole community; under this head are classed, not only those laws which enforce universal regulations, and confer equal benefits, but those which contractually appear to have a more restrained application. For example, acts which concern the king, the queen, or the prince; the body of nobility, as the
statute

statute *de scandalis magnatum*; or the whole spirituality; or all officers; or all persons holding some particular office, as sheriffs; or trade in general, or some trade in particular, as shoemakers; or all persons in a particular manner, as appeals or alizes; or a particular situation, as woods, forests, chaises. All public acts the courts of law are bound to take notice of judicially and *ex officio*; without the statute being particularly pleaded, or formally set forth by the party who claims advantage under it.

Special or *private* acts are rather exceptions than rules, operating only on particular persons, and private concerns, such as those for the internal regulation of some district, county, city, town, or parish; or for building a bridge, making a road, or inclosing a common; or for the peculiar benefit of some individual or family, as naturalizing a foreigner, legitimating a bastard, enabling trustees to sell estates; and a vast variety of other discriminations to which the daily occasions of bodies and of individuals give birth. Of these (which are not promulgated with the same notoriety as the former) the judges are not bound to take notice, unless they be formally shewn and pleaded; but as some acts, though private, as being promoted through the petition, and at the expence of individuals, are public, inasmuch as persons may be interested in their operation without the concurrence of the original promoters, as in those for regulating parishes, &c. it is usual in such acts to insert a clause that they shall be deemed and considered as public acts, and taken notice of as such, without being specially pleaded.

To prevent surprize in the bringing in of private bills, the legislature has adopted several excellent regulations, some of which have already been noticed. Many which affect large communities, as highways and inclosures, cannot be brought forward without a prescribed notice to those whose interests are concerned. They are introduced to the house, either by petition of the parties promoting them, or by permission, on the motion of some member. But, to protect the house against a delay of public business, it is usual, early in every session, to fix some day as the latest on which petitions for private bills can be received. Between the first and second reading of the bill, three days must elapse; after the second reading it is referred to a committee, which must be composed of eight members at least, and which cannot sit till a week's notice has been given, by a paper stuck up in the lobby. In these intervals, the parties, (if any,) who are dissatisfied with the bill, may present petitions against it. If their hostility is to the principle or *the whole of the bill*, they should pray to be heard against it by counsel at the bar, before the second reading, though the house has sometimes been known to grant this indulgence

dulgence on bringing up the report of the committee, or on the third reading. If they are not adverse to the principle of the bill, but object to certain clauses, they pray to be heard against it by themselves, their counsel, or agents, and their petition, together with the bill, is referred to the committee.

The committee examine into the proof of the allegations in the preamble, and of such other points as they judge necessary, hear counsel, reform, alter, suppress, or augment the clauses, fill up the blanks with numbers, sums, dates and names; and, by their chairman, report the bill to the house, where it is read a third time, passed, and forwarded to the lords. In the upper house nearly the same proceedings are to be gone through, with this additional circumstance, that evidence is upon oath, and that alteration in a clause relating to the raising of money, the infliction of a penalty, or the name of a person (except setting right a title, or amending orthography) is fatal to the bill.

RECORD OF ACTS. After the royal assent is given, the clerk of the parliament transcribes every public act into a roll, and subscribes, *le roi le veut*. So, he transcribes every private act, and at the beginning says, *In parlamento incubato, et tento, &c. inter alia, inactitatum, ordinatum, et stabilitatum fuit sequens hoc statutum, ad verbum, ut sequitur, viz.* Then at the end adds, *Ego, A. B. clericus parliamenti, virtute brevis supra dicti domini nostri regis, de certificando mihi directi et hiis annexati, certifico superius hoc scriptum verum esse tenorem acti parliamenti supradicti in eo brevis expressi. In cuius rei testimonium, &c.*

Public acts, after enrolment, are delivered into chancery, and this is the original record. But private acts are not enrolled, without the fact of the party; and therefore the original bill, filed among the bills of parliament, and marked with the great seal, as the count is, is the original record of it.

PUBLICATION. Before the invention of printing, the usage was, after the conclusion of a parliament, to transcribe all the acts in parliament; and by a writ to every sheriff of the kingdom, command, *quod statuta illa, et omnes articuli in eislem contentos in singulis levis in balliva sua tam infra libertates quam extra, ubi expedire viderit, publice proclamari et firmari teneri faceret.* And this writ was sometimes in Latin, sometimes in French. The sheriff, thereupon, proclaimed them in his county court, where a transcript was preserved, that every one might read, or take a copy of it; but proclamation by the sheriff is not necessary; for every one ought to take notice of every thing done in parliament; and since printing has been used, the proclamation has ceased.

TIME OF OPERATION. It has been a common practice in

bills, even of importance, to enact, that the time, when its operation shall commence, shall be, "from and after the passing of the act." This period, in common acceptation, has been generally understood to mean the time and date when it receives the royal assent. There have, however, been doubts on this construction, because it has been held, that, where no specific day is mentioned, the royal assent has always a reference to the first day of the session; and that therefore, by this fiction of law, the operation of a bill might be made to take effect before the intended period; by which anticipation, persons might incur penalties, enacted by an *ex post facto* law; and to which they were not intended by the legislature to be made subject. And the courts of law having been several times obliged to give judgment according to this construction, attended with great hardship and apparent injustice to the parties, the legislature, in the session of 1793, made a statute, declaring, "that where it is said, the act shall be in force, from and after the passing of the act—this shall be, from the day on which it shall receive the royal assent." And to render this certain, the day is printed in the first page, immediately under the title.

COMMITTEES. Committees have been incidentally mentioned, in recapitulating the forms of proceedings. At the beginning of the session, after the reading of the first bill, it is the principle care of the commons to appoint general committees for religion, grievances, justice, trade, privileges, and elections. They sit in rooms appointed for that purpose; and elect one of their own body to be chairman, who, like the speaker in the house, has a casting vote. In committees of the whole house for supplies, and ways and means, one member is appointed chairman, and is remunerated for his extraordinary trouble, by a vote of the house at or near the close of the session. The chairman, or any other person appointed by the committee, reports to the house, either during the progress, or at the close of the inquiry. A committee is frequently appointed for other purposes; as, for inspection of the journals of another session, or those of the peers; after its appointment, the house may give any particular instruction to it, or a matter referred to one committee may be afterwards transferred to another. If a witness refuse to attend the house, or a committee, he shall be summoned by order of the speaker or chairman to attend; but no witness pays any thing for being summoned whether to the house, or a committee; nor shall he be arrested on his coming to or departure from the committee; and if he be, the house, on motion, will discharge him. An officer may be summoned to attend with the public books of a corporation,

&c. and if any one, directly or indirectly, attempts to prevent a witness from appearing, or giving testimony, or tampers with him, in respect of the evidence to be given, it is a misdemeanour, and the house will proceed against him with severity; so, if a witness gives false testimony to the house, or a committee. A committee for justice may summon any judges, and examine them in person, upon complaint of any misdemeanour in their office. Committees cannot continue sitting after the house is assembled; and if adjourned, none can sit till they are revived.

JUDICIAL AUTHORITY. The journal of the house of lords is a record; how far that of the lower house is so, seems to be matter of doubt; it is clearly settled, that every subject of the realm may resort to the journals of the peers for information, but should the house of commons discontinue the publication of their votes, which is now ordered only annually, it is not certain that even the lords would have a right of inspecting the original journal. Yet the better opinion seems to be, that the house of commons is a court of record; an opinion which the great luminary of the law, sir Edward Coke, expressed with more than common warmth in 1621, when he said, "He
 " wished that his tongue may cleave to the roof of his mouth,
 " that faith, that this house is no court of record; and he that
 " saith that this house hath no power of judicature, understands
 " not himself: for though we have not such power in all
 " things, yet we have power of judicature in some things; and
 " therefore it is a court of record." And afterwards, "That
 " he knoweth this is a court of record, or else all the power
 " and liberty of this house were overthrown." There was indeed once an order that the journals should be revised, and recorded on rolls of parchment, but it does not appear to have been carried into execution. Independently of powers granted by acts of parliament for particular purposes, it is evident from ancient practice, that the house can exact bail, but they cannot, as a house or court, nor can any of their committees, unless expressly authorized by statute, administer an oath. To conquer this difficulty, a clumsy expedient has been resorted to, that of ordering such members of committees as were justices of the peace for Middlesex, to examine delinquents or witnesses.

The house of commons has, however, and always had, the undoubted power of investigating, and punishing all matters relating to themselves, or their privileges, of taking persons against whom complaints are made into custody, examining witnesses, compelling the attendance of parties, and the production of books, papers, and other matters of evidence, dis-

charging, reprimanding, or imprisoning offenders, or directing proceedings at law, to be instituted against them by the attorney general.

FORM OF BRINGING PARTIES TO THE BAR. In calling in witnesses and delinquents, many ceremonies are observed: the bar is down, and generally the serjeant stands near the party with the mace. When a witness, not in custody, or in custody without the mace standing by him, is at the bar to be examined, the speaker is to ask him all the necessary questions; and these may be proposed while he is standing at the bar; the rule is for the members to forward them to the chair; and the speaker to put them to the witness; but the practice, for the sake of convenience, often is, that the members themselves examine the witness without the intervention of the chair; a practice which, though generally convenient, sometimes produces disorder. When the mace is off the table, no member can speak, not even to suggest questions to the chair. This matter has been much debated, but although attended with great inconvenience, such is the allowed law of the house, and the members have complied by putting down upon paper such questions as they thought necessary to be asked, and delivering them to the speaker, before the party was brought in. If any member, or the person at the bar, objects to the propriety of any question, and it is nevertheless insisted on, the witness must be directed to withdraw, and this without taking the sense of the house by a question; for no question can be raised or pursued until counsel or witnesses are at the bar. When a person is brought to the bar as a delinquent, to receive judgment of conviction, or any other punishment, or to be discharged out of custody, the mace shall be at the bar; and till the standing order of 1732, such persons must have received the orders of the house on his knees. The alteration made by that order, was adopted from humanity; the house, often having occasion to inflict punishment on persons, who would be more sensibly affected by this ignominious manner of receiving their sentence, than by the severest species of penalty. The term of imprisonment cannot last longer than till the prorogation of parliament; reprimands are delivered by the speaker, and generally ordered to be entered on the journal.

IMPEACHMENT. But the most formidable power entrusted to the house of commons by the constitution, is that with which they are invested as general inquisitors of the realm. It was not till toward the end of the reign of Edward III., that this house took upon themselves the character of accusers, before the lords, of persons charged with treason, or other high crimes and misdemeanors against the state. From that time they

they frequently found themselves obliged to present complaints against persons of the highest rank and favour with the crown, or against those in judicial or executive offices, whose elevated situation secured them against the pursuit of private individuals, who, if they failed in obtaining redress, might afterwards become the victims of irritated tyranny. The performance, therefore, of this duty by the commons, forms a remarkable era in the history of criminal jurisprudence; it has contributed to controul, and repress acts of injustice and oppression, and has been the means of bringing to condign punishment, those great appetites to the common-wealth, who, by their actions, or counsels, have endeavoured to subvert the fundamental laws of their country, and to introduce an arbitrary and tyrannical government.

The crimes for which the commons impeach, are, misdemeanours, committed by persons employed by the crown, either at home or in its foreign possessions, mis-administration of justice, and extra-judicial conduct in the judges of the realm, and treason, or treasonable practices, not specifically mentioned in the statute of 25th Edw. III., but by a clause in that act expressly reserved for the determination of parliament. To render apparent the manner in which the power of parliament is applied, to the punishment of individuals accused of these crimes, a few cases of impeachment are selected, and a slight attention to the history of the parties will sufficiently elucidate the course of proceeding against them.

In 1386, the commons accused Michael De La Pole, earl of Suffolk, and late chancellor of England, of several crimes, the principal of which were, "that he had purchased lands of the king to a great value, for less than they were worth, in deceit of the king; and that where monies had been granted by the commons, to be expended according to the manner desired by the commons, and agreed to by the king and lords, and no other-wise, yet these monies had been misapplied to other purposes,

In 1388, sir Robert Belknap, late chief justice of the common bench, sir Roger Fulthorpe, sir John Holt, and sir William Burch, late his companions, judges of the same bench, sir John Cary, late chief baron of the exchequer, and John Lockton, late king's serjeant at law, were accused and impeached of certain crimes, viz. for answering certain questions that had been put to them, relating to matters of treason, and to which answers they had put their hands and seals, which questions and answers were read to them.

In 1397, the commons accused and impeached Thomas Arundel, archbishop of Canterbury, of high treason, for having,

whilst he was chancellor, traitorously aided, procured and advised the making out a commission, directed to the duke of Gloucester and others, of whom himself was one; which commission was made in prejudice to the king, and against his royalty, crown and dignity, and that he afterward put the said commission into effect. They assigned another crime, that he procured the duke of Gloucester, and the earls of Arundel and Warwick, to take upon them regal power.

In 1450, William De La Pole, duke of Suffolk, the powerful prime minister of Henry VI. was impeached of high treason and several offences and misprisons, but after this reign impeachments were for some time less used, bills of attainder and of pains and penalties being more frequently resorted to.

In 1620 the lord chancellor Bacon, on a report from the grand committee of courts of justice, was impeached for corruption in his office.

In 1621, Sir John Bennet, a member of the house, for bribery and corruption in his capacity of master in chancery, and judge of the prerogative court of Canterbury.

In 1624, Dr. Samuel Harnet, Bishop of Norwich, was impeached for high crimes and misdemeanors, on articles which are strongly indicative of the spirit which then prevailed: they were, 1st, that he inhibited or disheartened preachers on the sabbath day in the forenoon; 2dly, that images were set up in the church, and one of the Holy Ghost fluttering over the front; and a marble tomb pulled down, and images set up in the room, and the bishop blessed them that did it; 3d, that he punished those that prayed not towards the east; 4th, that he punished a minister for catechising his family, and singing psalms; 5th, that he used extortion many ways; 6th, that he did not enter institutions, to the prejudice of patrons.

In 1628, Mr. Mainwaring, on a report from the grand committee for religion, was impeached for the matter contained in two sermons. The offence was contained in these propositions—1st, that in matters of supplies, in cases of necessity, the king had right to order all as seemed good to him, without consent of his people; 2d, that the king might require loans of his people, and avenge it on such as should deny; 3d, that the subject hath property of his goods in ordinary, but, in extraordinary, the property was in the king.

In 1640, Judge Berkeley and other judges, for the opinions they had given on the subject of ship money.

In 1660, William Drake, for publishing a book called "The Long Parliament revived."

In 1666, lord Viscount Mordaunt, for dispossessing Mr. Tayleur of apartments at Windsor, and imprisoning him.

In 1668, Mr. Brunkard, for bringing pretended orders from the duke of York to sir John Harman, commanding the lowering of the sails in the June engagement, 1665.

In 1680, Richard Thompſon, clerk, for having publickly defamed his ſacred majeſty, preached ſedition, vilified the reformation, promoted popery, by aſſerting popiſh principles, decrying the popiſh plot, and turning the ſame upon the proteſtants, and endeavouring to ſubvert the liberty and property of the ſubject, and the rights and privileges of parliament.

In 1680, ſir Francis North, chief juſtice of the Common Pleas, for adviſing the proclamation againſt tumultuous petitions.

In 1680, ſir Richard Corbett reports from the committee appointed to examine the proceedings of the judges in Weſtminſter-Hall, ſeveral reſolutions—1ſt, that the diſcharging the grand jury by the Court of King's Bench, in Trinity term laſt, before they had finiſhed their preſentments, was illegal, arbitrary, and a high miſdemeanor; 2d, that a rule made by the Court of King's Bench, againſt printing a certain book, was illegal and arbitrary; 3d, that the Court of King's Bench, in the impoſition of fines on offenders of late years, hath acted arbitrarily, illegally, and partially, favouring popiſts, and perſons popiſhly affected, and exceſſively oppreſſing his majeſty's proteſtant ſubjects; 4th, that the reſuſing ſufficient bail in certain caſes, wherein the perſons committed were bailable by law, was illegal, and a high breach of the liberty of the ſubject; 5th, that certain expreſſions, in a charge given by baron Weſton, were a ſcandal to the reformation, in derogation of the rights and privileges of parliaments, and tending to raiſe diſcord between his majeſty and his ſubjects; 6th, that certain warrants, iſſued by chief juſtice Scroggs againſt printers and bookſellers, are arbitrary and illegal. The houſe agree to theſe reſolutions, and immediately reſolve, that ſir William Scroggs, chief juſtice of the King's Bench, ſir Thomas Jones, one of the juſtices of the King's Bench, and ſir Richard Weſton, one of the barons of the court of Exchequer, be impeached upon the ſaid report and reſolutions.

In 1698, Goudet, Baricau and others, for high crimes and miſdemeanors, in carrying on an illicit trade in French ſilks.

In 1701, William, earl of Portland, for high crimes and miſdemeanors, in negotiating and concluding the treaty of partition, which was deſtructive to the trade of this kingdom, and dangerous to the peace of Europe, and againſt Lord Somers, the earl of Orford, and Charles lord Halifax, for adviſing the ſaid treaty of partition.

In 1724, the earl of Maccleſfield, for high crimes and miſdemeanors, in the corrupt appointment of inſufficient perſons

to be masters in chancery, whereby the suitors of that court were in danger of losing their property.

These instances are selected, not as the greatest or the most conspicuous examples of the power of the commons, but as most illustrative of the various grounds and causes which have in different periods induced them to exercise their great privilege of impeachment. If instances were chosen for their celebrity or popular-interest, it would be impossible to omit those of the duke of Buckingham and the earl of Strafford, of archbishop Laud and Dr. Sacheverel, of the earl of Derwentwater and other Scotch lords, in 1715, and of lord Lovat, in 1746; and the recent impeachments of Mr. Hastings, and Lord Viscount Melville.

An impeachment originates frequently in the report of a committee appointed to investigate certain transactions; sometimes in the complaint or allegation of an individual, and sometimes in a message from the house of lords.

CAPTION AND BAIL. In order to prevent the party accused from eluding the aim of justice, the house of commons order him to be taken into custody, either by the serjeant at arms, or by the sheriff; he is to be delivered to the gentleman usher of the black rod, when the house of lords shall give orders to that effect, and sometimes the party is at large till the lords order the black rod to arrest him. In a case where the person accused (the lord keeper Finch) had absconded, proclamations were directed, ordering him to attend at a day fixed, and take his trial, or that proceedings should be had against him for not appearing, and his impeachment was carried up to the house of peers, though he had escaped into Holland. When the party cannot be found, a writ issues to the sheriff to attach his goods and chattels. The lords impeached for the rebellion in 1715, and lord Lovat impeached for that in 1745, being already in custody, the commons expressly mentioned that as a reason for not praying the lords to direct that measure against them. In lord Lovat's case, however, an order was made that he should stand committed to the tower of London, to be there safely kept, in order to his trial; and that no person should have access to him without the special leave of the house. But on a complaint in his petition, that persons had taken possession of his estate, and had orders to levy his rents; the lords ordered that he should be permitted to receive the rents and profits of his estate, by his factors or agents, in like manner as if he was not under an accusation of high treason, and that the lord advocate for Scotland should take the proper methods to carry this order into execution.

In impeachments for high crimes and misdemeanors, bail is taken, the condition being, to abide the judgment of parliament;

ment; the sum for which security is required, is commensurate to the importance of the prosecution and dignity of the court. So long ago as the year 1640, the bishop of Ely was obliged to find sureties in the sum of 10,000*l.* and the securities for Mr. Hastings extended to 40,000*l.* himself in 20,000*l.* and two sureties in 10,000*l.* each.

EXPELLING OR SEQUESTERING MEMBERS. As a preliminary step towards obtaining complete justice, the house of commons, on determining on an impeachment, have expelled a member of their own body, but they generally suspend him from being in the house, on questions relating to his own delinquency, and they pray the lords to sequester members of their house from attendance in parliament, and sometimes to commit them. In 1657, they made this request with respect to lord Clarendon, and the peers having declared to comply with it, because the accusation against him was too general, no particular treason being assigned, several conferences ensued, and the lords still adhering to their determination, the commons resolved, "That
 " when any subject shall be impeached of high treason gene-
 " rally by the house of commons before the lords in parlia-
 " ment, and desired to be forthwith secured, such persons im-
 " peached ought, for the safety of the king and kingdom, to
 " be accordingly secured."—And "that when such impeached
 " person shall be secured, the lords may limit a convenient time
 " to bring his particular charge before them, for the avoiding
 " delay in justice;" and subsequently, "that the lords having not
 " complied with the desires of the commons, for committing
 " and sequestering the earl of Clarendon, upon their impeach-
 " ment of treason, is an obstruction to the public justice of the
 " kingdom, and a precedent of evil and dangerous consequence." In 1641, about which time impeachments were prosecuted in great numbers, and with tremendous severity, the judges who were impeached on account of the transactions respecting ship money, were suspended from their functions, by a vote, that
 " the *present* judges shall not be named in the commissions for
 " the circuits; for, that for them, being thus impeached, to
 " become judges of men's lives and estates, would be a thing
 " of great offence and distraction."

FORMING THE HEADS. In order to reduce the impeachment into legal form, the house appoints a committee, which is select, and on some occasions a committee of secrecy; they are empowered to send for persons, papers, and records, and to examine witnesses; but as the general power of the house does not amount to the administering of an oath, it was in one of these committees, that the expedient was adopted of ordering such members as were justices of the peace for Middlesex, to swear

swear the parties. As it seems to be an acknowledged rule, that common fame is a sufficient ground of a proceeding in the house of commons, by inquiry, or a complaint, if used be, to the king or the lords, it appears that evidence before the committee, or before the house, is not indispensable, in order to the voting of an impeachment, and this was decided in 1667, in the case of lord Clarendon, but in the case of Arlington's case, 1673, the committee desiring the direction of the house, "whether proofs should be made before the committee, or whether some one member undertaking to produce persons to prove what is alleged, shall be admitted as proofs?"—The house resolved, "that it be recommitted to the committee, to proceed upon the articles, head by head; and to report particularly to the house what proofs or inducements shall be offered to the committee, fit for an impeachment, upon every head of the said articles;" and nothing further appears to have been done in this accusation.

PARTY HEARD. Before the final adoption of the articles, and sometimes before the reference of the matter to a committee, the party is called before the house of commons; sometimes he is examined as to the heads of charge, as Drake, who acknowledged himself to be the penner of the book called "the long parliament revived," and was thereupon committed to the custody of the serjeant at arms, and lord Arlington, in 1673, who desiring to be heard, had several questions proposed to him by the chair, was heard agreeably to his desire, and withdrew. The ceremony on admitting Lord Arlington was exactly similar to that of the duke of Buckingham which took place two days before, and is thus described: A letter from him to the speaker having been read, he was, after some debate, ordered to be called in, and a chair was set for him on the left hand of the bar, the serjeant standing with his mace on his right hand. Then the duke saluted the house round. *Ordered,* That the speaker ask him, whether he owned the letter he sent him, and what he has to communicate to the house of concernment? The duke sat a short space, covered; then the speaker asked him as desired, and shewed him the letter, which the duke owned. The speaker then said, "The house is ready to hear what your grace has to say, relating to the public service;" and the duke, standing, made his speech. This is the accustomed form of admitting and hearing peers on such occasions. In 1626, the then duke of Buckingham, high admiral, being, by order of the house, apprized of the day when a report would be made from a committee, to the end that he might appear and make his defence, declined answering till he had asked leave of the lords, which they refusing, and the duke not attending, the house resolved,

That

That he was the cause of the several evils their resolution specified. In 1628, lord Mohun declined attending altogether, saying that he chose to make his defence with the lords, and expected the transmission of the charge, which he would answer with all convenient speed.

FURTHER PROCEEDINGS. When the committee have prepared the articles, they are read twice, and sometimes thrice in the house of commons, and separately voted on, the question being put on each article. On some occasions it is left to the house to determine what shall be the nature of the crime imputed in consequence of the facts disclosed in the articles; they may also amend such as appear inconclusive or defective in form, and reject any without prejudice to the remainder. Sometimes the impeachment is altogether dismissed by the house, either because the matter is insufficient, or because the house will not interpose. An instance of the latter kind occurred in 1693, when the earl of Bellmont presented to the house articles of impeachment of high treason and other crimes and misdemeanors, against Thomas lord Coningsby and sir Charles Porter, two of the late lords justices in Ireland. Witnesses having been examined, and the parties heard, the house proceeded to examine the charge article by article; on several they resolved, "That there was not sufficient matter to ground an impeachment." Upon some they resolved, "That the proceedings of lord Coningsby and sir Charles Porter were illegal and arbitrary; but that, considering the state of affairs in Ireland at that time, the house did not think fit to ground an impeachment thereupon." And then lord Coningsby and sir Charles Porter were ordered to take their places in the house. It is usual, in voting the impeachment, to add a clause enabling the commons to subjoin additional articles if they shall think it necessary; and the impeachment is persevered in, although it be known that the grand jury has found a bill of indictment against the same party for the same offence. Fitzharris's case, where the lords refused to proceed on the impeachment, because the attorney general was proceeding against him at common law, is an exception, but in the particular circumstances of those times it does not weigh against the rule.

DELIVERING THE CHARGE. The form of delivering the charge from the house of commons to the lords is not precisely settled. A committee appointed to inspect the journals in 1689, reported that they did not find any particular account touching the method of receiving impeachments. They found that sometimes impeachments have been delivered at conferences, sometimes with, and sometimes without articles; but when they had been delivered at the bar of the house, it had always been by
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way of message from the house of commons; but it did not appear whether the lords on the woollack were sitting while the articles were reading; nor did it appear, that any difference had been made between the receiving a message where an impeachment was brought up, and any other message. The delivering an impeachment at a conference was much in use on the revival of impeachments; but in 1621, a proposal being made to follow that form, a member moved that it should be done by a message delivered at the bar, that mode being more public, and this opinion prevailed for that time. In the proceeding against the duke of Buckingham, in 1626, eight managers were appointed, with two assistants to each of them, who were to agree on the parts, and divide the business among them. These several parts being arranged, a message was sent to the lords to desire a conference touching the impeachment and accusation of a great peer. The lords declined a conference, but appointed a meeting between a committee of both houses in the painted chamber. It was then determined, that at this meeting the articles should be read, according to the direction of the charges, by one of the assistants, and that every manager should amplify and aggravate his part, and leave the proof with the lords. The proceeding by message is generally adopted before any articles are prepared; a member, by order of the house, attends at the bar of the lords, and impeaches the individual in question, either promising, in the name of the commons, to exhibit particular articles, and make them good, or producing them immediately after he has made the impeachment. In 1715, Mr. Aislaby producing ingrossed articles against the earl of Strafford, at the bar, the house ordered "That Mr. Aislaby, before he exhibits the said articles, do impeach the said earl of Strafford of high crimes and misdemeanors." The expressions used by sir William Younger, in 1746, in impeaching lord Lovat, have been pretty closely adhered to on subsequent occasions, and are these—"My Lords, the commons of Great Britain, in parliament assembled, having received information of divers treasons committed by a peer of this realm, Simon lord Lovat, have commanded me to impeach the said Simon lord Lovat of high treason; and I do here, in their name, and in the names of all the commons of Great Britain, impeach the said Simon lord Lovat of high treason. And I am further commanded to acquaint your lordships, that they will, with all convenient speed, exhibit articles to make good the charge against him." The speech made by Mr. Burke, (10th May, 1787,) in delivering the charges against Mr. Hastings, was similar in effect, though more compressed, and varied as applied only to high crimes and misdemeanors. On the 14th he

again appeared in the lords, attended by other members of the lower house, delivered to the lord chancellor the articles prepared, and used these words—"My lord chancellor; We are commanded by the commons of Great Britain, to exhibit articles of impeachment of high crimes and misdemeanors committed by Warren Hastings, esquire, late governor-general of Bengal, at the bar of this house, in the name of the knights, citizens, and burgesses of Great Britain in parliament assembled, in behalf of themselves and all the commons of this realm."

It is said by Mr. justice Blackstone, in his Commentaries, vol. iv. p. 260, that a commoner can only be impeached for high crimes and misdemeanors, but not for any capital offence. This is among the very few opinions which that learned and elegant author has hazarded without due consideration. And it appears that the contrary of this assertion does not depend, as Mr. Christian, the last editor of Blackstone's commentaries, intimates, on a late decision of parliament, but that the practice is derived from ancient times, and has been acquiesced in by those whose legal knowledge would have induced them, if the proceedings were irregular, to resist. On the 2d March, 1383, sir Robert Bellknap, sir John Holt, sir Roger Fulthorpe, and sir William Burgh, *chief and passive judges of the Court of King's Bench*; sir John Carey, *chief baron of the exchequer*, and John Lockton, *king's serjeant at law*; were impeached of high treason, condemned to be drawn and hanged as traitors, and their lands and goods forfeited; though their sentence was afterwards changed to banishment into Ireland. Sir Robert Tresilian, John Blake, and Thomas Urk, sentenced about the same time, in consequence of an impeachment, were executed, as were Simon de Beverley, John Beauchamp, and several other persons, all these being commoners. In 1640, sir Robert Berkeley, knight, *a judge of the King's Bench*, was impeached of high treason; neither he, nor any person on his behalf, making any objection to the illegality, although the proceedings against him were extremely harsh, and many able lawyers had seats in the house of commons. When called upon for his defence, he actually petitioned the house to be allowed counsel in point of law, on the high treason of which he was impeached. In 1641, Daniel O'Neill was, in like manner, impeached of high treason; and, in 1687, sir William Rogers, *lord chief justice of the King's Bench*, was impeached of the same crime, and, after a dissolution of parliament, put in his answer and petition, craving a speedy trial, but never questioning the competency of the house to sit in judgment on him. These precedents, with the reasons assigned in a former page, in the case of Fitzharris, are sufficient to shew
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shew that both law and reason confirm the authority of parliament in this point.

APPEARANCE. When the articles of impeachment are prepared and engrossed, and delivered by the house of commons to the peers, it is usual, if the defendant is in custody, to bring him to the bar to hear them read. Sometimes, in consideration of the dignity of the party, and, at others, for the sake of convenience, he has not been brought to the bar, but the articles sent to him in writing.

COPIES OF PAPERS AND COUNSEL ALLOWED. When he appears, the house, on his request, allow him a copy of the charge and depositions, and they have also, on petition, permitted the party to cause copies to be taken of all warrants and other papers in the treasury office, and of the journals of parliament, and of public treaties referred to in any of the articles exhibited against him, and of all other records whatsoever.

The propriety of granting these assistances, as well as of allowing counsel, is well expressed in the following order of the house concerning judicature, made the 28th May, 1624: "Their lordships declare now in the general, That, as this court is the highest, from whence others ought to draw their light, so they do intend the proceedings thereof shall be most clear and equal, as well, on the one side, in finding out offences where there is just ground, as, on the other side, in affording all just means of defence to such as shall be questioned. For the particulars, they do at this time order, That, in all cases of moment, the defendants shall have copies of all depositions, both *pro* and *contra*; after publication, a convenient time before the hearing, to prepare themselves; and also, that the defendants, if they shall demand it of the house in due time, shall have their learned counsel to assist them in their defence, whether they be able, by reason of health, to answer in person or not, so as they chuse counsel void of just exception, and if such counsel refuse them, they are to be assigned as the court shall think fit. This their lordships do, because in all cases, as well civil as criminal and capital, they hold that all lawful helps cannot, before just judges, make one that is guilty avoid justice, and, on the other side, God defend that an innocent should be condemned." Counsel are allowed before the defendant puts in his plea or answer, and they are to have free access to their client, though in other respects closely confined. In the case of lord Strafford, in 1640, the commons, influenced by an acrimonious spirit, signified to the peers, that as they should manage the evidence by members of their own, they did not expect that any counsel should be allowed to the defendant at the giving of evidence on the trial.

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The lords however ordered, That, in matters of mere fact, lord Strafford should not make use of his counsel, but, in matters of law, their assistance should be allowed. And the lords reserved to themselves the judgment what were matters of law and what matters of fact. This arrangement, though just and moderate, was not intirely satisfactory to the commons, who voted that if the counsel for the defendant interposed during the evidence, the members of the house of commons must of necessity desist, *for it would not become them to plead against counsel.*

A solicitor is also allowed to be employed by the defendant; and a complaint being made by Dr. Sacheverel, in 1709, that some of the counsel allowed to assist him had returned their fees, and refused, accompanied with a prayer, that the lords would assign other counsel, and also a solicitor; the lords acceded to his request.

If the charge presented by the house of commons is not sufficiently specific, the lords object to it on that ground, and when the commons refuse or neglect to amend it, they will not sequester or imprison the party complained against; but when he is committed by the lords, he cannot be bailed in consequence of a habeas corpus from the courts below.

PLEA OR ANSWER. After the delivery of the articles of impeachment and depositions to the defendant, he is required to put in his answer or plea by a certain day; but lord Strafford not being ready, was allowed to shew by his counsel why he was not so, and had further time allowed, but with a peremptory condition that he shou'd answer before its expiration.

The individual accused is expected to deliver his answer or plea in person; and although, in a case of illness, it was allowed to be done by the solicitor, this deviation from rule was not obtained without personal examination of a physician; and the plea of another person, not delivered by himself, was refused.

It is now established by statute 12th and 13th William III. c. 2. "that no pardon, under the great seal of England, shall be pleadable to an impeachment by the commons in parliament;" but before that time the house had strenuously resisted the effect of such pleas in bar. In lord Danby's case, in 1678, the king, in a speech from the throne, said "he had granted his pardon, under his broad seal, to the lord treasurer, before the calling of that parliament, for securing both his life and fortunes; and if there should happen to be any defect therein, in point of form or otherwise, he wou'd give it him ten times over, rather than it should not be full and sufficient for the purpose." The commons immediately appointed a committee to enquire of the lord chancellor as to the manner of issuing forth this pardon; and on their report addressed the king, representing the irregularity and
 illegality

illegality of this pardon, and the dangerous consequences of granting pardons to persons under an impeachment, and resolved, “ That the lord Danby’s pardon was illegal and void, “ and ought not to be pleaded in bar of his impeachment, and “ that they would demand judgment against him;” but the lords appointed a day for the defendant to verify his plea.

PROCEEDINGS ON PLEA OF GUILTY. In some cases the defendants have pleaded guilty, throwing themselves on the mercy of the house. Their confession being recorded, they were, when in custody of bail, ordered to be taken by the usher of the black rod; a conference was had with the commons, the value of the parties’ estates inquired into, and fines and other punishments imposed. The confession must not be general but specific, applying to every charge.

ON NOT GUILTY. When the defendant answers the charge, or pleads not guilty, the answer delivered at the bar is read; and sometimes a copy, sometimes the original, is transmitted to the house of commons, with a desire that it may be returned with all convenient speed; it is read in the house of commons, and referred to the committee who were appointed to draw up the articles of impeachment, to consider of, and to report what further proceeding is to be adopted.

REPLICATION. It is the duty of this committee to prepare a replication, without which issue cannot be joined; the replication is read twice in the lower house, and then forwarded to the lords. In all these proceedings, the commons are expected to use reasonable dispatch, and not between the impeachment and delivery of articles, or between the receipt of the answer and the presenting of their replication, to make the defendant suffer by vexatious or unreasonable delay. When any instance of this kind has appeared, the lords have not hesitated by message to admonish the other house of their neglect.

MANAGERS. It appears to have been at one time matter of doubt whether the impeachment on the part of the commons should be managed by their own members or by counsel, but since the trial of lord Sarafford in 1640, the practice of appointing members has been general; they are frequently formed from the committee which prepared the articles of impeachment, but this, though evidently fit, is not indispensably necessary. They are empowered to consider of the proofs, and how the witnesses may be conveniently brought together to give their testimony *visâ voce*; they are to proceed in the most secret and speedy way they can for the advantage of the business in preparing it for a trial; they have power to send for persons, papers, and records, or any thing else that they shall, in their judgment, conceive fit, or that may conduce to the service; they have

have liberty to proceed on such articles as they shall think most important for expediting the trial, and to contract, and proceed in such manner as they shall think most expedient; and they are to instruct themselves in the evidence, and take their parts for managing the trial. They may have counsel for assistants, and are attended by a solicitor appointed by themselves. The house may give them instructions for their guidance; they ask questions through the lord high steward, but speak to the house of lords as a house, saying, "my lords," "your lordships," not addressing themselves to the high steward by his particular title, as "my lord," or "your grace."

WITNESSES. Witnesses may be compelled to attend, either before the committee for preparing the articles, or before the house of lords on trial of the impeachment. In the former case, on complaint of refusal to appear, the speaker issues his warrant to the serjeant at arms, to bring such person in custody; in the latter, a committee appointed by the lords to examine precedents, reported "that the proper method to compel witnesses to come in and give their evidence upon impeachments is, in the first place, to issue out summons from this house to such witnesses for their attendance;" and to this resolution the house agreed. When a material witness who was ordered to attend, could not be found, the commons acquainted the lords at a conference of this circumstance, alleging it as a reason why they had not proceeded in the impeachment; and the lords addressed the king, "that he would be pleased to order the ports to be stopped, and issue his proclamation for securing the person mentioned." It was also ordered by the house of commons, that if any of the witnesses in a case then pending, had departed, or should depart the town, having been required to stay, before the committee appointed to conduct the business should be acquainted therewith; such person should be adjudged to offer a great contempt to the house, and be forthwith sent for as a delinquent. The witnesses, intended to be examined at the trial, are sworn at the bar of the house of lords, in order to which the solicitor delivers in their names with the cause or matter in which they are to be sworn in writing to the clerk of the house, and he takes a fit opportunity to call the parties and administer the oath. If the witnesses required are members of either house, a note of their names is given to the serjeant, who is ordered to give notice to such members, to be present on all occasions. Peers, if examined, are upon oath administered by the chancellor at the table of the house; and it was ordered in 1715, "that if any peer of Great Britain, having not a place in parliament, should be admitted as a witness at the trial, a chair should be placed for him near

“ the table in the court ; and that such peer should be sworn by the lord high steward, and deliver his evidence standing up there.” Any peer of parliament who has been examined as a witness, may on motion be excused from sitting in judgment. A party accused having petitioned the house of commons to examine some members of their body on his trial, the house left those members to act as they should think fit, without offence to the house ; and in the same case, (that of lord Strafford,) the lords resolved, that lord Strafford should not be admitted to speak at his trial, before the house of commons had fully managed their evidence against him : if a witness gave evidence for the commons, lord Strafford might afterwards ask him questions : and that if lord Strafford excepted against a witness, he should be heard, before the witness gave his evidence.

COMMITTEES. If cases of difficulty arise previous to, or during the trial, the houses sometimes appoint separate committees, sometimes a joint committee, and sometimes they establish conferences.

LORD HIGH STEWARD. When issue is joined on an impeachment, it is usual for the house of lords to address the king to appoint a lord high steward to preside at the trial. It was said in 1717, that this was ordinarily the first step, but in 1679 and 1680, the committee of the commons insisted that the lord high steward was not a necessary part of the court, but only sat as speaker of the house of lords, and the peers agreed that the trial might proceed, though no such officer were appointed by the king. No particular officer of government is peculiarly eligible for this post ; it is occasionally the lord chancellor, the lord treasurer, or lord steward of the household ; but any other lord may fill the place. His appointment is by patent under the great seal, *pro hac vice* only ; he takes no oath, but yet must proceed according to the laws and customs of the realm ; he votes only as a peer ; and when the trial is ended, dissolves his commission by breaking his wand over his head.

DAY OF TRIAL. The day for commencing the trial is fixed by the lords, though the commons insist that there ought to be a previous signification of their assent. The place is also appointed by the lords, although this circumstance is commonly influenced by the determination of the house of commons with respect to their attendance. In some cases they have not appeared as parties, except when they stated the grievances of which they complained ; and afterwards, when they came to demand judgment. If the managers with their assistants alone attend, the lords sit in their house, and the party accused, and

his counsel, and those deputed by the house of commons stand at the bar. In this case the speaker of the house of commons leaves the chair when the managers go, and resumes it when they return. If the whole house of commons mean to attend, the lords are requested to fix some convenient place, with room sufficient for both houses. In these cases, a large temporary building of wood is formed in the inside of Westminster-Hall, and an address is voted to the crown to issue the necessary sums for the expences. The house of commons in that case attend, not as a house, but as a committee, and fix, by an order of the house, the manner in which they will go to the place, and the ceremonies to be observed at the trial. In the court the speaker is placed in a box, in the middle of the front row of the benches allotted for the members, and has his gown on. Neither he, nor the members, sit covered, because they are a committee only; an expedient established at the trial of lord Strafford, to prevent disputes between the two houses on this delicate point. The lords have a privilege, according to their rank, of issuing tickets for strangers to sit in the galleries appointed for that purpose; and it is a rule, though not strictly obeyed, "That nothing that shall be said at the trial, by any
 " member of the house of lords, or by any person produced
 " by the commons as a witness, shall be printed or published
 " without leave."

OF ABATING AND REVIVING IMPEACHMENTS. It has been solemnly determined by both houses, in the case of Mr. Hastings, that an impeachment does not abate by reason of a dissolution of parliament. This decision, though not new, was yet not so generally supported by precedent, but that eminent lawyers in both houses maintained a contrary opinion. In 1678, a committee of the house of lords adopted a similar determination in the case of lord Danby and the popish lords; but on the 22d May 1685, the lords reversed and annulled the order. The heat of party may be alleged in diminution of the authority of both these decisions; but in 1690, a committee appointed by the lords to inspect and consider precedents, "Whether
 " impeachments continue in *statu quo* from parliament to par-
 " liament?" reported several precedents concerning impeach-
 " ments, from the rolls of parliament; " and they had examined
 " the journals of the house, which reach from the 12th of
 " Henry VII. and all the precedents of impeachments since
 " that time; among all which none are found to continue from
 " one parliament to another, except the lords who were lately
 " so long in the tower." The lords, after considering the precedents that had been reported from the committee, discharged the earls of Salisbury and Peterborough from their bail. In 1790,

however, other precedents were adduced, and the contrary opinion prevailed. Yet in earlier times, it seems to have been the understanding of parliament, that a dissolution would abate an impeachment, since in 1689, the court of king's bench, after being once deterred from admitting lord Castlemain to bail by a warrant from the house of commons, charging him with high treason, did, nevertheless, during the interval occasioned by a dissolution of parliament, admit him to bail; and on the 19th December 1660, the house of lords, taking Drake's case into consideration, voted, "That as they apprehend they may not have time before the dissolution of the parliament, to proceed in judicature against him, the king's attorney general do, in his majesty name, proceed against the said Drake, in the court of king's bench, upon the said offence, according to the ordinary course of law." An impeachment which had lain dormant more than six months, was revived in 1641, but in 1701, an impeachment, to which the defendant had given in his answer in 1695, was annulled, two complete parliaments having intervened, without any further prosecution by the commons. In 1717, proceedings against lord Oxford having been suspended nearly two years, the commons, after receiving a notice from the lords that the day of trial was fixed, appointed a committee to consider the state of the impeachment; and on their report, that it would be necessary to review the evidence, and therefore impossible to be ready at the time appointed, a message was sent to this purport, with a desire that the trial might be put off to a further day; to which the lords agreed. But in this and other instances, where, in consequence of disputes, the commons refused or neglected to be in readiness on the day fixed, or that to which the lords had enlarged the hearing, the lords dismissed the impeachment, and declared the defendant acquitted. It was formally recognized by vote of the house of commons in 1701, that it is the undoubted right of every subject of England, under any accusation, either by impeachment or otherwise, to be brought to a speedy trial, in order to be acquitted or condemned. But the courts of parliament are not bound like the courts below, to give way to objections of mere form; they would not admit as a valid objection to an impeachment that it did not specify the very words with which the defendant was charged; nor would they give the prisoner further time to make his defence on an allegation of the absence of his witnesses; and in Dr. Sacheverel's case (1709) they proceeded to judgment, without coming to any resolution on his request that counsel might be heard on two points of law, after he had been found guilty.

VOTES.

VOTES. On the trial every peer votes on questions of law as well as of fact, though they often refer questions of evidence, or other technical description to the judges; but this only for their opinion, not their determination; in voting, the majority decides, and when the numbers are even, the proposition is taken to be passed in the negative. No proxies are allowed; members of the house of commons who had voted on the question of impeachment, but were since called up to the peers, are excused from giving judgment, but not prohibited. With respect to bishops, doubts are entertained whether they should vote in judicature in cases of blood; they have generally declined attending, but entered a protest, reserving to themselves all their legal rights. They are frequently present during the trial, and have voted on all questions arising in the course of it, but not on the final question "Guilty or not guilty."

THE COURT AND TRIAL. To give a notion of the manner in which the court is held for the trial of a person impeached, when the house of commons attend as a committee, it will not be improper to transcribe the narrative of the opening of the last great tribunal of the kind, that which was held for the trial of Mr. Hastings, and which lasted from 1788 to 1795.

On the day appointed, at eleven o'clock, the house of commons, preceded by the managers of the impeachment, came from their own house into the hall. The managers were dressed, the rest of the members in their usual undress. Half an hour afterward, the lords moved from their own chamber of parliament; the clerks of parliament first, the masters in chancery following them; next the serjeants, then the judges; after them a herald, and then the eldest sons of peers and peers minor; then, after the ushers, the barons, bishops, viscounts, earls, marquesses, dukes, the archbishops, and the lord chancellor. The procession closed with the royal family, the son of the duke of Gloucester walking first, and the prince of Wales last. In passing to their places, they took off their hats and bowed to the throne. Having taken their seats, the serjeant at arms made proclamation, commanding silence, and called upon Warren Hastings, esquire, to come into court. Mr. Hastings accordingly appeared, accompanied by Mr. Sullivan and Mr. Sumner, his bail, and kneeling at the bar in the box assigned to him, he was ordered to rise, which he accordingly did. The serjeant at arms then made proclamation: "Oyez, oyez, oyez! Whereas
 " charges of high crimes and misdemeanors have been exhibit-
 " ed by the honourable the house of commons, in the name of
 " themselves and of all the commons of Great Britain, against
 " Warren Hastings, esquire; all persons concerned are to take
 " notice, that he now stands upon his trial, and they may come

“ forth in order to make good the said charges.” The lord chancellor then addressed the prisoner as follows:

“ Warren Hastings; You stand at the bar of this court, charged with high crimes and misdemeanors, a copy of which has been delivered to you; you have been allowed counsel, and a long time has been given to you for your defence; but this is not to be considered as a particular indulgence to you, as it arose from the necessity of the case, the crimes with which you are charged being stated to have been committed in a distant place. These charges contain the most weighty allegations, and they come from the highest authority: this circumstance, however, though it carries with it the most serious importance, is not to prevent you from making your defence in a firm and collected manner, in the confidence that, as a British subject, you are entitled to, and will receive, full justice from a British court.”

To which Mr. Hastings made answer:

“ My lords; I am come to this high tribunal equally impressed with a confidence in my own integrity, and in the justice of the court before which I stand.”

The clerks of the court then proceeded to read the charges and the answers, till the lord chancellor moved, that the lords should adjourn to their own chamber of parliament, and they accordingly withdrew in the order in which they came.

This account displays most of the forms observed on such occasions: the guards attended on Sacheverel's trial, in consequence of an address to the queen, reciting that it had been usual on such occasions. The commons, attending as a committee, are not covered; the peers are. When the defendant was a peer, and tried in the lords, only for high crimes and misdemeanors, the house ordered, that the lower barons' bench should be moved, and a stool set near the bar, where he was to sit uncovered as a peer, and not in the capacity of a judge. The commons remonstrated against this arrangement, but the peers very properly replied, “ that judging it a right inherent in every court, to order and direct such circumstances and matters of form as can have no influence to the prejudice of justice, in such way as they shall judge fit, where the same are not settled otherwise by any positive rule, their lordships had confirmed the order already made as just and equal.”

When the pleadings and depositions have been read, the managers open the case for the commons; they are at liberty to select such articles, and in such order as they think fit, each manager chusing which he will enforce, and they call evidence in support of them. In some instances they have proceeded article by article, requiring the prisoner to defend himself on each separately;

separately; and this course the managers against Mr. Hastings wished to have adopted, but the counsel for that gentleman insisting that such arrangement was never made but with consent of the prisoner, and resisting it on behalf of their client, the question was referred to the decision of the lords, who desired the managers to produce all their evidence in support of their impeachment before the defendant should be called upon to answer any part.

After the managers have closed their evidence, one of them is heard at large in summing it up. The prisoner then makes his defence by counsel, and calls evidence if so inclined; one of his counsel sums up in his behalf, and the defendant himself may also, if he will, at this period address the court. The managers have then a right to reply, but the defendant cannot be allowed to speak after them. The managers have a right to reply, even if the prisoner calls no evidence, or makes no defence.

The managers in their address to the lords use that freedom of speech, which distinguishes the proceedings in their house; but when the counsel for the prisoner animadverted in severe terms on some of their expressions, it was treated as an offence against the dignity of the house of commons. In some cases, however, exceptions have been taken against expressions used by managers: in the prosecution of Dr. Sacheverel, one of them was obliged, by the chancellor, to explain his words; and in that of Mr. Hastings, the house of commons, on the report of a committee, voted that some words spoken by one of the managers ought not to have been uttered.

If any doubts arise in the course of proceeding, the lords do not discuss them in Westminster-Hall, but adjourn to their own house. This is a tedious and fatiguing duty, but consistent with precedent, and favourable to free debate; it sometimes occasions an adjournment beyond the day, but at others questions have been decided without the managers leaving the bar. In these cases, especially on points of evidence, the lords sometimes consult the judges, but this proceeding is not indispensably necessary, and in the case of Dr. Sacheverel, the house decided in express contradiction to the effect of the unanimous opinion of the judges. This case deserves particular notice; it was not one of evidence but of form; the question referred to them was, "Whether, by the law of England, and constant practice
" in all prosecutions, by *indictment* or *information*, for crimes or
" misdemeanors, in writing or speaking, the particular words
" supposed to be criminal must not be expressly specified in such
" indictment or information?" to which the judges all answered in the affirmative. The lords resolved, "That they will proceed

to the determination of the *impeachment*, according to the law of the land, and "the law and usage of parliament;" and directed the clerks, and appointed a committee to search precedents on this subject; which being reported, they resolved, "That by the law and usage of parliament, in prosecutions by *impeachment* for high crimes and misdemeanors, by writing or speaking, the particular words supposed to be criminal *are not necessary* to be expressly specified in such impeachment." This decision was treated by a great law lord, during the trial of Mr. Hastings, as an instance of injustice which it was to be hoped might never occur again. The lords, it was said, had determined a point of law, contrary to the unanimous opinion of the judges. On this subject it may be observed, that the point, as laid down by those judges, has been much controverted since their days, and that their opinion did not extend to impeachments, but only to cases of indictment and information. But even if the opinion of the judges had been diametrically opposite to the determination adopted by the lords, it would not, even then, be easy to shew that so great a tribunal, empowered by the constitution to revise the proceedings of those very judges in their own courts, when brought into the house by writ of error, should, in a case where they ask for an opinion, be bound to prefer that opinion to the dictates of their own judgment and experience.

VERDICT. The arguments and evidence on each side being closed, a day is fixed for pronouncing the decision of the court, and the lords who have been present during the trial, have notice to attend. On some occasions there has been a previous vote, "that the commons have made good their charge;" and in such case, after a debate, it was resolved, that the question of guilty or not guilty should be put on each article of impeachment simply, and not, as was first proposed, with this introduction, "*The Commons having made good their charge,*" is the prisoner guilty or not guilty?" On the day appointed for this decision the court meets as usual, the managers and the commons in their places; the defendant, with his bail, is introduced, and directed to withdraw; the verdict of each lord, commencing from the junior baron, is then taken *seriatim* by the high steward, and he publicly declares the result. In the case of Mr. Hastings, it was the acquittal of the prisoner; in consequence, the lord chancellor, who was high steward, said, "It appears that there is a great majority for the acquittal of the prisoner on each of the articles; I am, therefore, pursuant to your lordships' directions, to declare, that Warren Hastings, esquire, is acquitted of all the charges of impeachment brought against him by the commons, and of all the matters contained therein."

Mr.

Mr. Hastings being then called into court, came into his box, and knelt in the usual way; the chancellor desired him to rise, and addressed him in these words:

“Warren Hastings, you are acquitted of all the charges of impeachment brought against you by the commons, and of all the matters contained therein; you and your bail, therefore, are discharged.”

When the decision of the court is adverse to the prisoner, a like declaration is made to the lords; the defendant is, in like manner, informed of the event, and notice is sent to the commons that their lordships are ready to give judgment, if they, with the speaker, will come and demand the same.

JUDGMENT. This notice to the commons to demand judgment, is not mere matter of form; it is an ancient custom, invariably observed, even when the defendant pleads guilty, and the commons are so tenacious of this privilege, that in two cases, when there was reason to apprehend that the peers would proceed to judgment without waiting for the performance of this part of their duty, they voted an instruction to their committee “to insist that it is not parliamentary for their lordships to give judgment until the same had been first demanded by the commons.” The order made has been that, on a day mentioned, “this house will, with Mr. Speaker and the mace, go up to the bar of the lords’ house, and, in the name of the knights, citizens, and burgesses in parliament assembled, and of all the commons of Great Britain, demand judgment against the defendant.” The committee is also directed to draw up a form of words for making the demand, which varies according to the circumstances of the case. The commons by this regulation gain a sort of power to pardon the persons they have prosecuted, or at least to respite them during pleasure; but to the party himself, such a tenure of his immunity is very insecure, since, after long intervals, even a new parliament has come to the house of lords and demanded a judgment.

ARREST OF JUDGMENT. When the defendant is brought up on the demand of the house of commons, he may move in arrest of judgment; the managers for the commons argue against him, and the lords retire into their own house to decide the point.

SENTENCE. The sentence in case of high treason is death, inflicted by decollation or hanging, according to the rank of the offender.

Those upon high crimes and misdemeanors vary according to the nature of the case and circumstances of the parties. In case of pecuniary fine, it seems most regular to adopt an inquiry

into the wealth of the delinquents; but a fine of 30,000*l.* was once imposed without that ceremony. The sentence in different cases has been fine, imprisonment, banishment, incapacity to hold public offices, incapacity to appear at court, and to sit in parliament; but it is much to be doubted whether this latter sentence is legal, unless it were sanctioned by all branches of the legislature in form of a bill of attainder. Sometimes also the sentence has been infamy and degradation, incapacity to give evidence, or sit on juries, and sometimes the delinquent has been condemned to make satisfaction to the party aggrieved.

The lord steward dissolves the court as already has been mentioned; but after sentence, if execution is not done, he may issue his precept to enforce it.

The house of commons frequently vote thanks to the managers.

PARDON. Although the king's pardon cannot be pleaded in bar to an impeachment, yet, after it has been solemnly heard and determined, the king's royal grace is not further restrained or abridged; for, after the impeachment and attainder of the six rebel lords, in 1715, three of them were from time to time reprieved by the crown, and at length received a pardon. This right in the crown appears to have been acknowledged by the commons so long ago as in the 50th Edward III., when they petitioned the king not to grant pardons to persons impeached in parliament, either of their life or limb, fine or ransom, forfeiture of lands, tenements, goods or chattels. The king answered, that "he would do his will as best should seem to him."

Such is the outline of the constitution, authority, and practice, in its most material points, of the parliament of the united kingdom.

OFFICERS. The office of speaker having already been noticed, the next who claims attention is the

CLERK. His office is granted by the king for life, by letters patent to be exercised by himself or deputy, with an ancient salary of 10*l.*, payable half-yearly at the Exchequer. He is styled in the patent "under clerk of the parliaments to attend upon the commons," and his general duties are expressed in an oath which, before entering on his office, he takes kneeling before the lord chancellor, and which is administered by the clerk of the crown. It obliges him to be faithful to the king, his heirs and successors, to resist, and reveal to the privy council all matters prejudicial to the crown; and then proceeds in these terms: "Ye shall also well and truly serve his highness, in the office of under clerk of his parliaments, to attend upon the commons of this realm of Great Britain, making true entries,

" remem-

“ remembrances, and journals of the things done and passed in
 “ the same. Ye shall keep secret all such matters as shall be
 “ treated in his said parliaments; and not disclose the same
 “ before they shall be published, but to such as they ought to be
 “ disclosed unto. And generally ye shall well and truly do and
 “ execute all things belonging to you to be done appertaining
 “ to the said office of under clerk of the parliaments, as God
 “ you help, and by the contents of this book.” This duty
 comprehends his being attentive to the other clerks under him,
 that they are exact in making the proper entries of the pro-
 ceedings of committees, and in affixing the orders for the meet-
 ing of committees on the door of the house, and in the dis-
 charge of their other service to the house. It is without
 warrant that he should make minutes of particular men’s
 speeches; and he ought to confine himself merely to take
 notes of the orders and proceedings of the house. These he
 and the clerk assistant both do in their minute books at the
 table; and from these minutes the votes, which are ordered to
 be printed, are made up under the direction of the speaker.
 At the end of the session, it is the clerk’s office to see that the
 journal of that session is properly made out, and fairly trans-
 cribed from the minute books, the printed votes, and the ori-
 ginal papers that have been laid before the house; and this is
 commonly done during the recess in summer. All addresses
 to the crown, and orders of the house of commons, whether
 for the attendance of persons, or bringing of papers, &c., must
 be signed by the clerk, and this he always does with his own
 hand; it is his duty also to sign the bills which have passed the
 house of commons. But the orders for bringing in bills, for
 the appointment and meeting of committees, and the other
 common orders of the house, are, for the sake of expedition,
 signed in his name by a clerk without doors, authorized
 by him.

As the clerk ought to take notes of nothing but the orders
 and reports of the house, he is always under some difficulty,
 when exception is taken to the words of a member as irregular,
 and the house, or any number of members, call out to have
 them taken down: as this call of particular members, though
 ever so general, is not properly, indeed cannot be, an order of
 the house; and as the taking down the words at the table is
 with a view to ground a censure against the member who used
 them, the clerk ought not to be too ready in judging of the
 sense of the house, or in complying with this call.

The emoluments of the clerk depend in a great measure on
 the business of the house, his fees on private bills being
 limited by a table long since established.

CLERK ASSISTANT. The form of appointing this officer is— the clerk informs the speaker, that, with the approbation of the house, he has named such a person to be his clerk-assistant; the speaker mentions the nomination to the house, adding that the person attends at the door: he is then called in, and takes his seat at the table. In committees of the whole house, the chairman takes the chair of the clerk, and then it has been always the practice for the clerk-assistant alone, and not the clerk, to officiate; from this circumstance it arises, that the office of the assistant is the most laborious; as the principal business of the house, particularly all inquiries into matters of trade, colonies, the East India Company, &c. is generally carried on in committees; and it is the duty of the clerk-assistant to make out the reports from these committees, and from those of the whole house on bills. The clerk has properly nothing to do in the house, but whilst the speaker is in the chair.

There is also a second clerk-assistant.

CLERK TO THE COMMITTEE OF PRIVILEGES. There is a particular clerk appointed to attend the committee of privileges; and, as that for elections was formerly the same, the clerk of this committee is now directed to attend those on elections; and when two or more of these committees are sitting at the same time, the clerk of the house appoints others to attend as deputies.

OTHER CLERKS. There are also four principal clerks without doors, who in rotation attend committees; and each of these has a deputy. There are also two clerks who have the direction of the ingrossing office, and have writing clerks under them for the ingrossing of bills. Besides these, there is a clerk appointed expressly to collect the fees, and distribute them to the speaker and officers of the house; another clerk who has the custody of the journals and papers, and who has several writing clerks under him. The office of clerk of the papers was formerly kept in the room which was anciently the court of wards; whence it has happened, that though this office has been frequently removed from place to place, the chamber in which it has been held has been always, improperly, stiled the court of wards. The clerk of the house appoints all the other clerks without doors, and their deputies by his nomination only, without any written form.

SERJEANT AT ARMS. The duty of the officer thus denominated, who attends the house of commons, is to keep the doors, and execute the commands of the house in the apprehension and custody of offenders. It is a standing order for him to take strangers into custody that are in the house or gallery whilst the house is sitting; and this order is repeated at
the

the beginning of every session. During divisions, it is the duty of the serjeant, and the persons under him, to keep every avenue into the house and the doors of the lobby shut, from before the putting of the question till the final declaration, by the speaker, of the determination of the house.

OTHER OFFICERS. There are, besides, a chaplain, a secretary, and train-bearer to the speaker; a house-keeper, door keepers, and messengers; and the house employ a printer nominated by themselves, who alone can print the journals, votes, and other proceedings.

THE CLERGY.

In this division will be noticed, in general, the ecclesiastical establishments throughout the kingdom; the various rites, institutions, offices, authorities, and possessions originating from or dependent on the church, or its ordinances; and also the principal dissenting bodies.

Christianity is part of the law of England, or according to the expression of an ancient statute, "The scripture is the common law, on which all manner of laws are founded."

The present establishment, called *the church of England*, arose out of the subversion of the Romish religion, and the emancipation of England from the ecclesiastical dominion and authority of the pope, his ministers, and his laws.

POPERY. The Roman Catholic religion being professed in England, as well as in most other parts of Europe, the incroachments of papal power made great progress, although not equal to that which was effected in other countries; because the barons and people were at all times resolute in maintaining the ancient common law, and not being influenced, either by menaces or by subtlety, to allow that it should be superseded by the Roman code, or the ecclesiastical canons.

ORIGIN OF MORTMAIN. The power which might have been acquired over the administration of justice, being thus cautiously prevented, the ingenuity of the legislature was no less vigilantly exercised in preventing that immense accumulation of wealth, and particularly of landed possessions, which must have resulted to the church from the perpetual acquisition of estates, either by the generosity or superstition of individual donors, or by their own ability to purchase continually; while they never forfeited or alienated. Against these monstrous accumulations the statutes of mortmain were directed; and it was not till after a long struggle, in which every device that craft could suggest was essayed and repelled, that the legislature triumphed, and succeeded in establishing practically the legal principle, that

that "corporations, sole or aggregate, ecclesiastical or temporal, shall not, on pain of forfeiture, purchase lands in fee simple, without a licence from the crown." It is not necessary here to describe the progress of this noiseless, though eager contest; the system established was found so beneficial, that though aimed at first against the incroachments of the church, it has been rigidly preserved as applying to all corporations, and, even in late years, brought to its last perfection. This possession of land by corporations, is called mortmain, (*mortua manus*) because the lords of the fee could receive nothing of the alienee, any more than from a dead hand, but lost the escheats and services before due to them.

INCROACHMENTS OF THE POPE. But while this great contest was in its progress, the Romish clergy extended their power and their wealth in every direction; in fact, the enormity of the possessions they had already acquired first aroused the attention of government, and occasioned those efforts which they so long and so artfully parried. The ancient British church, by whomsoever planted, was a stranger to the bishop of Rome, and all his pretended authority. But the pagan Saxon invaders having driven the professors of Christianity to the remotest corners of our island, and their own conversion being effected by Augustin the monk, and other missionaries from Rome, some of the papal corruptions in faith and doctrine were naturally introduced; although we read of no civil authority claimed by the pope in these kingdoms, till the era of the Norman conquest. William's invasion having been favoured, his host blessed, and his banners consecrated by the pope; he in return sanctioned spiritual encroachments, hoping also to humble the Saxon clergy, and aggrandize his Norman prelates; who, being bred in the doctrine and practice of slavery, took pleasure in rivetting the chains of a free-born people. Thus the authority of the pope was established and extended. His legates *a latere* were introduced, his bulls and decretal epistles became the rule both of faith and discipline, his judgment was the final resort in all cases of doubt or difficulty, his decrees were enforced by anathemas and spiritual censures, he even dethroned kings that were refractory, and denied to whole kingdoms (when ungrateful) the exercise of Christian ordinances, and the benefits of the Gospel.

For the purpose of maintaining power on the basis of property, every species of delusion and extortion was carried into effect. The doctrine of purgatory was introduced, and with it the purchase of masses to redeem the souls of the deceased. New-fangled offences were created, and indulgencies were sold to the wealthy; for liberty to sin without danger. The canon

law took cognizance of crimes, enjoined penance *pro salute animæ*, and commuted that penance for money. Non-residence and pluralities among the clergy, and marriages among the laity related within the seventh degree, were strictly prohibited by canon; but dispensations were seldom denied to those who could afford to buy them. The usurpation of ecclesiastical benefices was general, and of alarming extent. The pope became a feudal lord; and all ordinary patrons were to hold their right of patronage under him as universal superior. Benefices in the church were brought to assimilate with estates held by feudal tenure; institution and induction by the bishop, and under his authority being used, instead of investiture by the lord; the tithes collected annually from the clergy were equivalent to the rents paid by tenants; the oath of canonical obedience was copied from that of fealty required from the vassal by his superior; the *primer seifins* of our military tenures, whereby the first profits of an heir's estate were extorted by his lord, gave birth to an exaction of first-fruits from the beneficed clergy; the occasional aids and talliages, levied by the prince, furnished the pope with a pretext to levy, by means of his legates *a latere*, peter-pence and other taxations; and the escheat of lands to the lord for defect of legal heirs was copied in the lapse of benefices to the bishop on non-presentation.

At length the holy father went a step beyond any example of either emperor or feudal lord. He reserved to himself, by his own apostolical authority, the presentation to all benefices which became vacant while the incumbent was absent in visiting the court of Rome, and such also as became vacant by promotion to a bishopric or abbey; even though by right or custom they ought to have been filled by election, or in any other manner. Dispensations to avoid these vacancies begat the doctrine of *commendams*; and papal provisions were the previous nomination to such benefices, by a kind of anticipation, before they became actually void: though afterwards indiscriminately applied to any right of patronage exerted or usurped by the pope.

In consequence of these crafty devices, the best livings were filled by Italian and other foreign clergy, equally unskilled in, and adverse to, the laws and constitution of England. The nomination to bishoprics, that ancient prerogative of the crown, was wrested from Henry I. and afterwards from his successor King John; it was seemingly indeed conferred on the chapters belonging to each see; but by means of the frequent appeals to Rome, through the intricacy of the laws which regulated canonical elections, it was eventually vested in the pope. And

to sum up this head with a transaction most unparalleled and astonishing in its kind, pope Innocent III. had at length the effrontery to demand, and king John had the meanness to consent to, a resignation of his crown to the pope, whereby England was to become for ever St. Peter's patrimony; and the dastardly monarch re-accepted his sceptre from the hands of the papal legate, to hold as the vassal of the holy see, at the annual rent of a thousand marks.

Not content with the ample provision of tithes, which the law of the land had given to the parochial clergy, the Romish priesthood endeavoured to grasp at the lands and inheritances of the kingdom. To this end they introduced the monks of the Benedictine and other rules, men of four and austere religion, separated from the world and its concerns by a vow of perpetual celibacy, yet fascinating the minds of the people by pretences to extraordinary sanctity, while all their aim was to aggrandize the power and extend the influence of their grand superior the pope. And as, in those times of civil tumult, rapine and violence were daily committed by overgrown lords and their adherents, they were taught to believe, that founding a monastery a little before death would atone for a life of incontinence, disorder, and bloodshed. Hence innumerable abbeys and religious houses were built within a century after the conquest, and endowed, not only with the tithes of parishes, which were ravished from the secular clergy, but also with lands, manors, lordships, and extensive baronies. And the doctrine inculcated was, that whatever was so given to, or purchased by the monks and friars, was consecrated to God himself; and that to alienate or take it away, was no less than the sin of sacrilege.

Many contrivances were practised by the court of Rome, for effecting an entire exemption of its clergy from any intercourse with the civil magistrate: such as the separation of the ecclesiastical court from the temporal; the appointment of its judges by merely spiritual authority, without any interposition from the crown; the exclusive jurisdiction it claimed over all ecclesiastical persons and causes; and the *privilegium clericale*, or benefit of clergy, which delivered all clerks from any trial or punishment except before their own tribunal. Yet, although this plan of pontifical power was so deeply laid, and so indefatigably pursued through a long succession of ages; notwithstanding it was polished and improved by the united endeavours of a body of men, who engrossed all the learning of Europe for centuries together; notwithstanding it was firmly and resolutely executed by persons the best calculated for establishing tyranny and despotism, men fired with a bigoted enthusiasm, unconnected with their fellow subjects, and totally indifferent what might befall
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that posterity to which they bore no endearing relation:—yet it vanished into nothing when accurately discerned and vigorously opposed.

ORIGIN OF PRÆMUNIRE. While the statutes of mortmain were providing a slow preventative against the territorial aggrandizement of this usurping hierarchy, Edward I., justly named for his wisdom in administration the English Justinian, levelled at the general power of the pope a more decisive blow. He would not suffer his bishops to attend a general council, till they had sworn not to receive the papal benediction. He made light of all Romish bulls and processes; attacking Scotland in defiance of one; and seizing the temporalities of his clergy, who, under pretence of another, refused to pay a tax imposed by parliament; he strengthened the statutes of mortmain; thereby closing the great gulph in which all the lands of the kingdom were in danger of being swallowed; and one of his subjects having obtained a bull of excommunication against another, he ordered him to be executed as a traitor, according to the ancient law. In the thirty-fifth year of his reign was made the first statute against papal provisions, being, according to Sir Edward Coke, the foundation of all the subsequent statutes of *præmunire*. After this reign the papal power was never re-established in England in its former plenitude. Edward II., a weak and misguided prince, would have receded from the unanimous and just decisions of his father, but the parliament opposed the demolition of those ramparts for the protection of civil liberty, and made it one of their charges against the monarch, when he was deposed, that he had given allowance to the bulls of the see of Rome. The third Edward, possessing all the spirit of his grandfather, completed the work which that prudent monarch had begun. He first, in conjunction with his nobility, remonstrated with the pope by letter, but receiving a menacing and contemptuous answer, that the emperor and king of France had already submitted in the very matters of which he complained, he replied, that if both the emperor and the French king should take the pope's part, he was ready to give battle to both in defence of the liberty of his crown. The pope had soon reason to be convinced that this resolution was not a mere idle defiance, for statutes were enacted, that the court of Rome should not present or collate to any bishoprick or living in England; and that whoever should disturb any patron in the presentation to a living by virtue of a papal provision, should pay fine and ransom to the king at his will, and be imprisoned till he renounced such provision; the same punishment was inflicted on such as cited the king, or any of his subjects, to answer in the court of Rome; and when the

holy see resented these proceedings, and Pope Urban V. attempted to revive the vassalage and annual rent to which John had subjected his kingdom, it was unanimously agreed by all the estates of the realm in parliament assembled, that King John's donation was null and void, being without the concurrence of parliament, and contrary to his coronation oath; and all the temporal nobility and commons engaged, that if the pope should endeavour by process or otherwise to maintain these usurpations, they would resist and withstand him with all their power. In the reign of Richard II. it was found necessary to sharpen and strengthen these laws, and therefore it was enacted, first, that no alien should be capable of letting his benefice to farm; in order to compel such as had crept in, at least to reside on their preferments: and, afterwards, that no alien should be capable of presentation to any ecclesiastical preferment, under the penalty of the statutes of provisors. By the statute 12 Ric. II. c. 15. all liegemen of the king, accepting of a living by any foreign provision, are put out of the king's protection, and the benefice made void; to this the statute 13 Ric. II. st. ii. c. 2. adds banishment and forfeiture of lands and goods: and by c. 3. of the same statute, any person bringing over any citation or excommunication from beyond sea, on account of the execution of the foregoing statutes of provisors, was to be imprisoned, forfeit his goods and lands, and, moreover, suffer pain of life and member. In the writ for the execution of all these statutes the words *premunire facias* being used to command the citation of a party, it has become usual in common speech, and in legal writing, to denominate not only the writ but the offence against which it is directed by the name of *premunire*. The next statute therefore which was made against the incroachments of Rome, the 16 Ric. II. c. 5., is generally called the statute of *premunire*; it enacts, that whoever procures at Rome, or elsewhere, any translations, processes, excommunications, bulls, instruments, or other things which touch the king, against him, his crown, and realm, and all persons aiding or assisting therein, shall be put out of the king's protection, their lands and goods forfeited to the king's use, and they shall be attached by their bodies to answer to the king and his council: or process of *premunire facias* shall be made out against them as in other cases of provisors. By the statute 2 Hen. IV. c. 3. all persons who accept any provisions from the pope, to be exempt from canonical obedience to their proper ordinary, are also subjected to the penalties of *premunire*.

THE EFFECTS. These beneficial and wise exertions had the immediate effect of making the English church national, and engaging its ligataries, by patriotic feeling, to support the claims

claims of government to absolute independency. Accordingly in the reign of Henry V. the alien priories, or abbeys for foreign monks, were suppressed and their lands given to the crown. And in that of Henry VI. the archbishop of Canterbury refused consecration to a bishop nominated by the pope; and would not exert his influence in obtaining a repeal of the statute of *præmunire*, though expressly required by Pope Martin V. who styled it, as well he might, *execrabile iudicium statutum*.

THE REFORMATION. Of these measures against papal tyranny and avarice, traces still remain in our ecclesiastical and civil government, but the *reformation* finally overthrew and abolished the authority of the pope and his religion in England. Without entering into a minute historical detail, it may be sufficient here to state, that, actuated by motives far removed from virtue or religion, Henry VIII., a capricious, passionate, relentless tyrant, bent all his force against the possessions and authority of the pope and the Romish clergy; he renounced the authority of the sovereign pontiff altogether, claiming to himself the title of head of the church; he allowed a translation of the holy scriptures to be generally circulated; and the litany and part of the public service to be performed in English instead of Latin; and he caused a set of articles to be drawn up by a convocation for fixing the public faith. In all these transactions, although the king defaced what was good by the marks of his own peculiar temper and character, yet he could not prevent the eventual benefit which must flow to the nation from the unrooting of an inveterate tyranny, no less injurious to the mind than degrading to the person. Henry, when he abrogated the supremacy of the pope, established in his own person a tyranny more violent, capricious, and oppressive in its immediate effect than that of the pretended successor of St. Peter; but a new usurpation is ever less formidable than a confirmed tyranny, established and supported by the zeal, the hopes, and the fears of the majority of the people. Besides, a domestic oppressor is ever more easily counteracted than a foreign one, who executes his behests by means of agents who must obey but cannot discuss, who must enforce but cannot reverse, or even mitigate the decree. The publication of the Bible was to many a siner, since a reference to the original text would induce them to depart from those errors of the Romish church which the king was determined to maintain, and to embrace the opinions of some of those protestant teachers whom the king made a merit to persecute; but the blessing derived from the general perusal of holy writ is too abundant, and its good effects on all classes too evident to permit a momentary regret of the first consequences that ensued. The translation of the

common prayer has introduced, instead of a series of mere external observances, a rational and fervent piety, equally edifying in public worship, and beneficial in private devotion. And although the articles of faith fixed by Henry's convocation were neither wise nor compatible with any system of religion, yet the adoption of them formed a precedent which was afterwards most wisely and beneficially followed.

But the great effort made by this king, and which gave a blow to the papal power which could never be recovered, was the suppression of monastic establishments, and the seizure of their lands and revenues. In this proceeding he exhibited not one virtuous or honourable feature, but its consequences were extremely advantageous to religious, and consequently to political freedom. Fary guided and rapacity closed his hand; but it was opened again by a negligent prodigality, and the possessions of the church, which might have rendered the crown permanently independent, thoughtlessly distributed among favourites and friends of every class, contributed only to the formation of those ample family establishments which are the ornament and bulwark of a state. It were needless here to discuss the exact portion of truth which was contained in the report of the visitors on which the suppression of monastic institutions was founded, or to recapitulate all the benefits attending these establishments, and which were destroyed with them. The general good which resulted from these measures was the suppression of those repositories whence the supporters of the old ecclesiastical system might, at a future day, have issued with renewed strength; and, refusing their influence over the public, destroyed all the efforts which had been made towards the attainment of religious freedom. On the whole the king, at different times, suppressed six hundred and forty-five monasteries, of which twenty-nine had abbots that enjoyed a seat in parliament*. Ninety colleges were also demolished, with two thousand three hundred and seventy-four chauntries and free chapels, and an hundred and ten hospitals.

At this time it is rather a matter of curious than useful information to give a brief description of the different classes of individuals whose property was thus alienated, but yet it will not, to readers in general, be unacceptable.

* These were, the abbot of Tewkesbury, the prior of Coventry, the abbots of Waltham, Worcester, St. John's at Colchester, Croiland, Shrewsbury, Selby, Bardney, St. Benet's of Hulme, Thorney, Huse, Winchelcomb, Battel, Reading, St. Mary's in York, Ramsey, Peterburgh, St. Peter's in Gloucester, Glastonbury, St. Edmond's Bury, St. Austen's in Canterbury, St. Albans, Westminster, Abingdon, Evesham, Malmbury, and Tavistock; and the prior of St. John's of Jerusalem, who was styled the first baron of England, but it was with respect to the lay barons only, for he was the last of the spiritual barons.

MONKS.—1. *Benedictines.* These followed the rule of St. Benedict, or Bennet; from the colour of their outward habit they were generally called black monks. They were established in England about the year 526. Of this order were all the cathedral priories except C. 75; and most of the richest abbeys; it included nuns as well as monks.

2. *Cluniacs.* A reformation of some things which seemed to resemble on St. Benedict's rule was begun by Remon, abbot of Gigni in Burgundy, and increased and perfected by Odlo, abbot of Cluni, about the year 912; who gave rise to the Clunian order, which was the first and principal branch of the Benedictines. They lived under the rule of St. Benedict, and wore a black habit; but, observing a different discipline, were called by a different name. William earl Warren, son-in-law to the Conqueror, brought them into England, and built their first house at Lewes in Sussex, about the year 1077. All their monasteries were governed by foreigners, and contained more French than English monks; but many were made denizens, and all at last discharged from subjection to foreign abbeys. They had 27 priories and cells in England.

3. *Grandmontines.* This order was instituted at Grandmont in Limosin. The monks lived under the rule of St. Benedict with some little variation. They were brought into England in the reign of Henry I. and seated at Abberbury in Shropshire; besides which it does not appear that they had more than two houses in England; viz. Crastwell in Herefordshire, and Grosfont, or Eikedon, in Yorkshire.

4. *Cartusians.* These were also a branch of the Benedictines to whose rule they added many austerities. Their author was one Bruno, born at Cologne in Germany, who first instituted this order at Chartreux (*Cartusia*) in the woods of Grenoble in France. Their houses were called *Chartreux houses* which by corruption has degenerated into *charter houses*. They were never to eat flesh, and obliged to feed on bread, water, and salt, one day in every week. They wore a hair shirt next their skins, and were allowed to walk only about their own grounds once a week. They were brought into England by Henry II., had their first house at Witham in Somersetshire, and, subsequently, eight others. Their habit was all white except their outward plaited cloak which was black.

5. *Cistercians, or Bernardines.* These were another branch of Benedictines deriving their name from *Cistercium* or *Cisteaux*, in the bishoprick of Chalons in Burgundy, where they were first instituted. They were also called *Bernardines*, from St. Bernard, abbot of Clairvaux, a great promoter of this order, and, from the colour of their habit, *White Monks*. Their monasteries,

which became very numerous in a short time, were generally founded in solitary and uncultivated places, and all dedicated to the blessed Virgin. They came into England in 1128, had their first establishment at Waverley in Surry, and, before the dissolution, eighty-five houses.

6. *Grey Friars.* The order of *Savigni*, or Grey Friars, (*Fratres Grisei*), was founded by Vitalis de Mortain, who began to gather disciples in the forest of *Savigni* in France, about the year 1105. He gave his disciples the rule of St. Benedict, with some peculiar constitutions: and from their *grey habit*, they received their general denomination. Vitalis came into England in 1120; and probably introduced his order, which was shortly after united to the Cisterrians.

7. *Tironenses.* The order of *Tiron* was instituted by St. Bernard; and their name derived from their first monastery, which was founded at *Tiron*, about the year 1109. They were reformed Benedictines. They had no house in England, and only one abbey in Wales at St. Dogmael's, with its dependent priory at Pille, and cell at Caldey.

8. *Culdees.* The *Culdees*, or *Cultores Dei*, were Scotch monks, and of the same rule with the Irish ones. They had no house but at St. Peter's in York, and their institution there seems to have arisen from the connexion anciently subsisting between the metropolitan see of York and the kingdom of Scotland; for until the year 1466, the archbishop of York had jurisdiction over all the bishops of Scotland, who had their consecration from him, and swore canonical obedience to him.

CANONS.—1. *Secular.* Besides the monks there were also *Canons* who were of two sorts, regular and secular. The secular were so called because they conversed *in seculo*, abroad in the world, performed spiritual offices to the laity, took upon them the cure of souls, (which the regulars could not do without dispensation,) and differed in nothing almost from common priests, save that they were under the government of some local statutes. For though they were in some places confined to live under one roof, as the monks and regular canons did, yet they generally lived apart, and were maintained by distinct prebends, almost in the same manner with the canons and prebendaries of cathedral and collegiate churches at this day.

2. *Regular* canons were such as lived under some rule. They were less strict than the monks, but lived together under one roof; had a common dormitory and refectory, and were obliged to observe the statutes of their order.

3. *Augustines.* The chief rule for these canons was that of *St. Austin*. But they were but little known till the tenth or eleventh

eleventh century, they were not brought into England till after the conquest, and seem not to have obtained the name of Austin canons till about the year 1105. Their habit was a long black cassock, with a white rochet over it, and over that a black cloak and hood; whence they were called Black Canons regular of St. Austin. There were about 175 houses of these canons and canonessees in England and Wales.

4. *Order of St. Nicholas.* But besides the common and regular sort of these canons, there were also particular sorts; as first, such as observed St. Austin's rule, according to the regulations of *St. Nicholas of Arcepsia*; as those of Harewood, in Bedfordshire; Nutley or Crendon, in Buckinghamshire; Hertland, in Devonshire; Bruame, in Lincolnshire; and Lillehul, in Shropshire.

5. *St. Victor.* Others there were of the rule of St. Austin, and order of *St. Victor*; as at Keynsham and Worspring, in Somersetshire; and Wormesley, in Herefordshire.

6. *St. Mary of Merton.* Others of the order of St. Austin, and the institution of St. Mary of *Meretune*, or *Merton*; as at Buckenham, in Norfolk.

7. The *Præmonstratenses* were canons who lived according to the rule of St. Austin, reformed by St. Norbert, who set up this regulation about the year 1120, at Premonstré (*Præmonstratum*) in Picardy, a place so called because it was said to have been foreshewn or *præmonstrated* by the blessed virgin, to be the head seat and mother church of this order. These canons were, from their habit, called white canons. They were brought into England soon after the year 1140, and settled first at Newhouse, in Lincolnshire. They had in England a conservator of their privileges, but were nevertheless often visited by their superiors at Premonstré, and continued under their jurisdiction till the year 1512, when they were exempted from it by the bull of pope Julius II. confirmed by Henry VIII. and the superiority of all the houses of this order in England and Wales was given to the abbot of Welbeck, in Nottinghamshire.—There were about 35 houses of this order.

8. The Sempringham or *Gilbertine* canons were instituted by *St. Gilbert*, at Sempringham, in Lincolnshire, in 1148. He composed his rule out of those of St. Austin and St. Benedict, with some special statutes. The men and women lived in the same houses, but in different apartments, which had no communication with each other. At the dissolution there were about 25 houses of this order in England and Wales.

9. Canons regular of the *holy sepulchre*, were instituted in the beginning of the 12th century, in imitation of the regulars instituted in the church of the holy sepulchre of our Saviour at

Jerusalem. Their first house in England was at Warwick; it was begun for them by Henry de Newburgh, earl of Warwick, who died in 1123, and perfected by his son Roger. They are sometimes called Canons of the *Holy Cross*, and wore the same habit with the other Austin canons, distinguished only by a double red cross on the breast of their cloak or upper garment. The endeavours of this order for regaining the holy land, coming to nothing after the loss of Jerusalem in 1188, it fell into decay, the revenues and privileges were mostly given to the Maturine friars, and only two houses remained at its dissolution.

Nuns. There were, beside the Benedictine and Cistercian nuns before-mentioned, Clunian, Gilbertian, Carthusian, Austin, and Premonstratensian nuns, who followed the same rules with their respective monks, omitting only what was not proper for their sex, and wore habits of the same colour, having their heads always covered with a veil.

There were three other orders of religious women in England.

1. *Pontevault* nuns, of the order of *Pontevault*, which was instituted about the latter end of the eleventh century, by one Robert, surnamed de Abrillel, at *Pontevault*, in Poitiers, where he built an abbey for his followers, soon after the year 1100. Though this order (which was a reform of the Benedictine,) was chiefly for women, yet beyond sea they had also religious men living among them in different apartments; but they were under the government of the abbess, who was made the general superior; and head of the order.—These nuns were brought into England by Robert Bossu, earl of Leicester, before the year 1161, and placed at Nun-Eaton, in Warwickshire; but there were only two houses more of this order in England, and there is no express account of any monk in any of them, but only of a prior at Nun-Eaton.

2. *St. Clare*. The nuns of *St. Clare* were founded by her, whose name they bear, at Assisi in Italy, about the year 1212. These nuns observing St. Francis's rule, and wearing the same coloured habit with the Franciscan friars, were often called *Minsresses*, and their house without Aldgate the *Minsries*. They were likewise called the *Poor Clares*, probably from their scanty endowments. They were brought into England by Blanch, queen of Navarre, who was wife to Edmund, earl of Lancaster, Leicester, and Derby, about the year 1293. Beside that without Aldgate, there were but three houses of this order in England, viz. Waterbeache and Denny, in Cambridgeshire, and Brusyard, in Suffolk.

3. *Order of St. Bridget*. The *Brigittines*, or nuns of our
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Holy Saviour, were instituted by *St. Bridget*, princess or duchess of Nericia, in Sweden, about the middle of the 14th century, under the rule of *St. Austin*, with some additions of her own. This order, though chiefly for women, had likewise men in every convent (who lived in different apartments, and were not permitted to come near the women but in cases of great necessity,) and differed from all other institutions, in requiring a particular number of men and women in every house, to wit, 60 nuns, 13 priests, 4 deacons, and 8 lay brethren. There seems to have been only one house of this order in England, namely, at Syon, in Middlesex, founded by Henry V. about the year 1414.

FRIARS. The *Friars* (*fratres, brethren*) were: 1. The *Dominicans*; whose founder was *St. Dominic*, a Spaniard, who was born about the year 1070. They were called *Preaching Friars*, from their office to preach and convert hereticks; *Black Friars*, from their garments; and in France, *Jacobins*, from having their first house in *la rue de Saint Jacques*, at Paris. Their rule was chiefly that of *St. Austin*. They came into England in the year 1221, had their first house at Oxford, and at the dissolution about 42 others. There were nuns also of this order, but not in England.

2. The *Franciscans*, who received their rule from *St. Francis*, an Italian, in the year 1182. They were also called *Grey*, or *Minor Friars*, the one from their cloathing, the other they assumed out of pretended humility. They girded themselves with cords, and went barefoot. They came into England in 1224, and had their first house at Canterbury, and their second at London. Their discipline becoming relaxed, and a reform being adopted, the Franciscans were divided. Those who continued under the relaxation, were called *Conventuals*; those who accepted the reformation, *Observants* or *Recolleets*. At the dissolution, the conventual Franciscans had about 55 houses, which were under seven custodies or wardenships; viz. those of London, York, Cambridge, Bristol, Oxford, Newcastle, and Worcester. As to the *Capuchins*, and other distinctions of the Franciscans beyond the seas; they chiefly arose since the English reformation, and never had any place here.

3. The *Trinitarians*, *Maturines*, or friars of the order of the *Holy Trinity*, for the redemption of captives, were instituted by *St. John de Matha*, and *Felix de Valois*, in France, about the year 1197. The rule was that of *St. Austin*, with some peculiar constitutions. Their revenues were to be divided into three parts, one for their own support and maintenance, another to relieve the poor, and a third to redeem such Christians as should be taken captives by the Infidels. They were called

Trinitarians,

Trinitarians, because all their churches were dedicated to the *Holy Trinity*; and *Maturines*, from having their first house in Paris, near *St. Mathurin's* chapel. They were brought into England in the year 1224; where the lands, revenues, and privileges of the canons of the holy sepulchre were given to them on the decay of that order; and had their first house at Mottenden, in Kent. They had about 10 or 12 houses in England and Wales.

4. The *Carmelite* or *White Friars*, (the former of which names they had from the place of their first residence, and the latter from the colour of their habit) came next into this kingdom. They were also called brethren, or friars of the *bleſſed Virgin*. They pretended to great antiquity, but the first certain account we have of them is at Mount *Carmel*, in Palestine, about the year 1238. Their rule was chiefly that of *St. Basil*. They were brought into England in the year 1240, by the lords, John Vesey and Richard Grey, and had their first houses at Alnwick, in Northumberland, and Ailesford, in Kent. Of this order there were about 40 houses in England and Wales.

5. The order of *Croſſed* or *Crouched* friars was instituted, or at least reformed, by one Gerard, prior of *St. Mary of Morello*, at Bologna; and confirmed in the year 1169, by pope Alexander III. who brought them under *St. Austin's* rule, and made some other constitutions for their government. At first they carried a *croſs*, fixed to a staff in their hands, and afterwards had one of red cloth sewed on their backs or breasts. They came into England in the year 1224, and had their first house at Colchester. There were not above 6 or 7 houses of these friars.

6. *Austin* friars, or friars *Eremites*, of the order of *St. Austin*; their origin is very uncertain; they were brought into England about the year 1250, they had about 32 houses at the suppression.

7. The friars of the *Sac* first appeared in England in the year 1257. Their proper style was, *friars of the penance of Jesus Christ*; but they were called friars of the *Sac*, from their habit being either shaped like a *sack*, or made of *sackcloth*. They had their first house near Alderſgate, London; but their order was very short lived here, being put down by the council at Lyons, in 1307.

8. The *Bethlemite* friars came also in the year 1257. They had their rule and habit much like those of the Dominicans, but were distinguished by a red star of five rays, with a blue circle in the middle, worn on their breasts in memory of the star, which appeared to the wise men, and conducted them to *Bethlehem*. They were placed in Trumpington street, at Cambridge,

Cambridge, the first year they came over; and that seems to have been their only house in England.

9. The order of *St. Anthony of Vienna*, was instituted in the year 1095, for the help and relief of persons afflicted with *St. Anthony's fire*. The friars followed *St. Austin's* rule; came hither early in the reign of Henry III. and had one house at London, and another at Hereford.

10. *Bonhommes*, or *good men*, were brought hither by Edmund earl of Cornwall, in 1283, and placed at Atherig, in Bucks; beside which, they had another house, called Edington, in Wiltshire; these friars followed the rule of *St. Austin*, and wore a blue habit.

MILITARY ORDERS.—1. *Knights Hospitallers*, who took their name from an *hospitall* built at Jerusalem, dedicated to *St. John the Baptist*, whose their first business was to provide for pilgrims coming to the holy land, and protect them from injuries and insults on the road. They were instituted about the year 1092, following chiefly *St. Austin's* rule, and wearing a black habit, with a white cross upon it. They soon came into England, and had an house in London; from a poor and mean beginning, they obtained great wealth, honours, and exemptions. On their settling chiefly at Rhodes, after being driven out of the holy land, they were called *Knights of Rhodes*; and after the loss of that, in the year 1522, Malta being given to them by the emperor Charles V. they were called *Knights of Malta*.

There were also sisters of this order; but they had only one house at Buckland, in Somersetshire.

2.—The *Knights Templars*, instituted in the year 1118, were so called from having their first residence in some rooms adjoining to the *temple* at Jerusalem; their business was to guard the roads for the security of pilgrims in the Holy Land; and their rule that of canons regular of *St. Austin*. Their habit was white, with a red cross on the left shoulder. Their coming into England was probably early in the reign of King Stephen; and their first seat was in Holborn. They increased very fast, and in a little time obtained large possessions. But in less than 200 years, their wealth and power were thought too great; they were accused of horrid crimes, imprisoned, their estates seized, and their order suppressed by pope Clement V. in a general council at Vienna, in the year 1312.

3.—The order of *St. Lazarus of Jerusalem*, seems to have been founded for the relief and support of lepers and impotent persons of the military orders.

OF THE SEVERAL KINDS OF HOUSES. The houses belonging to these orders were,

1. *Cathedrals*, a name yet well known, and described in a subsequent page.

2. *Collegiate*

2. *Collegiate churches* and colleges, which consisted of a number of secular canons living together under the government of a dean, warden, provost, or master; and having, for the more solemn performance of divine service, chaplains, singing-men, and choristers.

3. An *abbey* was a society of religious people, having an abbot or abbess to preside over them. Some of these were so considerable, that the abbots were called to parliament, and had seats and votes in the house of lords. Fuller says, that in the 49th Henry III. sixty-four abbots, and thirty-six priors, were called to parliament; but this number being too great, Edward I. reduced it to twenty-five abbots and two priors, to whom were afterwards added two abbots.

4. A *priory* was a society of religious, where the chief person was termed a prior or prioress. Some of these priors were independent; others subject to be removed by the abbot of some great abbey to which the priory was subordinate. There were also alien priories, founded on the donations made to foreign monasteries.

5. *Preceptories* were manors or estates of the knights templars, where churches and convenient houses were erected, and placed under the government of some of the more eminent templars.

6. *Commandries* were the same among the knights hospitalers, as preceptories were amongst the templars.

7. *Hospitals* were houses for relief of the poor and impotent, incorporated by royal patents, and made capable of gifts and grants in succession. They generally contained a master or prior, and one or two chaplains and confessors, who observed the rule of St. Austin, and probably subjected the poor and impotent to some religious restraints, as well as to the local statutes.

8. *Priories* were houses erected for the habitation of friars, although seldom endowed; many were large and stately buildings, and had noble churches, in which many great persons chose to be buried. The friars being, by their profession, mendicants, could have no property, but most of their houses had shops or gardens belonging to them.

9. *Hermitages* were religious cells, erected in private and solitary places, for single persons or communities, many times endowed, and sometimes annexed to larger religious houses.

10. *Chantry (cantuarie)* were endowments of lands or other revenues, for the maintenance of one or more priests, to celebrate daily mass for the souls of the founder and his relations, and of their other benefactors; sometimes at a particular altar, and often in little chapels added to cathedral and parochial churches for that purpose.

REMARKS. I. In every abbey the chief officer, called the *ab-*
bat

bot or *abbeſs*, preſided in great pomp, was generally called lord or lady, and had a kitchen, and other offices diſtinct from the common ones of the ſociety.

2. The *prior* or *prieſts*, who had the ſame power in priories as abbots and abbeſſes had in abbies, but lived in a leſs ſplendid manner, though in ſome of the greater houſes they were called lord and lady.

3. The abbots had ſubordinate officers to govern the houſes, called *priors*, *ſub-priors*, and, in great abbies, third, fourth, and even fifth priors. In priories the officer next under the prior was the *ſub-prior*, whole appointment was ſimilar to that of prior in an abbey: they were all removable at pleaſure.

4. *Magiſter operis*, maſter of the ſabrick, who ſuperintended repairs.

5. *Elemoſynarius*, the almoner.

6. *Pitantiarius*, who had the care of the *pitances*; which were allowances, upon particular occaſions, over and above the common proviſions.

7. *Sacriſta*, the ſexton, who took care of the veſſels, books, and veſtments belonging to the church, the oblations at the great altar, and other altars and images in the church, and ſuch legacies as were given, either to the ſabrick or utenſils. He likewiſe provided bread and wine for the ſacrament, and took care of burying the dead.

8. *Camerarius*, the chamberlain, who had the chief care of the dormitory, and provided beds and bedding for the monks, razors and towels for ſhaving them, and part of their cloathing.

9. *Cellarius*, the cellarer, who was to procure proviſions, wood for firing, and kitchen utenſils.

10. *Theſaurarius*, the buſtar, who received rents and revenues, and paid expences.

11. *Precentor*, the chaunter, who had the chief care of the choir ſervice. He had alſo the cuſtody of the ſeal, kept the *liber diurnal*, or chapter book, and provided parchment and ink for the writers, and colours for the limners of books for the library.

12. *Hoſpitalarius*, or *hoſpitalarius*, whole buſineſs it was to ſee ſtrangers well entertained.

13. *Infirmarius*, who had the care of the infirmary, and of the ſick monks; and when they died was to waſh and prepare their bodies for burial.

14. *Reſectioarius*, who looked after the hall, providing table-cloths, napkins, towels, diſhes, plates, ſpoons, and other neceſſaries for it, and ſervants to wait. He had likewiſe the keeping of the cups, ſalts, ewers, and all the ſilver utenſils whatſoever belonging to the houſe, except the church plate.

15. *Coquinarius*, the cook.

16. *Gardinarius*,

16. *Gardinarius*, the gardener.

17. *Portarius*, who took care of the carriages, but was a different officer from the *janitor* or *porter*.

18. In every great abbey there was a large room, called the *scriptorium*, where several writers transcribed the missals, liegers, and other books for the use of the house, and more especially for the library. And so zealous were the monks in general to replenish their libraries, that they often procured lands to be given and churches to be appropriated for that work.

19. In all the great abbeys, there were also persons appointed to take notice of the principal occurrences of the kingdom, and, at the end of every year, to digest them into *annals*. In these records, they particularly preserved the memories of their founders and benefactors; the years and days of their births and deaths, their marriages, children, and successors; so that recourse was sometimes had to them for proof of ages and genealogies; though some of those pedigrees were drawn up from tradition only, and in most the writers were probably favourable to their friends, and severe upon their enemies. The canons also, and constitutions of the clergy, in their national and provincial synods, and even acts of parliament, were sent to the abbeys to be recorded.

PROGRESS OF THE REFORMATION. In the reign of Edward VI. the reformation was advanced nearly to perfection. That pious prince, too early snatched from the world, influenced by his character the conduct of those who held for him the reins of government. Their acts tended to reform the church, without licencing those vindictive persecutions to which the furious disposition of Henry gave rise, and, at the same time, to render its doctrines stable by adopting firm opinions on general points, and establishing a mode of worship which was likely to conciliate a great body of the people, and could give reasonable offence to none. Visitors were appointed to make a progress through the kingdom, abolishing in every place absurd superstitions, and removing images, but diligently cautioning the people against relaxing into a disrespect of those sacred rites which were yet to be celebrated. To restrain the abuses which the monks had introduced in making sermons, a book of homilies was composed, which the clergy were enjoined to read to the people, and preaching was forbidden, except in parish churches. Chauntries, and free chapels, reckoned at 2374, were abolished, private masses were forbidden; the clergy were allowed, though not encouraged to marry, and the cup, in the sacrament of the Lord's supper, was restored to the laity. It was made highly criminal to deny the king's supremacy in ecclesiastical matters, or to assert that of the pope. A new communion service was composed, in the preface to which auricular confession

confession was declared not to be a duty, but a matter indifferent; a great effort towards relieving the public mind from the oppression of the catholic priesthood.

A committee of bishops and divines, appointed by the council, composed a liturgy. In this delicate undertaking they proceeded with moderation, retaining as much of the ancient mass as the principles of the reformers would permit. They indulged in nothing the spirit of contradiction which so naturally takes place in all great innovations; they translated the whole into English; and might reasonably flatter themselves that they had established a service in which every denomination of Christians might, without scruple, concur. The parliament established this form of worship in all the churches, and ordained an uniformity to be observed in rites and ceremonies. This work was afterwards revised, and articles of religion composed for general assent; they were, at that time, forty-two in number, and these efforts were all sanctioned by an act of parliament, which further denounced penalties against those who absented themselves from public worship. Thus, in the short reign of this pious prince, was the reformation of the church established nearly as we find it at this day, allowing only for the greater lights derived from experience, and the effect of time, which permitted the rejection of a very few superstitious and errors, which the state of men's minds in those days made it necessary to retain.

The blessed prospect opened by the reign of Edward was, for a while, obscured by the accession of his half sister, Mary, an obstinate and rancorous bigot, incapable of generosity or patriotism, and actuated only by a desire to please her husband, Philip of Spain, and to promote the interests of that religion to which she was so absolutely devoted. In her reign, the catholic priests, instigated and encouraged by one of the most haughty and ambitious pontiffs that ever poured on Christian nations the curses of papal authority, sprang on the protestants as an helpless prey, and glutted their vengeance by torture and destruction. Not to enter into the disgusting and common narrative of the executions and tortures which disgraced this reign, it may suffice to observe, that, at an early period, all the statutes of Edward VI. concerning religion, were repealed. The protestant bishops were cast into prison; a legate from Rome was received, notwithstanding the numerous statutes against it, and he was created archbishop of Canterbury; and the system of the inquisition was introduced, and even exceeded. A commission was appointed, by authority of the queen's prerogative, more effectually to extirpate heresy. Twenty-one persons were named; but any three were armed with the powers of the whole; it ran in these terms: "That since many false rumours and heretical

" opinions



“ opinions were spread among the queen’s subjects, the com-
 “ missioners were to inquire into them, either by presentments,
 “ by witnesses, or any other political way they could devise, and
 “ to search after all heresies, the bringers in, sellers, and
 “ readers of all heretical books. They were to examine and
 “ punish all misbehaviours or negligences in any church or
 “ chapel; and to try all priests that did not preach the sacra-
 “ ment of the altar; all persons that did not hear mass, or
 “ come to their parish church to service, that would not go in
 “ processions, or did not take holy bread or holy water. And
 “ if they found any that did obstinately persist in such heresies,
 “ they were to put them into the hands of their ordinaries, to
 “ be punished according to their spiritual laws; giving the com-
 “ missioners full power to proceed as their discretions and con-
 “ sciences should direct, and to use all such means as they could
 “ invent, for searching into the matters aforesaid, empowering
 “ them also to call before them such witnesses as they pleased,
 “ and to force them to make oath of such things as might dis-
 “ cover what they sought after;” and some powers were added
 for punishing vagabonds and quarrelsome persons. To bring the
 methods of proceeding in England still nearer to the practice of
 the inquisition, letters were written to lord North and others,
 enjoining them “ To put to the torture such obstinate persons as
 “ would not confess, and there to order them at their discre-
 “ tion.” Secret spies also and informers were employed, accord-
 ing to the practice of that iniquitous tribunal. Instructions
 were given to the justices of the peace, “ That they should call
 “ secretly before them one or two honest persons within their li-
 “ mits, or more at their discretion, and command them, by
 “ oath or otherwise, secretly to learn and search out such per-
 “ sons as should evil behave themselves in church, or idly, or
 “ despise openly by words, the king’s or queen’s proceedings, or
 “ go about to make any commotion, or tell any seditious tales or
 “ news. And these persons were to declare to the same jus-
 “ tices the ill behaviour of lewd disordered persons, whether
 “ for using unlawful games, and such other light behaviour of
 “ such suspected persons. Their information was to be given
 “ secretly, and the justices were to call the parties before them,
 “ without naming their accusers, and, on their examination, in-
 “ flict punishment according to the nature of the accusation,
 “ and at their own discretion, either by open punishment, or
 “ by good abearing.” In some respects this tyrannical edict even
 exceeded the oppression of the inquisition, by introducing, into
 every part of government, the same iniquities which that tribu-
 nal practises for the extirpation of heresy only, and which are
 in some measure necessary wherever that end is earnestly pur-
 sued

sued. But the court had devised a more expeditious and summary method of supporting orthodoxy than even the inquisition itself. They issued a proclamation against books of heresy, treason, and sedition; and declared, "That whosoever had any
 " of these books, and did not presently burn them, without
 " reading or shewing them to any other person, should be ef-
 " teemed rebels, and, without any further delay, be seized
 " by martial law." The pope was encouraged by these proceedings to renew his claim to temporal as well as ecclesiastical supremacy in this kingdom, and to the ancient and oppressive tribute known by the name of Peter's pence.

In this alarming state of affairs the public weal was befriended by the prodigality of Henry VIII. The pope demanded in the most positive terms the restoration of all ecclesiastical property, alleging that what had once belonged to God could by no human means be alienated, and that even if he were disposed to relinquish this demand, it exceeded his power. The queen, yielding to the dictates of the sovereign pontiff, restored all the estates of the church which remained in the crown, and which fortunately were but few; and, although extremely distressed in other respects, extorted from her subjects money to form some new monastic endowments; but the parliament, base and abject as they were in most points relating to religion and liberty, were yet vigorous enough, when their personal interests were attacked, to resist the pretensions of the pope, and baffle all endeavours to carry them into effect. Thus all the advantage gained by the adherents of popery by the reign of this resolute fanatic, was sanguinary revenge and momentary triumph; while their atrocities, committed under the sanction of a foreign prince, served only to root in the minds of the majority of British subjects a disgust against the religion which was to be established by such means, and a jealousy and hatred of all foreigners who should attempt to interfere in their civil or ecclesiastical regulations. Under these circumstances Queen Elizabeth found no difficulty in re-establishing the reformed religion; and, from her accession, may be dated the perfect and full enjoyment of that undisturbed system of religious freedom, given and protected by the church of England.

This church, founded on principles of singular moderation, affecting nothing merely from the desire of opposing the Romish communion, shocking as little as possible the prejudices of the people, abolishing no ceremonies which were compatible with the doctrines of scripture, and inculcating no belief which was not clearly deduced from the sacred volumes, mitigating superstition, and conferring freedom, was opposed from its origin not merely by the papists, who considered the

rights of their chief invaded, and his authority defied, but by reformers of a more determined class, more ardent in their animosity against Rome, more desirous of carrying every measure to extremity, more intolerant as to differences in opinion, and more inflexible in all matters of accommodation or compliance. Of the barriers erected by law to protect the church from the hostility of these, as well as her old enemy the pope, notice will be taken in a subsequent page. At present the nature and divisions of the ecclesiastical constitution require attention.

THE KING. It has already been shown that, in times when the authority of the pope was most redoubted, the kings of England, favoured by the insular situation of their dominions, and the happy genius of the constitution, made strenuous and successful efforts to maintain the title of head of the church. These efforts, so beneficial to the community, were seconded by the parliament and sanctioned by the clergy themselves; several statutes recognized and enforced the king's supremacy, and the canon declared, that those who denied it should be *ipso facto* excommunicated, and not restored till after repentance and public revocation of those wicked errors. A statute 35 Hen. VIII. c. 3. declares that the title for ever annexed to the English crown shall be, "*Defender of the Faith, and of the Church of England, and also of Ireland, in Earth the supreme Head.*" In the first year of Edward VI. it was made highly penal to deny the king's supremacy by words or in preaching; and if that offence were three times repeated, or once committed in writing or printing, the party incurred the penalty of high treason. But when fears of papal encroachment had subsided, it was considered necessary to limit and define the authority and jurisdiction of the crown in ecclesiastical matters; accordingly, in the thirty-nine articles of the church, as established in the reign of Queen Elizabeth, it is said: "But when we attribute to the queen's majesty the chief government, we give not thereby to our princes the ministering either of God's word, or of the sacraments; but that only prerogative which we see to have been given always to all godly princes in holy scripture by God himself, that is, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers." An oath of supremacy was ordained to be taken by the subject, but the king's coronation oath imposed on him conditions amply calculated to secure the church from danger, and the religious liberty of the people from invasion. The actual authority then which remains to the king, as head of the church, is this: he convenes, pro-

regues, and dissolves all ecclesiastical synods and convocations; nominates to vacant bishoprics and certain other ecclesiastical preferments; may constitute and restrain ecclesiastical jurisdiction; dispense with the ecclesiastical laws; inflict ecclesiastical censures; make an appropriation without the bishop where he himself is patron, and, with the consent of the patron only, when the benefice belongs to a subject; and he may take a resignation from a dean of his deanery, as well as the bishop, for he is supreme ordinary. As head of the church, the king is likewise the *dernier resort* in all ecclesiastical causes; an appeal lying ultimately to him in chancery, from the sentence of every ecclesiastical judge.

CHURCH OF ENGLAND. The ecclesiastical state of England is divided into two provinces or archbishoprics; Canterbury and York. The consideration of these great dignitaries, with their suffragan bishops and subordinate ecclesiastics, involves in it a new division of the kingdom, of which this is the outline: the realm is primarily divided into the two provinces already mentioned, each being the circuit of an archbishop's jurisdiction. Each province contains divers dioceses, or sees of suffragan bishops; Canterbury including twenty-one, and York three, besides the bishopric of the Isle of Man, which was annexed to it by Henry VIII. Every diocese is divided into archdeaconries, whereof there are sixty in all; each archdeaconry into rural deaneries, which are the circuit of the archdeacon's and rural dean's jurisdiction; and every deanery is divided into parishes, towns or villages, townships and hamlets. The number of each of these contained in every county of England and Wales has been given in the description of counties, and the particular nature of each description will be delineated in a future page.

ARCHBISHOPS. An archbishop, as chief bishop of the province next and immediately under the king, has supreme power, authority, and jurisdiction in all causes and things ecclesiastical. At first, the title of *archbishop* seems to have been only one of honour; whence, in some countries, especially in Italy, several are so distinguished, who indeed take place of, but have no power or authority over, other bishops. An archbishop is also styled primate, from being first (*primus*) of the province; and metropolitan, from being bishop of the chief city in such province. Each archbishop has the inspection of his bishops as well as of the inferior clergy, and may deprive them on notorious cause. He has also his own diocese, wherein he exercises episcopal jurisdiction; as in his province he exercises archiepiscopal. On receipt of the king's writ, but not without, he calls a convocation. To him all appeals are made from inferior jurisdiction;

and, as an appeal lies from the bishops in person to him in person, so it also lies from the consistory courts of each diocese to his archiepiscopal court. During the vacancy of any see in his province he is guardian of its spiritualities, and executes all ecclesiastical jurisdiction. If any archiepiscopal see be vacant, the dean and chapter have been its spiritual guardians since the reformation. The archbishop is entitled to present by lapse to all livings in the disposal of his diocesan bishops, if not filled within six months; and he has a customary prerogative, on consecrating a bishop, to name a clerk or chaplain for whom the individual consecrated must make provision; but it is now usual for the bishop to make over by deed to the archbishop, his executors, and assigns, the next presentation of such dignity or benefice of his disposal within that term, as the archbishop shall chuse; which is therefore called his *option*.

BISHOPS. The title of bishop is derived from a Greek word, signifying an overseer or superintendent; so called from that watchfulness, care, charge, and faithfulness, which, by his place and dignity, he owes to the church. The power and authority of a bishop, besides the administration of certain holy ordinances peculiar to that sacred order, consist principally in inspecting the manners of the people and clergy, and punishing them in order to reformation, by ecclesiastical censures. To this purpose he has several courts under him, and may visit at pleasure every part of his diocese. His chancellor is appointed to hold his courts for him, and to assist him in matters of ecclesiastical law; who, as well as all other ecclesiastical officers, if lay or married, must be a doctor of the civil law, so created in some university. It is also the business of a bishop to institute, and to direct induction, to all ecclesiastical livings in his diocese.

Archbishoprics and bishoprics may become void by death, deprivation for gross and notorious crimes, and also by resignation made to some superior. Therefore a bishop must resign to his metropolitan; but the archbishop can resign to none but the king himself.

Four things are necessary to complete an archbishop or a bishop,—election, confirmation, consecration, and installation.

ELECTION. When cities were at first converted to Christianity, the bishops were elected by the clergy and people; but as the number of Christians increased, this was found to be inconvenient, for tumults were raised, and sometimes murders committed at such popular elections; and, particularly at one time, no less than three hundred persons were killed. To prevent similar disorders, the emperors, being then Christians, reserved the election of bishops to themselves; that is to say, on
a bishop'

a bishop's death the chapter sent a *ring* and *pastoral staff* to the emperor, which he delivered to the person whom he appointed successor. By the ring it was said that the marriage of the prelate to the church was signified; by the staff, the support which he was to afford it, or rather, perhaps, that he was become a shepherd of Christ's flocks. In process of time the pope secured to the canons in cathedral churches the election of bishops, and the confirmation of them to himself, and excommunicated all princes who conferred, and all prelates who, at their hands, received investiture; yet in England it was always held that the king had a right of donation on the principle and foundation of property, and the claims of the pope were frequently, and at length effectually, contested. On the reformation, by 25 Hen. VIII. c. 20., the power of election was given to the dean and chapter, but they were obliged to chuse the person designated by the king. The candour which distinguished the councils of Edward VI. in matters of religion, revolted at this ecclesiastical fiction, and a statute passed in the first year of his reign states that, "whereas the said elections be
 " in very deed no elections, but only by a writ of *congé d'élire*
 " have colours, shadows, or pretences of elections, serving ne-
 " vertheless to no purpose, and seeming also derogatory and
 " prejudicial to the king's prerogative royal, to whom only
 " appertains the collation and gift of all archbishoprics and
 " bishoprics and suffragan bishops within his dominions;" and enacts, "that from henceforth no *congé d'élire* be granted, nor
 " election by the dean and chapter be made, but that the king
 " by his letters patent may collate." This statute being however repealed in the reign of Mary, the matter was finally brought back to the state in which it was placed by the 25 Henry VIII. and so continues to this day.

When an archbishop dies, or a bishop dies or is translated, the dean and chapter certify it to the king in chancery, and pray leave to make election. This is granted by a licence under the great seal, called in French *congé d'élire*, or leave to chuse; but it is accompanied with a letter nussive containing the name of a person whom the king recommends, and whom, by virtue of these authorities, they must with all speed, in due form, elect and choose, and none other. And if they delay their election above twelve days, the king nominates and presents, by letters patent under the great seal, such person as he thinks convenient, and he must be invested and consecrated as if he had been regularly elected. After the election, the dean and chapter certify it to the king under their common seal; which if they delay for twenty days after licence delivered to them; or if they admit, or do any other thing contrary to the law in

that case; or if the archbishop or bishops refuse or contravene the performance of any of the subsequent rites, they, with their aiders, counsellors, and abettors, incur a *præmunire*. After election there must be the consent of the person elected; for which purpose, the proctor, constituted by the dean and chapter, exhibits to him the instrument of election, praying his assent, which is to be given by a formal instrument in the presence of a notary public*.

CONFIRMATION. After the certification has been duly made, and the archbishop or bishop elect has taken the oath of fealty, the king by letters patent signifies the election, if it be to the dignity of a bishop, to the archbishop of the province; or if that see be void, then to the other archbishop, commanding him to confirm the election, and invest and consecrate the person so elected to his office and dignity; and if the person be elected an archbishop, the king in the same manner signifies it to the other archbishop and two bishops, or else to four bishops with a similar command. In confirmation the following forms are indispensable:

1. The king's *patent* already mentioned.

2. A *citation* against opposers; which (the time of confirmation being first fixed) is published and set up, by order and in the name of the archbishop, at the church where it is to be held; as well to notify the day of confirmation, as to summon all opposers (if any there be) who will object against the election, or the person elected, to appear on that day; according to the direction of the ancient common law.

3. The *certificate* or return made by the proper officer to the archbishop of the due execution of the citation.

4. The *commission to confirm*; which is usually performed by the archbishop's vicar general.

5. The *proxy* of the dean and chapter, by which they delegate one or more persons, who, having presented in their names the instrument of election to the bishop elect for his consent, and the letters certificatory of election to the king, praying the royal assent in order to confirmation, do further, at the time of confirmation, after the reading of the letters patent and commission to exhibit the proxy, present the bishop elected to the archbishop, vicar general, or surrogate; and, in the course of the confirmation, do whatever else is necessary on the part of the dean and chapter.

* "It is a prevailing vulgar error," says Mr. Christian, "that, when a bishop has an offer made of a bishopric, he affects a maiden coyness and answers *non appropiari*. The origin of these words and this notion I have not been able to discover: the bishops certainly give no such refusal at present, and I am inclined to think they never did at any time in this country."

6. The *first schedule*. The proctor, in the name of the dean and chapter, exhibiting the citation and return, prays that the opposers, (if any be) not appearing, may be pronounced contumacious, and precluded from further opposition, and that the confirmation may be proceeded in; which is accordingly done by this schedule.

7. A *summary petition* by the proctor, that the bishop elect may be confirmed, on his alleging and proving the regularity of the election, and the merits of the person elected; which he does in nine articles, concluding with a petition, that in pursuance of the premises confirmation may be decreed. On this petition certain instantaneous proceedings are had, and then the final sentence, containing a decree of confirmation, is promised.

8. The *second schedule*. Before sentence, a second proclamation of the opposers (if any be) is made at the fore door of the church; and if none appear they are declared contumacious by a second schedule. But this proclamation is not a mere form, since it appears, that if opposers were to present themselves in due form of law, their objections must be decided on according to their validity.

9. The *oaths*. These are four; those of allegiance and supremacy; one, that the bishop has neither promised, nor given, nor agreed to give any thing in consideration of his preferment, which is called the oath of *simony*; and one of due obedience to the archbishop; but this last, in course, the archbishop cannot pronounce.

10. The *definitive sentence*, or act of confirmation, by which the judge commits to the bishop elect, the care, governance, and administration of the spiritualities; and then decrees him to be installed or inthronized; which is performed in the province of Canterbury by mandate from the archbishop to the archdeacon, to whom of right it belongs.

11. Finally, a public notary, by the archdeacon's command, records the whole transaction in an instrument to remain as authentic to posterity.

After election and confirmation, and not before, the bishop is fully intitled to exercise all spiritual jurisdiction; but he cannot sue for his temporalities till after consecration.

CONSECRATION. On a translation, all the before-mentioned ceremonies are observed; but consecration is not requisite, having been previously performed. In case of creation the process is as follows:

The consecration is always performed on some Sunday or holiday, and the dean and chapter of the cathedral church of Canterbury claim, as an ancient right, that every bishop of the province

province is to be consecrated in it, or the archbishop to receive from them a licence to consecrate elsewhere.

The archbishop, or some bishop appointed, begins the communion service; another bishop reads the epistle; and a third the gospel: after the Nicene creed and sermon, the elected bishop, vested with his rochet, is presented by two bishops to the archbishop of that province, or to some other bishop appointed by lawful commission. The archbishop then causes the king's mandate for the consecration to be read, and the oaths above-mentioned to be administered; and, after divers questions and answers touching the episcopal office, and before the act of consecration, the bishop elect puts on the rest of the episcopal habit. According to the office in the 3 Edward VI. the *paschal staff* was delivered to the bishop; which delivery in the Roman pontifical is preceded by a consecration of the staff, and followed by the consecration and putting on a *ring*, in token of his marriage to the church; of a *mitre*, as an helmet of strength and salvation, that his face being adorned, and his head, as it were, armed with the *horns* of both testaments, may appear terrible to the adversaries of the truth, as also in imitation of the ornaments of Moses and Aaron; and of gloves, in token of clean hands and heart to be preserved by him. All these, with many other ceremonies, our church has laid aside; but it is ordered, that whenever the bishop shall celebrate the holy communion, or exercise any other public administration; he shall have upon him, besides his rochet, a surplice or alb, and a cope or vestment, and also his pastoral staff in his hand, or else borne or holden by his chaplain; and generally that such ornaments of the church and its ministers shall be retained as were ordained by parliament, in the second year of Edward VI. By the canon, any one teaching or affirming that the form and manner of consecrating bishops, priests, and deacons, contain any thing repugnant to the word of God, or that persons so consecrated are not lawfully made, nor ought to be accounted bishops, priests, or deacons, without some other calling to those offices, is to be *ipso facto* excommunicated. And by the articles of religion it is declared that the book of consecration of archbishops and bishops, and ordering of priests and deacons contains all things necessary to such consecrating and ordering; neither hath it any thing that of itself is superstitious and ungodly.

INSTALLATION. It is to be observed as a difference between an archbishop and a bishop, that the former is said to be *enthroned*, the latter *installed*.

After the ceremony of consecration, the bishop being introduced into the king's presence, does homage for his temporalities or barony; by kneeling down, and putting his hands
between

between those of the king, sitting in his chair of state, and by taking a solemn oath to be true and faithful to his majesty, and that he holds his temporalities of him. Finally, he must, within six months after his admission, take the oaths of allegiance, supremacy, and abjuration, in one of the courts at Westminster, or at the quarter-sessions of the peace.

The fees of this whole process are said to amount to 600*l.* and the bishop is besides obliged to compound for his first fruits and tenths.

On promotion to a bishopric, the person promoted renounces all benefices which he formerly possessed, but the presentation in such case does not revert to the proprietor, but to the king. A bishop, on translation, does not vacate his former bishopric till he is confirmed by the archbishop; nor on creation are his benefices void till after consecration.

The canons have made several provisions for bishops to reside at their cathedrals during some portion, at least, of every year; but they appear merely as recommendations, and contain as an exception, unless their absence is required by their superiors, or for other just cause. It is also said that no man can be archbishop till he has attained the age of thirty years; and the reason assigned is, that at that period of his incarnation our blessed Saviour was baptized, and began his ministry: but this rule has not been invariably adhered to, though in the present state of ecclesiastical preferment it is not likely to be broken.

SPIRITUALITIES DURING VACATION. When a bishop dies, or is translated, or is employed beyond the seas in negotiations; the law provides a guardian as to the spiritual jurisdiction, to whom presentations may be made, and by whom institutions, admissions, and the like, may be given. He is called guardian of the spiritualities. By canon, this right is vested in the dean and chapter; but more generally, by prescription or composition, in the archbishop; but when an archiepiscopal see is vacant, the dean and chapter of his diocese are guardians of the spiritualities. When the see of Canterbury is void, the guardian of the spiritualities may grant faculties, licences, and dispensations throughout both provinces as the archbishop might have done; he has also all manner of jurisdiction of the courts, as the power of granting licences to marry, probate of wills, and administration of the estates of intestates, during such vacancy; also he can grant admissions and institutions; but he cannot consecrate, ordain, or present to vacant benefices, or confirm a lease; and the perquisites arising from the execution of such power belong to him until superseded by a new election.

TEMPORALITIES. A bishop's temporalities are all such things as he acquires by livery from the king, as castles, manors, lands, tenements, tithes, and other certainties, which the king might claim during the vacation. The custody of these, during a vacancy, belonging, as already has been said, to the king, by virtue of his prerogative. In ancient times this right in the crown was occasionally exercised in committing waste on the property of the see; and queen Elizabeth, for the sake of enjoying the temporalities, is said to have kept the bishopric of Ely vacant three years; but in modern times, the sovereign, acting on more liberal principles, gives to the bishop all those profits which were formerly so much coveted.

SUFRAGANS AND COADJUTORS. In former times, many bishops had their suffragans, each of whom was appointed by the king, out of two nominated by the bishop, and who were consecrated in the episcopal manner. These, in the absence of the bishops upon embassies, or in multiplicity of business, supplied their places in matters of orders, but not of jurisdiction, and received profits, limited in their commissions. They are now disused, and the term suffragan is applied to all provincial bishops, with respect to the archbishop.

It was also an ancient custom in the church, that when a bishop grew very aged, or otherwise unfit to discharge the episcopal office, a *coadjutor* was taken by him, or given to him, at first, in order to succeed him, but in later times only to be an assistant during life, in matters chiefly of jurisdiction, as in collating to benefices, granting institutions, dispensations, and the like; and in this case it was not necessary that such coadjutor should be episcopally ordained, as the duties merely episcopal were committed to the suffragan bishop.

DIOCESSE. The diocese is the circuit of every bishop's jurisdiction. The bounds are determined by witnesses and records, but more particularly by the administration of divine offices. The jurisdiction of the *city* is not included in the name of *diocese*; and, accordingly, citations to general visitations are directed to the clergy of the *city and diocese*. A bishop may perform divine offices, and use his episcopal habit, in the diocese of another, without leave; but he may not perform therein any act of jurisdiction, without permission of the other bishop. A clergyman dwelling in one diocese, and beneficed in another, and being guilty of a crime, may, in different respects, be punished in both: that is, the bishop in whose diocese he dwells, may prosecute him; but the sentence, so far as it affects his benefice, must be carried into execution by the other bishop.

CATHEDRALS. The cathedral is defined to be the see of a bishop, *sedes episcopali*. The origin of the title is this: After the conversion

conversion of Constantine, the emperor, the other converts in those days, and in the following times, who were many of them governors and nobles, settled large demesne lands on those who converted them; and the first oratories or places of public worship being built on those lands, were called *cathedrae, sedes, cathedrals, or seats*, from the clergy's constant residence thereon. The sees of bishops ought to be fixed only in towns which are noted and populous, and for this reason several have been removed, as Dorchester to Lincoln, Selsey to Chichester, Kirton to Exeter; and this rule was also observed in fixing the sees of the five new bishoprics created by Henry VIII. Every town which has a see of a bishop placed in it, is thereby entitled to the honour of a city; except in Wales, where several are established in small villages. The cathedral church is the parish church of the whole diocese, which was therefore commonly called *parochia*, till a more dislusive application of that term occasioned the exclusive application of the word diocese. Beside the proper revenues of cathedral churches applicable to their repairs, several forfeitures and dues are enjoined by the canons, which cannot in these days be productive of any revenue; one in particular was annually paid by every parochial minister within the diocese, under the name *cathedraticum*; supposed to have been reserved as an acknowledgment of the paramount rights of the cathedral church.

In the administration of the communion, and some other particulars, the service in cathedrals varies from that in parish churches, and also in conventual and collegiate churches. The general difference between them is thus stated: A chapter designates a cathedral church; a convent, a church of regulars; a college, an inferior church, where there are collected together persons living in common.

THE ARCHBISHOP OF CANTERBURY. Canterbury was once the royal city of the kings of Kent; and was given by Ethelbert, on his conversion, to Austin, the first archbishop, about the year 598. Canterbury, considered as the seat of the metropolitan, has under it twenty-one bishops; namely, seventeen of ancient foundations, Rochester, London, Winchester, Norwich, Lincoln, Ely, Chichester, Salisbury, Exeter, Bath and Wells, Worcester, Coventry and Litchfield, Hereford, Llandaff, St. David's, Bangor, and St. Asaph; and four founded by Henry VIII. on the ruins of dissolved monasteries, Gloucester, Bristol, Peterborough, and Oxford; but Canterbury, as the seat of a diocesan, comprehends only part of Kent, (the residue being in the diocese of Rochester), together with some other parishes, dispersedly situate in several dioceses; it being an ancient privilege of this see, that the places where the archbishop

bishop has any manors or advowsons, are exempted from the ordinary, and become peculiars of his diocese, properly belonging to his jurisdiction. The aggregate of these is; in Kent, two hundred and fifty-seven parishes besides chapels, and in other parts nearly one hundred parishes.

The archbishop of Canterbury is styled *primate and metropolitan of ALL England*, partly in consequence of the general legatine authority, committed to that see by the popes, and partly, because the archbishop of Canterbury has still the power of granting faculties and dispensations in both provinces alike. This archbishop anciently had primacy, not only over all England, but over Ireland also, and from him the Irish bishops received their consecration: and as Metropolitan of England, Scotland, Ireland, and the isles adjacent, he was sometimes styled a *patriarch*, and *orbis Britannici pontifex*; insomuch that ecclesiastical records were dated *anno pontificatus nostri primo, secundo, &c.* At general councils abroad, the archbishop of Canterbury had precedency of all other archbishops. At home he has the privilege of crowning the kings of England. He has prelates to be his officers: thus, the bishop of London is his provincial dean; the bishop of Winchester, his chancellor; the bishop of Lincoln, anciently was his vice-chancellor; the bishop of Salisbury, his precentor; the bishop of Worcester, his chaplain; and the bishop of Rochester before the reformation carried the cross before him. He may retain and qualify eight chaplains, which is more by two, than are allowed to any duke. In speech and writing, he is intitled *grace*, and *most reverend father in God*; and he styles himself *by divine providence*; whereas bishops are only entitled *lords*, and *right reverend fathers in God by divine permission*. The archbishop of Canterbury is the first peer of the realm, and has precedency of all the nobility of the realm, except the blood royal; and of all the great officers of state.

In the time of St. Augustine, the church of Canterbury was made a cathedral, repaired, consecrated, and dedicated to the name of Christ, which it still retains, although for a considerable period it was better known by the name of St. Thomas, from Thomas à Becket, who was murdered in it. The present fabric was begun by Archbishop Lanfranc and William Corbois, and greatly augmented by several of their successors. During the grand rebellion it suffered much, Cromwell having made it a stable for his dragoons; but, after the restoration, it was repaired and put in its present state.

The chief seat of the archbishop of Canterbury is Lambeth Palace, in Surry. This see is valued in the king's books at 2816*l.* 17*s.* 9*d.* The clergy's tenths come to 651*l.* 13*s.* 2*d.* The see has only one archdeacon, viz.

of Canterbury. To the cathedral belong an archbishop, a dean, a chancellor, an archdeacon, twelve prebendaries, six preachers, six minor canons, six substitutes, twelve lay clerks, ten choristers, two masters, fifty scholars, and twelve almshouses. It has yielded to the church of Rome eighteen saints, and nine cardinals; and, to the civil state of England, twelve lord chancellors, four lord treasurers, one lord chief justice, and nine chancellors to the university of Oxford.

THE ARCHBISHOP OF YORK. York is said to be the most ancient metropolitan see in England, having been founded when Christianity was first established among the Britons, and restored on the conversion of the Saxons. The pope is said to have designed that York should have as many suffragan bishops as the southern metropolitan see; but, for a very long space of time, till Henry I. erected a bishopric at Carlisle, and Henry VIII. another at Chester, there were only two sees in the north of England, York and Durham. The Scottish bishops received consecration from this archbishop, and swore canonical obedience to him as their metropolitan; but, in process of time, they withdrew from their obedience, and had archbishops of their own. The archbishop of York for some time contended for precedency with the archbishop of Canterbury, alleging that, by Pope Gregory's institutions, it depended on priority of confirmation; but on an appeal to Rome it was determined in favour of Canterbury. The archbishop of York has precedence of all dukes not of the royal blood; and all great officers of state, the lord high chancellor excepted; he has also the privilege of crowning the queen consort, and of being her perpetual chaplain. He may, like the archbishop of Canterbury, retain and qualify eight chaplains. He has the title of *grace and most reverend father in God*; and styles himself *by divine providence primate of England*. He has under him four suffragans; the bishop of the county palatine of Chester, erected by Henry VIII.; the county palatine of Durham; Carlisle; and the Isle of Man.

The diocese contains above three fourths of Yorkshire, all Nottinghamshire, and Hexham in the county of Northumberland, in which are 581 parishes, whereof 336 are impropriations. It was at first rated in the king's books at 2035*l.* 14*s.* 6*d.*; but Henry VIII. having sequestered some of its lands, it is rated at only 1609*l.* 19*s.* 2*d.* The clergy's tithes amount to 1113*l.* 17*s.* 9½*d.* To the cathedral belong an archbishop, a dean, a precentor, a chancellor, a sub-dean, four archdeacons, namely of York, Cleveland, East Riding, and Nottingham, twenty-eight prebendaries, with inferior officers and servants. The see has yielded to the church of Rome eight saints,

and three cardinals; and to the English nation twelve lord chancellors, two lord treasurers, and two lord presidents of the north. The chief seat of the archbishop is Bishop's Thorpe in Yorkshire.

BISHOPS.—*Rockester.* This see is the smallest and, after Canterbury, the most ancient in England, it being founded by St. Augustine about ten years after his coming to England. The cathedral was erected by Ethelbert, king of Kent, and dedicated to St. Andrew. Growing ruinous, it was rebuilt by Gundulph, one of its bishops, in 1080. The bishop of Rockester is chaplain, and, in all solemn pomps and processions, was cross-bearer to the archbishop of Canterbury, who for several centuries disposed of the see. The revenue of the diocese is now so small, that for many years the deanery of Westminster has been held *in commendam* with it for its better support; it contains only a small part of the county of Kent, together with the parish of Melham in Cambridgeshire, and Freckenham in Suffolk, making in all 98 parishes, whereof 36 are impropriate. It is valued in the king's books at 358*l.* 3*s.* 2*d.*, the clergy's tenth is 222*l.* 14*s.* 6*d.* This little see has yielded to the church of Rome one cardinal; to the English nation one lord chancellor, one lord keeper of the great seal, and one lord treasurer. To the cathedral belong a bishop, a dean, an archdeacon, a chancellor, a treasurer, six prebendaries, a chanter, and other inferior officers and servants. The seat of the bishop is at Bromley in Kent.

London. This see was archiepiscopal in the time of the Britons, and was designed by pope Gregory to have continued so; but St. Augustine, whom his holiness sent to convert the Saxons, pleased with his reception from Ethelbert king of Kent, set up his stall at Canterbury, which has ever since continued the metropolitan see of England. The cathedral of London is St. Paul's, which will be noticed in treating of the capital. The bishop has precedency next to the archbishops, and is dean to the archbishop of Canterbury, an office of great dignity and trust. The diocese extends over Middlesex and Essex, and a part of Hertfordshire, including 622 parishes, of which 189 are impropriated, and is valued in the king's books at 1119*l.* 8*s.* 4*d.*; the clergy's tenths amount to 821*l.* 15*s.* 1*d.* To the cathedral belong a bishop, a dean, five archdeacons, namely of London, Middlesex, Essex, Colchester, and St. Alban's, a treasurer, a chancellor, two canons residentiary, twenty prebendaries, a precentor, and other inferior officers and servants. The chief seats of the bishop of London are London House in St. James's Square, purchased in lieu of a mansion so called in Aldersgate Street, and Fulham House in Middlesex. This bishopric has yielded

yielded to the church of Rome five saints, and to the English nation nine lord chancellors, seven lord treasurers, one chancellor of the exchequer; and two chancellors to the university of Oxford.

Winchester. This see is of great antiquity, the cathedral having been founded and endowed by Kingil, or Kenegilus, the first Christian king of the West Saxons, who gave to it all the lands within seven miles of this church; and his son Kinelwalchin added the manors of Alresford, Dowation, and Worthy. This bishop is subdean to the archbishop of Canterbury; and from Edward III. received the office of prelate of the order of the garter, which has been annexed to the see ever since. The bishops were anciently earls of Southampton; and are so styled in the statutes of the garter made by Henry VIII.; but that title does not now belong to them. From the greatness of their privileges and possessions the pope's consent was obtained to make Winchester an archiepiscopal see, by separating seven suffragans from Canterbury; but this plan was not effected. Yet the loss of dignity was compensated by largeness of emolument, since William de Edington, the sixtieth bishop, when elected archbishop of Canterbury, refused the promotion saying, "Though Canterbury had the highest stall, Winchester had the deepest manger." Since the reformation, the power and wealth of this see have been much diminished. It contains at present the whole county of Southampton, Surry, except eleven peculiars of the archbishop of Canterbury; one parish in Wiltshire; the island of Jersey, consisting of twelve parishes; Guernsey of ten; and Alderney and Sark of one each; making in all 384 parishes, of which 131 are impropriations. It is valued in the king's books at 2793*l.* 4*s.* 2*d.*; the clergy's tenth amounts to 840*l.* 12*s.* 10*d.* The church was first dedicated to St. Amphibalus; then to St. Peter; after to St. Swithin, once its bishop; and last of all, to the blessed Trinity, as it still remains. It has a bishop, a dean, two archdeacons, a chancellor, a treasurer, twelve prebendaries, and inferior officers and servants. The chief seats are Farnham Castle in Surry, Wolvesey House in Winchester, Chelsea House in Middlesex, though made to be in Surry by act of parliament. The bishopric of Winchester has given to the church of Rome ten saints and two cardinals, and to the English nation one lord chief justice, nine lord chancellors, two lord treasurers, one privy seal, one chancellor of the exchequer, and one chancellor of the university of Oxford.

Norwich. This see was once two distinct bishoprics, Elmham in Norfolk, and Dunwich in Suffolk, being so established by Felix, a Burgundian, who converted the East Angles; but
Bifus,

Bifus, the third bishop in succession from him, finding himself, from his great age, unable to bear so great a burden, got the diocese divided into two. They suffered so much from the Danish invasions that, after the death of St. Humbert, both lay vacant upwards of an hundred years; but at last they were revived and reunited. The seat of the see was afterward removed to Thetford in Norfolk; where it continued till Herbert Losinga, the twenty-fourth bishop, removed it to Norwich, where it has continued ever since. The value of this bishopric is greatly diminished since the reformation; when Henry VIII. seized all its lands in exchange only for those belonging to the monastery of St. Bennet's in the Holm. It contains the counties of Norfolk and Suffolk, except one parish in the former and four in the latter; and has besides sixteen churches and chapels in Cambridgeshire, comprising 1121 parishes, whereof 385 are impropriate: and is valued in the king's books at 899*l.* 18*s.* 7¼*d.*; the clergy's tenth amounting to 1117*l.* 13*s.* 6¼*d.* To the cathedral belong a bishop, a dean, a treasurer, a chancellor, four archdeacons, namely Norwich, Norfolk, Suffolk, and Sudbury, six prebendaries, and other officers and servants. The bishop's residences are Norwich Palace, and Ludham Hall, Norfolk. Norwich has given to the church of Rome two saints; and to the nation five lord chancellors, one lord treasurer, one lord chief justice, one bishop almoner, and one secretary of state.

Lincoln. This diocese was formerly two sees, Sidnacaſter and Dorcheſter. The former was united to Dorcheſter, after remaining a long time vacant after the death of Edulf II. its ninth bishop; and both were, about the year 1075, removed to Lincoln by Bishop Remigius de Fescamp, who built the cathedral, which was destroyed by fire, but rebuilt by Alexander, the twenty-third bishop, and made the beautiful pile it now appears by Hugh Burgundy the twenty-fifth bishop. It is dedicated to the Virgin Mary and All-Saints. This diocese is the largest in the kingdom, although those of Ely, Oxford, and Peterborough, have been subtracted from it. It contains all Lincoln, Leicester, Bedford, Buckingham, and Huntingdon shires, and a part of Hertfordshire; in which are 1255 parishes, whereof 577 are impropriations. It is rated in the king's books at 894*l.* 10*s.* 1*d.* and the clergy's tenth valued at 1751*l.* 14*s.* 6*d.* There belong to this cathedral a bishop, a dean, a precentor, a chancellor, a subdean, six archdeacons, namely of Lincoln, Leicester, Bedford, Buckingham, Storr, and Huntingdon, fifty-two prebendaries, four priest's vicars, eight lay vicars, or singing men, an organist, seven poor clerks, eight choristers, and five burghurst chaunters. The seats are Bugdon in Huntingdonshire, and Lincoln Palace in Lincoln ruined by the civil wars. This see has given to the church

church of Rome three saints and one cardinal; and to the realm of England six lord chancellors, one lord treasurer, one lord keeper, four chancellors to the university of Oxford, and two to Cambridge. The bishops were heretofore chancellors to the archbishop of Canterbury.

Ely. This church has undergone various alterations since it was first established by Etheldra, the wife of Egfrida, king of Northumberland, who founding a religious house here for the reception of virgins, became the first abbess of it herself. The Danes having destroyed this establishment, Ethelwald, the twenty-seventh bishop of Winchester, rebuilt the monastery, and filled it with monks, on whom king Edgar, and several succeeding monarchs, bestowed many privileges, and great grants of lands; so that the abbey became, in process of time, the best in England. Richard, the eleventh abbot, wishing to free himself from the bishop of Lincoln, within whose diocese his monastery was situated, made interest with Henry I. to get Ely constituted a bishopric; and even induced the bishop of Lincoln to consent, but he died before his abbey was erected into a see, and his successor was the first bishop of Ely. The great privileges of this bishop were almost entirely suppressed by the statute 27th Henry VIII.; by which, instead of being palatine of the isle of Ely, the bishop and his temporal steward were declared only justices of the peace. This diocese contains all Cambridge-shire and the isle of Ely, excepting the parish Ilesham, which belongs to Rochester, and fifteen others, which are in the diocese of Norwich; and it has a parish in Norfolk, namely Emneth. The total number is 141, whereof 75 are impropriate. It is valued in the king's books at 2134*l.* 18*s.* 5*d.*; the clergy's tenth amounting to 384*l.* 14*s.* 9*d.* The church is dedicated to St. Ethelred. The west parts were rebuilt by bishop Ridal; the choir and lantern were begun by bishop Nerwold, and finished by bishop Frodsham. It has a bishop, a dean, an archdeacon, eight prebendaries, with vicars, lay-clerks, choristers, a schoolmaster, usher, and twenty-eight king's scholars. The seats of the bishop are Ely Palace, Cambridge-shire, and Wisbeach castle, in the same county; anciently he had a palace in London, but it has been taken down, and on the site is built Ely-Place, Holborn. This see has given two saints and two cardinals to the church of Rome; and to the English nation nine lord chancellors, seven lord treasurers, one lord privy seal, one chancellor of the exchequer, one chancellor to the university of Oxford, two masters of the rolls, and three almoners.

Chichester. Wilfride, the third archbishop of York, flying from Egfrid, king of Northumberland, and coming to preach the gospel in the kingdom of the South Saxons, received from

Edilwac'h, king of that part of Britain, the isle of Selsey, near Chichester, for his seat. In this place was founded, first a church, and subsequently a monastery, which was afterward erected into a bishoprick, and, in process of time, removed to Chichester, the principal city of the South Saxons. In ancient times, the bishops of this see were confessors to the queens of England. The diocese contains the whole county of Sussex, except twenty-two parishes, peculiars of the archbishop of Canterbury, comprising 250 parishes, whereof 112 are impropriated. It is valued in the king's books at 677*l.* 1*s.* 3*d.* The tenths of the clergy are 287*l.* 2*s.* 6*d.* To the cathedral belong a bishop, a dean, two archdeacons, namely, of Chichester and Lewes, a treasurer, a chancellor, thirty-two prebendaries, a chanter, twelve vicars choral, and other officers. The bishop's seat is Chichester Palace. This see has yielded to the church two saints; and to the nation three lord chancellors, two almoners, and one chancellor to the university of Oxford.

Salisbury. This see has undergone many alterations from the time it was first established, to its final settlement at Salisbury. Its first seat was at Sherbon, in Dorsetshire, and the diocese then had episcopal jurisdiction over all those counties which now constitute the dioceses of Salisbury, Bristol, Wells, and Exeter. But Wells and Exeter were dismembered from it, and erected into distinct bishopricks in 905; and, a few years afterward, another see was formed out of the remaining jurisdiction of Sherbon, and seated at Wilton, in Wiltshire; but after having had eleven bishops, it was re-united. The see was soon afterward removed to Salisbury, subsequently to Old Sarum; but at length to Salisbury again, where it has continued ever since. In ancient times, the bishops were precentors to the archbishop of Canterbury. Edward IV. annexed the chancellorship of the garter to the bishops of this see; and although the new statutes made by Henry VIII. left this office solely at the king's disposal, to be given to a clergyman or layman, yet, since bishop Ward's time, 1667, it has continued, without interruption, to be conferred on the bishops of Salisbury. The diocese contains all Wiltshire, except two parishes; all Berkshire, except one parish, and part of another, and it has several parishes in Dorsetshire, its own peculiars, making in all 544, of which 109 are impropriations. It is valued in the king's books at 1367*l.* 11*s.* 8*d.* The clergy's tenths amount to 90*l.* 8*s.* To the cathedral belong a bishop, a dean, a precentor, a chancellor, three archdeacons, namely, of Salisbury, Wiltshire, and Berkshire, a sub-dean, a sub-chanter, forty-five prebendaries, six vicars or party canons, six singing men, eight choristers, an organist, and other officers. The seat of the bishop is Salisbury Palace. The see has yielded

to the church of Rome one saint, and two cardinals, and to the English nation one lord chief justice, three lord chancellors, two lord treasurers, two masters of the rolls, two chancellors to the university of Oxford, and one to Cambridge.

Exeter. This diocese contains what formerly constituted two bishoprics, viz. Devonshire and Cornwall. The church of the former was at Crediton, and of the latter at Bodmin. About the year 1032, the bishopricks were united, and the bishop removed the see to Exeter. The cathedral belonged to a monastery founded by king Athelstan, and dedicated to St. Peter, but was given to the bishop by Edward the Confessor, on his removing all the monks to his new abbey of Westminster. Of the ancient fabric little remains, except what is called *our Lady's chapel*, the other parts having been built by successive bishops. This see was among the most wealthy in the kingdom, till its revenues were wasted, and its lands alienated and incumbered; but it is now necessary for the bishop to hold some other preferments *in commendam* for the support of his dignity and rank. The bishoprick contains the entire counties of Devonshire and Cornwall, including 604 parishes, whereof 239 are impropriate; it is valued in the king's books at 500*l.*; the clergy's tenth is 1200*l.* 15*s.* 2*d.* To the cathedral belong a bishop, a dean, four archdeacons, namely, of Cornwall, Exeter, Barnstaple, and Totness, a chancellor, a treasurer, a chanter, twenty-four prebendaries, and inferior officers and servants. The residence of the bishop is Exeter palace. This see has yielded to the nation three lord chancellors, two lord treasurers, one lord president of Wales, and one chancellor to the university of Oxford.

Bath and Wells. This diocese, although it has a double name, is but one bishoprick. Wells was erected into a see in 905, during the reign of Edward the Elder; but John de Villuin, one of the bishops, having purchased the city of Bath of Henry I. transferred his see to that city, in 1088. Disputes arising between the monks of Bath and the canons of Wells, respecting the election of a bishop, they were compromised by a decree, that the bishop should be styled from both places, Bath having the precedency; that on vacancies he should be elected by a certain number of delegates from both churches, and installed in both. They jointly were to constitute the bishop's chapter, and all his grants and patents to be confirmed in both. This arrangement continued in force till the reformation, when an act of parliament enabled the dean and chapter of Wells to make one sole chapter for the bishop. This diocese contains the whole county of Somerset, except a few churches in Bristol; the number of parishes amounting to 383, of which 160 are impropriate, and the churches and chapels 503. It

is valued in the king's books at 535*l.* 1*s.* 3*d.* The clergy's tenth is 353*l.* 18*s.* 0*¼d.* To the cathedral belong a bishop, a dean, three archdeacons, a chancellor, a treasurer, a sub-dean, fifty-nine prebendaries, four priest-vicars, eight lay-vicars, an organist, six choristers, and other officers. The bishop has for seats Wells Palace, and a house at Barnwell in Somersetshire. This see has yielded to the church of Rome one cardinal; and to the civil state of England six lord chancellors, five lord treasurers, one lord privy seal, one lord president of Wales, and a secretary of state.

Worcester. This see was founded in 679, by Ethelred, king of the Mercians, who likewise built and endowed the cathedral church. This fabric, after being repaired, was destroyed by the Danes, and the church, which now stands, was begun by Wolstan II. the twenty fifth bishop of this see, about the year 1030, and dedicated to the Virgin Mary. The bishops of Worcester, in ancient times, were the peculiar chaplains of the archbishop of Canterbury, and by their office said mass in all assemblies of the clergy where he was present. This diocese contains all Worcestershire, except twenty-one churches and chapels, which belong to the see of Hereford; about a third part of Warwickshire, two parishes in Staffordshire, one in Shropshire, and two chapelries in Gloucestershire, making in all 241 parishes, whereof 71 are impropriations. It is valued in the king's books at 1049*l.* 16*s.* 3*¼d.* The clergy's tenth is 225*l.* To the cathedral belong a bishop, a dean, an archdeacon, a treasurer, a chancellor, ten prebendaries, ten minor canons, ten lay clerks, ten choristers, forty scholars, two schoolmasters, and other officers and servants. The seats of the bishop are Worcester palace, and Hartlebury castle, in Worcestershire. This see has yielded to the church of Rome four saints; and to the English nation, five lord chancellors, three lord treasurers, one chancellor to the queen, one lord president of Wales, and one vice president; and to the duchy of Normandy one chancellor.

Litchfield and Coventry. This bishopric is said to have been founded by Oswy, king of Mercia, in 656 or 657; and although it has a double name, yet, like Bath and Wells, it is a single diocese. It was so extremely wealthy, that king Offa, by the favour of pope Adrian, constituted it archiepiscopal; but this title was laid aside on his death. The see was removed to Chester, subsequently to Coventry, and again to Litchfield, but with great opposition from the monks of Coventry; and in arranging the disputes which arose on the occasion, an agreement was made which lasted till the reformation, when the priory of Coventry was dissolved; the style of the bishop continued as before, but the dean and chapter of Litchfield were made one sole chapter

chapter to the bishop. The old church, built by king Oswy being taken down by Roger de Clinton, the thirty-seventh bishop, he built the present beautiful fabric in 1148, and dedicated it to the Virgin Mary and St. Chad. It suffered greatly in the rebellion, but soon after the restoration was repaired and beautified. This diocese contains the whole counties of Stafford and Derby, except two parishes of the former, the largest part of Warwickshire, and nearly one half of Shropshire, making 555 parishes, of which 250 are impropriate. It is valued in the king's books at 559*l.* 18*s.* 2½*d.*; the clergy's tenth is 590*l.* 16*s.* 11½*d.* To the cathedral belong a bishop, a dean, a precentor, a chancellor, a treasurer, four archdeacons, namely, Stafford, Derby, Coventry, and Shrewsbury, twenty-seven prebendaries, five priest vicars, seven lay-clerks, or singing-men, eight choristers, and other under officers and servants. The seats belonging to the bishoprick are Litchfield Close, and Eccleshal cattle, in Staffordshire. This see has given to the church three saints; and to the nation one lord chancellor, three lord treasurers, three presidents of Wales, one chancellor to the university of Cambridge, and one master of the wardrobe.

Hereford. This see was a bishopric in the Britons' time, and one of the suffragans to the metropolitan see of St. David's; but in the time of the Saxons transferred to Canterbury. The cathedral was founded by a nobleman named Milfride, in honour of Ethilbert, king of the East Angles, treacherously slain by the queen of Mercia, his intended mother-in-law. The present church was rebuilt by Rainelur, the thirtieth bishop, and finished by his successors. The diocese contains the county of Hereford, (except eleven churches and chapels, which belong to the see of St. David's,) the better half of Shropshire, four parishes in Monmouthshire, six in Montgomeryshire, eight in Radnorshire, and twenty-one in Worcesterhire; making in all 313, of which 162 are impropriations. The diocese is valued in the king's books at 768*l.* 10*s.* 6½*d.*; the tenth of the clergy amounts to 340*l.* 2*s.* 2½*d.* To the cathedral belong a bishop, a dean, a treasurer, a chancellor, two archdeacons, of Hereford and Salop, 16 canons, 24 prebendaries, a chaunter, and other inferior officers and servants. The bishop has for residences, Hereford palace, and Whitburn, in the same county. This bishopric has given two saints to the church; and to the state two lord chancellors, three lord treasurers, one lord deputy of Ireland, one chancellor to the queen, and two chancellors to the university of Oxford.

Landaff. This is a very ancient see, but by whom founded is uncertain; it was one of the suffragans of Saint David's, and the first bishop, indisputably recorded, is St. Dubricius. The

see was formerly very wealthy; but its revenues have been greatly diminished. The church is dedicated to St. Theliam once its bishop; and takes its name from its situation; Lan, in Welch, signifying a church; and standing near the river Taffi, in Glamorganshire. This bishopric contains about three fourths of Glamorganshire, and all Monmouthshire, except seven parishes; comprehending 177 parishes, whereof 98 are impropriations. It is valued in the king's books at 154*l.* 14*s.* 1*d.*; the clergy's tenth is 155*l.* 5*s.* 4*d.* To this cathedral belong a bishop, an archdeacon, (who presides in absence of the bishop,) and a chancellor. The seats of the bishop are Matheru, in Northumberland, and Llandaff palace.

St. David's. This see, now the seat of a suffragan bishop, was once the metropolitan see of Wales, and archiepiscopal. When Christianity was first planted in Great Britain, three archbishops' seats were appointed; London, (afterwards removed to Canterbury) York, and Caerleon Up Ush, in Monmouthshire. That at Caerleon being found to be too near the dominions of the Saxons, was removed to a place, then called Menew, in Pembrokeshire; but afterwards in honour of the archbishop who translated it, St. David's. It is from the first name that the bishops style themselves Menevensis. The church standing so near the sea, frequently felt the desolating hand of the Danes, Norwegians, and other pirates, and was spoiled and ruined. That which now remains was erected by Peter, the forty-ninth bishop, and dedicated to St. Andrew and St. David; though now St. Andrew is omitted. The diocese contains the entire counties of Pembroke, Caermarthen, Brecknock, and Radnor, (five parishes of the latter excepted) with some small parts of Monmouth, Hereford, Montgomery, and Glamorgan shires, in which are 308 parishes, whereof 120 are impropriate. It is valued in the king's books at 457*l.* 1*s.* 10½*d.* The clergy's tenth amounts to 336*l.* 14*s.* 10*d.* To the cathedral belong a bishop, a precentor, with the power of a dean, a chancellor, a treasurer, four archdeacons, namely, Cardigan, Caermarthen, Brecknock, and St. David's; nineteen prebendaries, eight vicars-choral, four choristers, and other inferior officers. The seat of the bishop is at Abergwily, in Caermarthenshire. This see has given one saint to the church, and to the nation three lord treasurers, one lord privy seal, a chancellor to the queen, and another to the university of Oxford.

Bangor. The founder of this see is unknown; it is of very great antiquity; and the church is dedicated to St. Daniel, who was bishop in the year 516; but, for near five hundred years afterwards, there is no certainty of the names of his successors. The cathedral having been greatly defaced by Owen Glendower,
Bishop

Bishop Dean repaired it; but a subsequent prelate, named Bulkeley, not only alienated many of the lands, but even sold the bells. This diocese contains the whole of Caernarvonshire, (except three parishes,) the shire of Anglesey, and part of the shires of Denbigh, Merioneth, and Montgomery; in which are 107 parishes; whereof 36 are impropriated. It has three archdeaconries, viz. Bangor, Anglesey, and Merioneth, of which the two first are commonly annexed to the bishopric, for its better support. This see is valued in the king's books at 13*l.* 16*s.* 4*d.*; the tenth of the clergy is 15*l.* 14*s.* 3*¼d.* To the cathedral belong a bishop, a dean, an arch-deacon, a treasurer, and two prebendaries, endowed; a precentor, a chancellor, and three canons not endowed; three vicars-choral, an organist, lay clerks, choristers, and other officers. The bishop resides at Bangor palace, in Caernarvonshire.

St. Asaph. This bishopric was founded about the year 560, by Kentigern, bishop of Glasgow. He began the church on the banks of the river Ebwy, but returning into Scotland, left St. Asaph, his successor. This see was formerly wealthy; but its revenues were lessened by the profusion of one of its bishops. It does not contain any whole county, but consists of part of Denbigh, Flint, (where its church is,) Montgomery and Merioneth shires, and a small part of Shropshire; including 121 parishes, and 131 churches and chapels, most of which are in the immediate patronage of the bishop. This see has but one archdeaconry, viz. that of St. Asaph, which is united to the bishopric, for its better maintenance. The see is valued in the king's books at 187*l.* 11*s.* 6*d.* The tenth of the clergy is 186*l.* 19*s.* 6*d.* To this cathedral belong a bishop, a dean, archdeacon, chancellor, &c. The bishop's seat is at St. Asaph, in Flintshire.

Gloucester. This see was one of the six erected by Henry VIII. in 1541, and was formerly part of the diocese of Worcester. The cathedral was the church belonging to the abbey, the revenues of which were appropriated to the maintenance of the bishop. This diocese comprehends all Gloucestershire, (two chapelries excepted,) Bristol deanery, and the parish of King's-wood, in Wiltshire, containing 236 parishes, whereof 125 are impropriated. It is valued in the king's books at 315*l.* 17*s.* 2*d.* and the clergy's tenth is 358*l.* 15*s.* To the cathedral belong a bishop, a dean, an archdeacon, a chancellor, six prebendaries, and inferior officers and servants. The residence of the bishop is Gloucester palace.

Bristol. This diocese was also erected by Henry VIII. at the reformation. The cathedral was the church of the abbey of St. Austlin, founded by Robert Fitz-Harding; it contains a

dean and six prebendaries. During a great part of queen Elizabeth's reign, this see was held *in commendam* by the bishop of Gloucester; it was formed chiefly out of the diocese of Salisbury, with a small part from those of Wells and Worcester. It contains most of the city of Bristol, and all the county of Dorset, making 236 parishes, of which 64 are impropriate. It is valued in the king's books at 338*l.* 8*s.* 4*d.* The tenth of the clergy is 353*l.* 18*s.* 0*d.* To this cathedral belong a bishop, a dean, an archdeacon, a chancellor, six prebendaries, and inferior officers and servants. Seat of the bishop, Bristol palace.

Peterborough. This diocese is another of those created and endowed by king Henry VIII. at the reformation, and was wholly taken from that of Lincoln. This place was anciently denominated Medefnamstede; but Wolker, king of the Mercians, founding an abbey, and dedicating it to Saint Peter, the place was called Peterborough. The church was destroyed by the Danes; but rebuilt with great beauty, and continued flourishing till the reformation. This diocese contains the counties of Northampton and Rutland, except three parishes in each, and comprizes 293 parishes, whereof 91 are impropriate. It is valued in the king's books at 414*l.* 19*s.* 11*d.* the tenth of the clergy amounting to 520*l.* 16*s.* 8*d.* To the cathedral belong (as constituted by king Henry VIII.) a bishop, a dean, an archdeacon, six prebendaries, a treasurer, a chancellor, eight petty-canon, four students in divinity, an epistler, a gospeller, a sub-dean, sub-treasurer, a chapter, and other officers and servants. The bishop resides at Peterborough castle, and Caistor, in Northumberland.

Oxford. This diocese constituted a part of that of Lincoln, until 1541, when Henry VIII. created it into a bishopric, and endowed it out of the lands of the dissolved monasteries of Abington and Osney; and assigned the church of the abbey of Osney, for a cathedral; but, five years afterwards, he removed the seat of the see to Oxford. The present cathedral was anciently dedicated to Saint Frideswide; but, on the translation of the see, it was entitled Christ Church, and part of the lands, appropriated by Cardinal Wolsey to the maintenance of his college, was allotted to the dean and chapter; but during the reign of queen Elizabeth, the see was stripped of almost all the ample endowments it received from her father. This diocese contains the county of Oxford, having 195 parishes, of which 83 are impropriate. It is valued in the king's books at 354*l.* 16*s.* 4*d.*; the clergy's tenth amounts to 255*l.* 8*s.* To this cathedral belong a bishop, a dean, a chancellor, an archdeacon, a treasurer, eight canons, and inferior officers and servants. The seat is at Cuddesden, in Oxfordshire.

Chester,

Chester. The bishopric of Chester was anciently part of the diocese of Litchfield; one of whose bishops removing his see hither in 1075, occasioned his successors to be frequently stiled bishops of Chester. But it was not erected into a distinct bishopric until the general dissolution of monasteries, when Henry VIII. allotted the church of the abbey of St. Werburg for its cathedral, making the bishop a suffragan of Canterbury, though he soon after transferred it to York. This diocese contains the entire counties of Chester and Lancaster, part of Westmoreland, Cumberland, and York, two chapelries in Denbighshire, and five parishes in Flintshire, amounting in all to 256 parishes, of which 101 are impropriations. It is valued in the king's books at 420*l.* 1*s.* 8*d.*; the clergy's tenth amounting to 435*l.* 12*s.* To this cathedral belong a bishop, a dean, two archdeacons, a chancellor, a treasurer, six prebendaries, and inferior officers and servants. The episcopal abode is Chester palace.

Durham. The seat of this see was first at Landisfarne, or Holy Island, on the coast of Northumberland; but the invasions of the Danes compelled a removal to Chelter on the street, and after two hundred years it was finally settled at Durham. The bones of St. Cuthbert the sixth bishop, having been carried from place to place in these removals, were deposited in the cathedral of Durham; to him the church was dedicated; and all the county, or bishopric, was called St. Cuthbert's patrimony, king Alfred conferring on the bishops all the county between the rivers Tees and Tyne, which donation was augmented by his successors. This is deemed the richest bishopric in the kingdom, and the prebends are frequently stiled the Golden Prebends of Durham. The present beautiful cathedral was begun soon after the conquest, by William, the thirtieth bishop, and finished by his successors. The diocese contains the whole counties of Durham and Northumberland, except the jurisdiction of Hexham, in the latter. It has also one parish in the county of Cumberland, making in the whole 135 parishes, whereof 87 are impropriate. The see is valued in the king's books at 2821*l.* 1*s.* 5*d.* The clergy's tenth amounts to 385*l.* 5*s.* 6*d.* To the cathedral belong a bishop, a dean, a chancellor, a treasurer, two archdeacons, twelve prebendaries, and many inferior officers and servants. The seats of the bishop are Durham palace, and Auckland castle, Durham. This see has given to the church of Rome eight saints and one cardinal, and to the English nation one lord chief justice, five lord chancellors, three lord treasurers, one principal secretary of state, one chancellor to the university of Oxford, and two masters of the rolls.

Carlisle. This see was erected in 1133, by Henry I. and made

made suffragan to York. The cathedral had been founded a short time before, by Walter, deputy for William Rufus, and dedicated to the Virgin Mary. He likewise built a monastery, for canons regular of St. Augustine; but at the dissolution his lands were added to the see, for the maintenance of a dean and chapter. The church was almost ruined by Cromwell's soldiers, and has never recovered its former beauty, although repaired after the restoration. The diocese contains the greatest part of the counties of Cumberland and Westmoreland, in which are only 93 parishes, but exceedingly large, and of them 18 are impropriations. This see is valued in the king's books at 530*l.* 4*s.* 11*d.* The clergy's tenth amounts to 161*l.* 1*s.* 7*d.* To the cathedral belong a bishop, a dean, a chancellor, an archdeacon, four prebendaries, eight minor canons, and other inferior officers and servants. The abode of the bishop is Rose Castle in Cumberland. This see has given to the English nation one lord chancellor, two treasurers, and three chancellors to the university of Cambridge.

Man. The bishop of this see is not a lord of parliament. An account of his see will be given in describing the see of Man.

ORDINARY. In treating of ecclesiastical matters, and particularly the jurisdiction of the church, the title Ordinary frequently occurs; it is a civil-law term for any judge who has authority to take cognizance of causes in his own right, and not by deputation. By the common law, it is taken for him who has ordinary, or exempt, and immediate, jurisdiction in causes ecclesiastical; it applies to a bishop who has original jurisdiction; and an archbishop is the ordinary of the whole province, to visit and receive appeals from inferior authorities. It is also used for every commissary, or official of the bishop, or other ecclesiastical judge, having judicial power. An archdeacon is an ordinary; and ordinaries may grant administration of intestates' estates, &c.; but the bishop of the diocese is the true and only ordinary to certify excommunications, lawfulness of marriage, and similar ecclesiastical and spiritual acts to the judges of the common law; for he is the person to whom the court is to write in such cases. Formerly, when the clergy were exempt from the jurisdiction of temporal courts, ecclesiastical offenders were delivered to the ordinary for safe custody, and if convicted by a jury, were punished only by degradation, loss of goods, and privation of the profits of their benefices; but this privilege was abolished by the stat. 8. Eliz. c. 4.

DEANS AND CHAPTERS. A dean and chapter are the council of the bishop, to assist him with their advice in affairs of religion, and also in the temporal concerns of his see. When the rest of the clergy were settled in the several parishes of each diocese,

case, these were reserved for the celebration of divine service in the cathedral; and the chief of them, who presided over the rest, obtained the name of *decanus*, or dean, being probably first appointed to superintend *ten canons* or prebendaries. There are various kinds of deans, besides deans of chapters; and it requires several divisions to distinguish them properly. Considered in respect of the *difference of office*, deans are of *six* kinds; 1. Deans of *chapters*, who are either of cathedral or collegiate churches, though the members of churches of the latter sort may more properly be denominated *colleges* than *chapters*. 2. Deans of *peculiar*s, who have sometimes both jurisdiction and cure of souls, as the dean of Battel, in Sussex, and sometimes jurisdiction only, as the dean of the arches in London, and the deans of Bocking, in Essex, and of Croydon, in Surrey. 3. *Rural* deans. These are very ancient officers of the church, but almost grown out of use, though their deaneries still subsist as an ecclesiastical division of the diocese, or archdeaconry. They seem to have been deputies of the bishop, planted all round his diocese, the better to inspect the conduct of the parochial clergy, to inquire into and report dilapidations, and to examine the candidates for confirmation; and armed in minuter matters, with an inferior degree of judicial and coercive authority. 4. Deans in the colleges of universities, who are officers appointed to superintend the behaviour of the members, and enforce discipline. 5. Honorary deans, as the dean of the chapel royal at St. James's, who is so styled on account of the dignity of the person over whose chapel he presides. As to the chapel of St. George, Windsor, there being canons as well as a dean, it is something more than a mere chapel, and, except in name, resembles a collegiate church. 6. Deans of provinces, or, as they are sometimes called, deans of bishops. Thus the bishop of London is dean of the province of Canterbury, and to him, as such, the archbishop sends his mandate for summoning the bishops of his province, when a convocation is to be assembled; which perhaps may account for calling the dean of the province dean of the bishops.

Another division of deans, arising from the nature of the office, is into deans of spiritual promotions, and of lay promotions. Of the former kind are deans of peculiar's, with cure of souls, deans of the royal chapels, and deans of chapters; though as to these last a contrary opinion formerly prevailed. Perhaps, too, rural deans may be added to the number. Of the latter kind are deans of peculiar's, without cure of souls, who therefore may be, and frequently are, persons not in holy orders.

In regard to the manner of appointment, deans are, 1. Elective,

tive, as deans of chapters of the old foundation, though they are only so nominally and in form, the king being the real patron. 2. Donative, as those deans of chapters of the new foundation, who are appointed by the king's letters patent, and are installed under his command to the chapter, without resorting to the bishop, either for admission, or for a mandate of installation; if that mode of promoting still prevails in respect to any of the new deaneries*. Deans of the royal chapels are also donative, the king appointing in the same way. So, too, may deans of peculiars, without cure of souls, be called; as the dean of the arches, who is appointed by commission from the archbishop of Canterbury; but this must be understood in a large sense of the word donative, it being most usually restrained to spiritual promotions. 3. *Presentative*, as some deans of peculiars with cure of souls, and the deans of some chapters of the new foundation, if not all. Thus the dean of Battel is presented by the patron to the bishop of Chichester, and from him receives institution. Thus, too, the dean of Gloucester is presented by the king to the bishop, with a mandate to admit him, and to give orders for his installation. 4. *By virtue of another office*, as the bishop of London is dean of the province of Canterbury, and the bishop of St. David is dean of his own chapter. Again in respect of the manner of holding, deans are so absolutely, or *in commendam*. But this division applies only to spiritual deaneries.

It is in general terms noted, as a diversity between the appointment of the ancient deans, and of the new, that the ancient come in like bishops; for they are chosen by the chapter, by a *congé d'elire*, and the king, giving his royal assent, they are confirmed by the bishop; while they who are newly translated or founded, are donative, and, by the king's letters patent, are installed. As to the old deaneries, it is very difficult to trace the subject, with any tolerable degree of precision, higher than the reign of king John, or to ascertain what was the legal mode of constituting deans of chapters before. If our ancient chronicles are to be depended on, nothing could be more variable than the practice for several reigns after the conquest. Thus, in the church of York, we find sometimes the archbishop collating to the deanery, sometimes the king conferring, and sometimes the chapter electing; and it is probable that a like uncertainty prevailed in other cathedrals. At length, however, after many struggles, the elective mode of constituting deans, as well as

* The new deaneries and chapters to old bishopricks are eight, Canterbury, Norwich, Winchester, Durham, Ely, Rochester, Worcester, and Carlisle. The new deaneries and chapters to new bishopricks are five, Peterborough, Chichester, Gloucester, Exeter, and Oxford.

bishops, abbots, and priors, was established throughout the kingdom, and confirmed by a charter, made in the 16th year of the reign of king John. But notwithstanding the strong terms in which the freedom of canonical election is provided for by this charter, and the repeated confirmation of it by various statutes, the election of a dean by the chapter, is, by long practice, converted into a mere form, and the king is, in reality, as much the patron of the old, as he is, both in name and substance, of the new deaneries. For two centuries past at least, the king's *congé d'élire*, which, by the charter of John, must precede every election of a prelate, and was in use long before, has been invariably accompanied with a *letter missive*, recommending a particular person, whom the chapter of course elect their dean. In the case of the old bishoprics, which are filled in the same form, the election of the person named by the crown is secured by the statute of the 25th Henry VIII. which compels the chapter to yield to the recommendation by the pains of a *promouvoir*. But no such statute has been yet made in respect to the old deaneries, and therefore the right of the crown over them rests wholly on the charter of king John, and the subsequent practice. Here, then, it may be asked how the crown, without the aid of a statute, can enforce its claim of patronage, and what are the means by which the nomination would be made effectual, if the chapter should disregard the royal recommendation, and persevere in a free exercise of the right of electing? This question may be resolved by considering that even the charter of king John requires the king's confirmation of the choice made by the chapter, and therefore, by refusing to confirm, he may always prevent the effect of their election. Nay, it has been said, that the election is so wholly a ceremony, as not even to be essential, and that, before any act of parliament to dispense with it, the king might nominate to the old bishopricks by letters patent, without resorting to the chapter for the form of their concurrence; and the old deaneries are within the same reason.

As to the deans of the new foundation, though the king nominates by letters patent, yet some, if not all, of the cathedral churches are now deemed presentative, and not donative, the practice being to present the letters patent to the bishop for institution and a mandate of instalment. As to those new deaneries, which had statutes requiring a presentation, and usually complied with after the restoration, there cannot be the least doubt of their being legally presentative. But if there are any of the new deaneries, the rules and statutes of whose churches are wholly silent as to presentation, it is most likely

that they have always been donative, and still continue so, and probably the church of Westminster may fall under this description, it being collegiate, and not for any other purpose subject to the jurisdiction of any bishop.

These observations must be confined to England, the deaneries of Wales being under different circumstances. Of the four Welsh cathedrals, two are without deans, or rather the dignities of bishop and dean unite in the same person, the bishop being deemed *quasi decanus*, and having, it is said, both an episcopal throne and a decanal stall allotted to him in the choir. The cathedral churches of St. David's and Landaff, are of this kind. St. Asaph and Bangor have the dignity of dean distinct from that of bishop, but the patronage of both deaneries is in the respective bishops, they being neither elective by the chapter, nor donative by the crown.

Dean is a title of dignity which belongs to this station; as having ecclesiastical administration, with jurisdiction or power annexed, and no stations in the cathedral church under the degree of a bishop are dignities, strictly speaking, besides those of the dean and the archdeacon, unless where jurisdiction is annexed to any of the rest, as in some cases it is to prebendaries and others. In ancient times, the bishop, dean, and chapter, and all other persons belonging to, or connected with cathedral churches, held their possessions together in gross; but afterwards, for the avoiding of confusion, and some other causes, they were severed, and part of the lands assigned to the bishop and his successors, and other parts to the dean and chapter, each to hold by themselves; and so they have ever since continued.

The duty of a dean is to visit his chapter; and anciently the canons made their confessions to him; he may make a deputy or subdean, to exercise the spiritual jurisdiction; yet such deputy cannot charge the possessions of the church, or even confirm leases, unless it be otherwise provided by the local statutes. By the canon law, every dean ought, in every year, to be resident in his cathedral church fourscore and ten days at least, *conjunctim* or *divisim*, preaching the word of God, and keeping good hospitality, unless hindered by weighty and urgent causes, to be approved by the bishop, or lawfully dispensed with. And the same code provides that deans in cathedral and collegiate churches shall not only preach there in their own persons, so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other churches of the same diocese where they are resident, and especially in those places whence they or their church receive any yearly rents or profits. And in case they be sick, or lawfully absent, they shall substitute such licensed preachers, approved by the bishop. The profits of a deanery,

deanery, during vacation, go to the successor, towards payment of his first fruits.

A chapter of a cathedral church consists of persons ecclesiastical, canons, and prebendaries, whereof the dean is chief; they are assistants to the bishop in matters relating to the church, for confirmation of leases of the temporalties, and offices relating to the bishopric. The chapter, in a collegiate church, is more properly called a college, as at Westminster and Windsor. There may be a chapter without a dean; as that of the collegiate church of Southwell, and their grants are perfectly effectual. One bishop may have two chapters, by union or consolidation; and, in that case, both must confirm his leases.

The dean and chapter is a body corporate spiritual, consisting of persons originally selected by the bishop; but they derive their corporate capacity from the crown. At present the bishop has little more left to him than the power of visiting them, and that very much limited, and he is now scarcely allowed to nominate half of those to their prebends, who all were originally of his family. This rule, however, varies in different sees, as in some the bishops have more extensive powers of visitation and appointment than in others. The dean and chapter cannot alter the ancient and approved usages of their church, without consent of the bishop; and if they do, such innovations are declared void by the canon law. Besides that authority which deans and chapters have within their own bodies, they have sometimes an ecclesiastical jurisdiction in several neighbouring parishes and deaneries; and this ecclesiastical jurisdiction is executed by their officials; and they have also temporal jurisdiction in several manors belonging to them, as well as bishops, where their stewards keep courts.

PREBENDARIES AND CANONS. The books, and many persons in ordinary conversation confound the two words, prebend, and prebendary: whereas the former signifies the office, or the stipend annexed to it; and the latter, the person who executes the office and enjoys such stipend. A prebend, is an endowment in land, or pension in money, given to a cathedral or conventual church *in prebendam*; that is, for the maintenance of a secular priest or regular canon; who was a prebendary, as supported by the said prebend. A canonry also is a name of office; and a canon is the officer in like manner as a prebendary; and a prebend is the maintenance or stipend of both. Prebendaries are distinguished into simple and dignitary. A *simple* prebendary has no cure, and no more than his revenue for his support; a *dignitary* prebendary has always a jurisdiction annexed, which is gained by prescription. Of common right the bishop is patron of all the prebends, because the possessions were derived
from

from him; but if a prebend be in the gift of a layman, the patron presents to the bishop, who institutes in like manner as to any other benefice; and then the dean and chapter induct them, that is, after some ceremonies, place them in a stall in the cathedral church, to which they belong; whereby they are said to have a place in the choir. Some prebends are elective by the dean and chapter; and some donative: at Westminster, the king collates by patent; in virtue of which the prebendary takes possession without institution or induction. No person may hold more than one prebend in the same church; and if a prebendary accepts a deanery in the same church, his prebend is void by cession; but a prebend and a parochial benefice are not incompatible; they may be holden together, without dispensation.

By the ecclesiastical law no prebendaries nor canons in cathedral or collegiate churches, having one or more benefices with cure, (and not being residentiaries in their cathedral or collegiate churches) shall, under colour of their said prebends, absent themselves from their benefices with cure, above the space of one month in the year; unless it be for some urgent cause, and certain time to be allowed by the bishop.

ARCHDEACON. As deacons were all, originally, the attendants and servants of their several bishops in church affairs; it was found necessary, towards the end of the third century, to elect in several dioceses one from among the rest, who was styled Archdeacon; by degrees this office became universal, and its powers and duties were gradually established. By the canon law the archdeacon is styled the *bishop's eye*; and in his absence has authority to hold visitations, and under the bishop to examine clerks previous to ordination, and also before institution and induction; he has likewise power of excommunication, injunction of penances, suspension, correction, inspecting and reforming irregularities and abuses among the clergy; and a charge of the parochial churches within the diocese; in a word, he was to supply the bishop's room, and in all things to be his vicegerent. But as, in general, the archdeacon's jurisdiction is founded on immemorial custom, he has in some places much greater power than in others. In the diocese of Carlisle, for instance, he has no jurisdiction; but retains the right of examining and presenting persons to be ordained, and of inducting persons instituted. The judge of the archdeacon's court (where he does not preside himself) is called the official; and an appeal lies from this to the bishop's court; or, if he be archdeacon of an archbishop, to the court of arches.

Archdeacons are commonly given by bishops, by collation: but

but if an archdeaconry be in the gift of a layman, the patron presents to the bishop, who institutes in the usual manner, and the dean and chapter induct by placing him in a stall in the cathedral. Archdeacons, by the 13 and 14 Charles II. c. 4. are to read and declare their assent to the common prayer, and subscribe such assent before the ordinary; but they are not obliged, by the 13th Elizabeth, to subscribe the thirty-nine articles; for although an archdeaconry is a benefice with cure, yet it is not included in that statute, because it has no particular church belonging to it. Archdeacons are also to take the oaths at the sessions, like other persons qualifying for offices.

PRIEST, PARSON, RECTOR. The term *priest* is of large extent, signifying a person who, by the statute 13 and 14 Charles II. c. 4. is capable of being admitted to a benefice by having been ordained in the form which will hereafter be described, and which cannot take place till he has completed his twenty-fourth year; he is then, in strict propriety, termed a clerk in orders, the word *priest* being more frequently used to denote the clergy of the church of Rome. A *parson*, *persona ecclesie*, is one that has full possession of a parochial church; he is called *parson*, *persona*, because, by his person, the church, which is an invisible body, is represented, and he is in himself a body corporate, in order to protect and defend the rights of the church, which he personates, by a perpetual succession. He is sometimes called the *rector*, or governor of the church; but the appellation of *parson*, (however it may be depreciated by familiar, clownish, and indiscriminate use) is the most legal, most beneficial, and most honourable title that a parish priest can enjoy; because such a one, Sir Edward Coke observes, and he only, is said *vicem seu personam ecclesie gerere*.

APPROPRIATION. A parson has, during his life, the freehold in himself of the parsonage house, the glebe, the tithes, and other dues; but these are sometimes *appropriated*; that is to say, the benefice is perpetually annexed to some spiritual corporation, either sole or aggregate, being the patron of the living; which the law esteems equally capable of providing for the service of the church, as any single private clergyman; a contrivance which seems to have sprung from the crafty policy of the monastic orders. At the first establishment of parochial clergy, the tithes of the parish were distributed in a four-fold division; one for the use of the bishop, another for maintaining the fabric of the church, a third for the poor, and the fourth to provide for the incumbent. When the sees of the bishops became otherwise amply endowed, they were prohibited from demanding their usual share of these tithes, and the division was in three parts only; and hence it was inferred by the monasteries, that a small part was sufficient for the officiating priest, and that the

remainder might well be applied to the use of their own fraternities, subject to the burthen of repairing the church, and providing for its constant supply. They therefore begged and bought, for masses and obits, and sometimes even for money, all the advowsons within their reach, and then appropriated the benefices to the use of their own corporations. In order effectually to complete an appropriation, it is necessary to obtain the king's licence, and consent of the bishop; because both may have an interest, by lapse, in the presentation, which can never happen if it is appropriated to a corporation, which never dies; and because the law reposes a confidence in them, that they will not consent to any thing prejudicial to the church. The consent of the patron also is necessarily implied, because the appropriation can be originally made only to such spiritual corporation, as is also the patron of the church; the whole being indeed nothing more than an allowance for the patrons to retain the tithes and glebe in their own hands, without presenting any clerk, they themselves undertaking to provide for the service of the church. When the appropriation is thus made, the appropriators and their successors are perpetual parsons of the church, and must sue and be sued, in all matters concerning its rights, by the name of parsons. This appropriation may be severed, and the church become disappropriate two ways; first, if the patron or appropriator presents a clerk, who is instituted and inducted to the parsonage; as he will be, to all intents and purposes, complete parson; and the appropriation, being once severed, can never be re-united, unless by a repetition of the former solemnities. Also, if the corporation, which has the appropriation, is dissolved, the parsonage becomes disappropriate, because the perpetuity of person necessary to support the appropriation is gone. At the dissolution of monasteries the appropriations of the several parsonages which belonged to them, amounting to more than one-third of all the parishes in England, would, by the rules of the common law, have been disappropriated; but the statutes of dissolution gave them, without alteration, to the king. From this event, and the dissolution of alien priories, have sprung all the lay appropriations or secular parsonages in the kingdom; they having been afterwards granted out, from time to time, by the crown.

VICAR. These appropriating corporations were used, at first, to appoint a clerk in orders, called a *vicar*, to perform the duties of the church, whose office was for a time subject to their pleasure, and his emolument very inconsiderable. But various statutes were framed to remedy this abuse, particularly one, 4 Hen. IV. c. 12. which ordained, that the vicar should be a secular person, not a member of any religious house; vicar perpetual, not removable at pleasure, and canonically instituted and inducted,

and sufficiently endowed, at the discretion of the ordinary. The endowments, in consequence of these statutes, have usually been by a portion of the glebe, and what were generally called *privy* or small tithes.

CURATES. Curate sometimes denotes the incumbent in general, who has the cure of souls; but more frequently it signifies a clerk not instituted to the cure of souls, but exercising the spiritual office in a parish under the rector or vicar; and in this latter sense it is most generally understood in the English language, and will be considered here; the former is the meaning of the French word *curé*, and so it is occasionally introduced into our writings. Of curates there are two kinds; first, temporary, who are appointed under the spiritual rector or vicar, either as assistant to him in the same church, or executing the office in his absence in his parish church, or else in a chapel of ease within the same parish belonging to the mother church; the other by way of distinction, called perpetual, which is, where there is in a parish neither spiritual rector nor vicar, but a clerk is employed to officiate by the impropiator. The first mentioned curates are the objects of several statutes, the most important of which is that of the 53 Geo. III. c. 149. This act directs, that every non-resident incumbent shall, within three months after his induction or the resignation of his last curate, nominate one to be licensed by the bishop of the diocese or the ordinary, or he shall lose the benefit of his dispensation, and be subject to the penalties of non-residence. The bishop or ordinary is to fix his salary, which is to be in proportion to the value of the benefice and its population, but not less than 80*l.* per annum, unless the intire living shall not be worth so much; and the bishop may, if the living is worth 400*l.* a year, allow the curate 100*l.*, although the population is less than the statute generally requires. All agreements contrary to this clause are void, and those who make them are subject to penalties; but in very particular cases the bishop may diminish the allowance, giving his reasons in the licence. The bishop may also direct that the curate shall live in the parsonage house, and, when necessary, oblige him to quit. Every incumbent applying for a licence for non-residence is to state to the bishop or ordinary what salary he means to give the curate, whether the curate is to reside in the parish, and whether at the parsonage, if he has any other curacy or church duty or preferment, and also the gross value of the living in respect of which the licence is applied for; on application for a curate's licence, a similar statement is to be made, and both are to be filed and kept by the registrar of the diocese in a separate book, preserved from public inspection; and not disclosed, unless with leave of the bishop

or ordinary. The appointment of a curate in a chapel of ease seems most properly to belong to the incumbent of the mother church. By agreement of the bishop, patron, and incumbent, the inhabitants may have a right to elect and nominate a curate; but the ordinary's licence is necessary, before he can officiate, and he must take the oaths of allegiance and supremacy, and subscribe his assent to the common prayer and the articles of religion.

LECTURERS. In London and other cities, lecturers are appointed as assistants to rectors; they are generally chosen by the vestry or chief inhabitants, and are usually the afternoon preachers. Most cathedral churches have also one or more lecturers; and lectureships have been founded by the donation of private persons, as Lady Moyer's at St. Paul's, and many others. It seems generally, that the bishop has power only to judge as to the qualification and fitness of the person, and not as to the right of lectureship; but where there is no fixed lecturer, or ancient salary, nor any custom to regulate the election, the ordinary is the proper judge whether any lecturer ought to be admitted.

READERS. The office of reader is one of five inferior orders of the Romish church; and in this kingdom, in churches or chapels where there is only a small endowment, and no clergyman will take upon him the cure, it has been usual to admit readers that divine service may not be neglected. On the reformation, they were obliged to subscribe articles not to preach or interpret, but only read that which is appointed by public authority; not to minister the sacraments or other public rites of the church, but bury the dead, and purify women after their childbirth; to keep the register-book; be sober in apparel, and peaceable in demeanour; to give place on the appointment of a minister, and claim no more emoluments than should be allowed by the ordinary; to read daily a chapter of the Old and one of the New Testament, and generally not to intrude their office, but conform to the regulations of the ordinary. Several hospitals have readers of prayers, who are usually licensed by the bishop.

DEACON is an order next inferior to that of a priest, or rather a gradation toward it. A deacon may be ordained at twenty-three years of age, but cannot hold an ecclesiastical benefice till he has attained twenty-four; he may read the service of the church, preach, baptize, marry, and bury the dead, but he cannot pronounce the absolution, nor consecrate the holy sacrament.

ORDINATION. The church of England acknowledges, in the form of ordination, only those persons who appear in the Holy scriptures and ancient authors to have been ministers of Christ's church

church from the time of the apostles, namely, bishops, priests, and deacons. There were, in the Romish church, several other orders, as subdeacons, acolyths, exorcists, readers, and ostiaries; but although the offices of some of them are preserved in our church, their express ordination is not deemed necessary. Deacons and ministers can be regularly ordained only on the Sundays immediately following the ember weeks, which were appointed in ancient times for prayer and fasting, for this purpose, but, on urgent occasion, the ceremony may take place on some other Sunday, and in the face of the church. The place of ordination is the cathedral, or parish church, where the bishop resides.

In the ordination of deacons, it appears that, by virtue of a faculty, obtained from the archbishop of Canterbury, the age of twenty-three years may be dispensed with; but a priest can in no wise be ordained at an earlier age than twenty-four.

A canon of the church ordains that no person shall be admitted into sacred orders, except he shall, at that time, exhibit to the bishop, of whom he desires imposition of hands, a presentation of himself to some ecclesiastical preferment then void in the diocese; or shall bring to the said bishop a true and undoubted certificate, that either he is provided of some church within the said diocese, where he may attend the care of souls, or of some minister's place vacant, either in the cathedral or some other collegiate church in that diocese, where he may execute his ministry; or that he is a fellow, or in right as a fellow, or to be a conductor or chaplain in some college in Cambridge or Oxford; or except he be a master of arts of five years standing, that lives at his own charge in either of the universities; or except by the bishop himself, who ordains him minister, he is shortly after to be admitted either to some benefice or curateship then void. And if any bishop shall admit any person into the ministry that has none of these titles, he shall keep and maintain him with all things necessary, till he prefers him to some ecclesiastical living; and this on pain of being suspended by the archbishop from giving orders for one year. And as these laws might be eluded by a promise from the person ordained not to insist on such maintenance, it was determined that this being a public right, cannot be released. And, by the canon law, persons making such promise could not, without a dispensation, be admitted to a higher order, nor to minister in that already taken.

Anciently the examination of a party proposing to take orders, comprized many particulars, which are not now insisted on: the points were; if he was unworthy, void of understanding, illegitimate, irregular, illiterate, a simoniac, homicide, person excommunicate, usurer, sacrilegious person, incendiary or falsifier,

or having any canonical impediment, whether proceeding from defect or crime. Those who, being born out of wedlock, were ordained without dispensation, were suspended till they obtained it; as were *irregulars*, including homicides, advocates in causes of blood, simonists, makers of simoniacal contracts; and who, being infected with the contagion, had knowingly taken orders from heretics, schismatics, or persons excommunicated by name; also bigamists, husbands of lewd women, violators of virgins consecrated to God, persons excommunicate, and persons having taken orders surreptitiously, forcerers, burners of churches, and others of the like kind. Those who took holy orders in the conscience of mortal sin, or for temporal gain only, were to be suspended till they made expiation by penance.

The examination or inquiry to be made by the bishop is now limited to the capacity, learning, piety, and virtue of the candidate. To insure these, it is ordered by the canons, that the bishop knowing, either by himself, or by sufficient testimony, any man to be of virtuous conversation, and without crime; and after examination and trial, finding him learned in the Latin tongue, and sufficiently instructed in the holy scripture, may admit him a deacon. But no bishop shall admit any person into sacred orders, except he has taken some degree in either of the two universities; or at the least, except he be able to yield an account of his faith in Latin, according to the thirty-nine articles, which latter direction is enforced by the statute 13 Eliz. c. 12.

The ordinary way by which this must appear to the bishop, is by the exhibition of letters testimonial of his good life and conversation, under the seal of some college of Cambridge or Oxford, where he was resident, or of three or four grave ministers, together with the subscription and testimony of other credible persons, who have known his life and behaviour for the space of three years next preceding. And no one can receive priest's orders, unless he first bring to the bishop of that diocese, from men known to the bishop to be of sound religion, a testimonial both of his honest life, and of his professing the doctrine expressed in the thirty-nine articles.

The form of examination is this: when the bishop intends to hold an ordination, all who are desirous of being admitted into the ministry are to appear on the fourth day before the ordination, when the bishop appoints some of the priests attending him, and others skilled in the divine law and exercised in the ecclesiastical functions, diligently to examine the life, age, and title of the persons to be ordained, at what place they had their education, whether they be learned and instructed in the law of God. This examination is diligently continued three successive days, and, on the Saturday, they who are approved are presented

sent to the bishop. A bishop ordaining without due examination is liable to suspension from the exercise of that power for one year; the sentence to be passed by an archbishop, assisted by one bishop. Persons are not to be ordained by any other than their own bishop, without letters dimissory from him, or, in his absence, from his vicar-general, except he be of one of the universities. The bishop so ordaining may be suspended from conferring the same ordination till he shall have made satisfaction, and the person admitted till he shall obtain the dispensation of his own bishop. Letters dimissory may be granted by any bishop to persons born, promoted, or resident in the diocese, and they may be granted at once to all orders, and directed to any catholick bishop at large.

Dr. Wake, archbishop of Canterbury, in a letter written to his suffragans, in 1716, delineates, with great force and perspicuity, their duties with respect to ordination, particularly in the following articles: " 1. That you require of every person who
 " desires to be admitted to holy orders, that he signify to you
 " his name and place of abode, and transmit to you his testimonial, and a certificate of his age duly attested, with the title
 " upon which he is to be ordained at least twenty days before the
 " time of ordination; and that he appear on Wednesday, or, at
 " farthest, on Thursday in Ember Week, in order to his examination. 2. That if you shall reject any person who applies
 " for holy orders, on account of immorality proved against him,
 " you signify the name of the person so rejected, with the reason, to me, within one month, that so I may acquaint the rest
 " of my suffragans with his case before the next ordination. 3. That you admit not any person to holy orders, who, having
 " resided any considerable time out of the university, does not
 " send to you, with his testimonial, a certificate signed by the
 " minister and other credible inhabitants of the parish where
 " he so resided, expressing that notice was given in the church,
 " in time of divine service, on some Sunday, at least a month
 " before the day of ordination, of his intention to offer himself
 " to be ordained at such a time, to the end, that any person
 " who knows any impediment, or notable crime, for which he
 " ought not to be ordained, may have opportunity to make his
 " objection against him. 4. That you admit not letters testimonial on any occasion, unless it be therein expressed for what
 " particular end and design such letters are granted; nor unless
 " it be declared by those who shall sign them, that they have
 " personally known the life and behaviour of the person for
 " the time by them certified, and do believe, in their conscience,
 " that he is qualified for that order, office, or employment, to
 " which he desires to be admitted. 5. That in all testimonials

“ sent from any college or hall in either of the universities, you
 “ expect that they be signed as well as sealed; and that among
 “ the persons signing, the governor of such college or hall, or,
 “ in his absence, the next person under such governor, with
 “ the dean or reader of divinity, and the tutor of the person to
 “ whom the testimonial is granted (such tutor being in the
 “ college, and such person being under the degree of master of
 “ arts) do subscribe their names. 6. That you admit not any
 “ person to holy orders upon letters dimissory, unless they are
 “ granted by the bishop himself, or guardian of the spiritualities
 “ *sede vacante*; nor unless it be expressed in such letters,
 “ that he who grants them has fully satisfied himself of the
 “ title and conversation of the person to whom the letter is
 “ granted.”

Before ordination every person must take the oaths of allegiance and supremacy, before the ordinary or commissary. None shall be admitted to the order of deacon or ministry, unless he subscribe to all the articles of religion agreed on in convocation in 1562, which only concern the confession of the true Christian faith, and the doctrine of the sacraments. These articles ought to be subscribed before the bishop himself, the declaration being in this form: “ I A. B.” mentioning both the Christian and surname of the party, “ do willingly and *ex animo*
 “ subscribe to these articles, and to all things that are contained
 “ in them;” and if any bishop shall ordain any, except he shall first have so subscribed, he shall be suspended from giving orders for twelve months.

The ordination, as well of deacons as of ministers, is, according to the canon, to be performed in the time of divine service, in the presence not only of the archdeacon, but of the dean and two prebendaries at the least, or, if they shall by any lawful cause be hindered, in the presence of four other grave persons, being masters of arts at the least, and allowed for public preachers. However, in practice, a less number is sometimes admitted by virtue of the rubric in the office of ordination, which is established by act of parliament 13 & 14 C. II. At the time of ordination, the bishop solemnly enjoins the people, if any of them knows any impediment or notable crime in any of the persons presented to be ordained, to come forth and shew what the crime or impediment is; and if any sufficient objection is made, the bishop must forbear from ordaining that person until he exculpates himself.

Before the gospel the bishop, sitting in his chair, causes the oaths of allegiance and supremacy to be again ministered to every one that is to be ordained; then laying his hands severally on the head of every one who is to be ordained deacon, he says,

says, "Take thou authority to execute the office of a deacon in the church of God committed unto thee, in the name of the Father, and of the Son, and of the Holy Ghost. Amen." And he delivers to each of them the new Testament, saying, "Take thou authority to read the gospel in the church of God, and to preach the same, if thou be thereto licensed by the bishop himself." In conclusion, the bishop declares to the deacon that he must continue in that degree a year, unless for some special cause, and acquaints him with the reasons of such regulation.

In the ordination of priests, all the ceremonies before described are observed to the administration of oaths of allegiance and supremacy*, after which the bishop, with the priests present, lay their hands severally on the head of every one that receives the order of priesthood; the receivers humbly kneeling, and the bishop saying, "Receive the Holy Ghost for the office and work of a priest in the church of God, now committed unto thee by the imposition of our hands. Whose sins thou dost forgive, they are forgiven; and whose sins thou dost retain, they are retained. And be thou a faithful dispenser of the word of God, and of his holy sacraments: in the name of the Father, and of the Son, and of the Holy Ghost." Then the bishop shall deliver to every one of them kneeling, the Bible into his hand, saying, "Take thou authority to preach the word of God, and to minister the holy sacraments in the congregations where thou shalt be lawfully appointed thereunto."

Every parson, vicar, and curate, shall, at the bishop's first visitation, or at the next visitation, after his admission, exhibit to him his letters of orders, to be by him allowed, or, upon just cause, disallowed and rejected; when approved, they are signed by the register; the whole fees for which are paid but once in the time of every bishop, and afterward but half. No curate is admitted to officiate in another diocese, unless he brings with him his letters of orders; and no bishop can institute to a benefice a clerk ordained by another bishop, except he first shew letters of orders.

* The 24 Geo. III. c. 25. after reciting that, by the laws of the realm, persons who are admitted into holy orders must take the oath of allegiance; and that there are divers subjects of foreign countries desirous that the word of God should be administered to them according to the liturgy of the church of England, by subjects or citizens of the said countries, ordained according to the form of ordination in the church of England; empowers the bishop of London, or any other bishop to be by him appointed, to admit to the order of deacon or priest, for the purposes aforesaid, persons subjects or citizens of countries out of his majesty's dominions, without requiring them to take the said oath of allegiance. But they are not to exercise their office within his majesty's dominions, and this exemption from taking the above oath is to be mentioned in their testimonials.

But

But it is to be observed, that if a mere layman is admitted and instituted to a benefice with cure, and performs holy offices, as baptism or marriage, these, and all other spiritual acts performed by him while he continues parson in fact, are good; nor is it required that persons shall be re-baptised or married again to satisfy the law.

Ordination is the first of four requisites to the attainment of an ecclesiastical benefice or living with cure of souls; those which remain are *presentation*, *institution*, and *induction*.

Advowson. But before entering on these topics, it may be fit to notice the property in ecclesiastical livings, the parties from whose donations they may be derived, and the impediments which may arise between a vacancy and a presentation. Advowson is the right of presentation to a church, or ecclesiastical benefice; it is derived from *advocatio*, which signifies the taking into protection, and therefore is synonymous with patronage (*patronatus*): and he who has this right is called the patron of the church.

The right of advowson, or of presenting a clerk to the bishop as often as a church becomes vacant, was first gained by such as were founders, benefactors, or maintainers of the church; for although the nomination of fit persons to officiate throughout the diocese was originally in the bishop alone, yet when lords of manors were willing to build churches, and endow them with manse and glebe for the accommodation of fixed and residing ministers, the bishops encouraged such pious undertakings by permitting these lords to nominate clergymen to those churches; but reserved an absolute right to judge of the fitness of the persons nominated; and this became, in process of time, the law of the church.

Advowsons are either *appendant*, or *in gross*. Lords of manors being originally the only founders and patrons of churches, the right of presentation, so long as it continues annexed to the possession of the manor, is called an advowson appendant; and it will pass, or be conveyed, together with the manor, as incident and appendant without adding any special words. But where the property of the advowson has been once separated from the property of the manor, it is called an advowson *in gross*, or at large, and can never more be appendant. Advowsons are also either *presentative*, *collative*, or *donative*:—*presentative*, where the patron has a right to present a clerk to the bishop or ordinary, and demand his institution if canonically qualified: *collative*, where the bishop and patron are the same person; in which case, the bishop by the one act called collation accomplishes the whole effect of presentation and institution: *donative*, when the king, or any subject by his licence, founds a church

or chapel, and ordains that it shall be merely in the gift or disposal of the patron; subject to his visitation only, and not to that of the ordinary; and vested absolutely in the clerk by the patron's deed of donation without presentation, institution, or induction. All kinds of ecclesiastical preferments may be donative, as well as presentative or elective; bishoprics were so, after the conquest, until the time of king John; some prebends are so, as at Windsor, Westminster, and in the chapels of the king; benefices with cure of souls are so, as the rectory of Bieri or Buriu in Cornwall, and the church of the tower of London. With respect to donatives, some peculiarities deserve notice; one is, that the presentation does not devolve to the king, as in other livings, when the incumbent is made a bishop; another, that they are within the statutes of pluralities if a donative is the first living; but if it were the second benefice taken without a dispensation, the first would not be void, for the words of the statute are, *instituted and inducted to any other*, which are not applicable to donatives; and if the true patron *once* waves his privilege of donation and presents to the bishop, and his clerk is admitted and instituted, the advowson becomes for ever presentative and shall be donative no more.

The right of presenting to the next or any succeeding avoidance may be conveyed by deed, or devised by will; and if it goes by descent to coparceners, the ordinary is bound to admit the clerk of the elder sister at the first avoidance, the second sister presents at the next vacancy, and so by turns till all the sisters or their heirs have presented, and then the eldest begins again. This rotation may be superseded by an agreement to present together, or to present in some other manner.

The beneficial interest in an advowson may be injured in various ways, for each of which the law has provided a remedy. It may be by *disturbance of patronage*; which is an hindrance or obstruction of a patron to present his clerk to a benefice; or by *usurpation*, which happens when a stranger, who has no right, presents a clerk and he is admitted and instituted. In this case, the patron, by the common law, lost not only the presentation *pro hac vice*, but also the absolute and perpetual inheritance of the advowson, unless before the next avoidance he recovered his right by writ of *right of advowson*: and if he recovered by virtue of this process, he regained his title to present at the next avoidance, but did not remove the intruded clerk; and in order to recover, he must prove a presentation in himself or some of his ancestors. But frequent institutions of usurping clerks through the carelessness or collusion of bishops becoming a serious grievance, it was, by statute Westm. 2. 13 Edw. 1. c. 5.

§ 2. and another 7 Anne c. 18. placed on this reasonable foundation: that if a stranger usurps a presentation, and the patron does not pursue his right within six months, he shall lose that turn without remedy, for the peace of the church, and as a punishment for his own negligence; but at the next term he presents again without any intermediate process. Thus usurpation gains no right to the usurper, with regard to any future avoidance; it cannot indeed be remedied after six months; but, during that period, it is only a species of disturbance.

Disturbers of a right of advowson may be these three persons: the pseudo-patron, who by presenting to a church to which he has no right, makes it litigious or disputable; his clerk, who promotes the same inconvenience; and the ordinary, who refuses to admit the real patron's clerk, or admits the clerk of the pretender. For these disturbances, besides the writ of right of advowson, the ecclesiastical and statute law have given several remedies.

The *offize of darrein presentment*, is one which can only avail where the plaintiff has an advowson by descent from his ancestors; and it is now intirely disused, as the *quare impedit* affords an equal remedy whether the claim arises from ancestry or purchase, and is the only action now resorted to. It will be fit, however, to premise, the usual proceedings previous to the bringing of this writ.

Upon the vacancy of a living, the patron is bound to present within six calendar months, otherwise it will lapse to the bishop; but if a fit presentation is made within that time, the bishop is bound to admit and institute the clerk; unless the church is full, or there is notice of litigation. Therefore if any opposition is intended, it is usual for each party to enter a *caveat*, with the bishop, to prevent his institution of his antagonist's clerk; and after this monition, an institution is void by the ecclesiastical law; though not in the temporal courts where the *caveat* is treated as a mere nullity. But if two presentations are offered to the bishop on the same avoidance, the church is said to become *litigious*; and, if no further proceedings are taken, the bishop may suspend the admission of either, and suffer a lapse to incur. To prevent this, either patron or either clerk may request him to award a *jus patronatus*, and he is bound to comply. A *jus patronatus* is a commission from the bishop, directed usually to his chancellor and others of competent learning, who are to summon a jury of six clergymen and six laymen, to inquire into and examine who is the rightful patron; and if, upon such inquiry made, and certificate thereof returned by the commissioners, he admits and institutes the clerk of that
patron

patron whom they return as the true one, the bishop secures himself at all events from being a disturber, whatever proceedings may be afterwards had in the temporal courts.

The clerk refused may have a remedy against the bishop in the spiritual court, by a *duplex querela*, which is a complaint in the nature of an appeal from the ordinary to his next immediate superior; as from a bishop to the archbishop, or from an archbishop to the delegates: and if the superior court adjudges the cause of refusal to be insufficient, it will grant institution to the appellants.

Thus far the parties may proceed in the mere ecclesiastical court; but on the first delay or refusal of the bishop to admit his clerk, the patron generally resorts to those of common law, bringing his writ of *quare impedit* against the bishop, for disturbing him in his presentation. In this process, if the delay arises from the bishop alone, as upon pretence of incapacity, he only is named in the writ; but if another presentation is set up, the pretended patron and his clerk are also joined in the action; or it may be brought against the patron and clerk, omitting the bishop; or against the patron only. It commands the disturbers to permit the plaintiff to present a proper person (without specifying the particular clerk) to such a vacant church, which pertains to his patronage; and which the defendants, as he alleges, do obstruct; and unless they so do, then that they appear in court to shew the reason why they hinder him. If the plaintiff suspects that the bishop will admit the defendant's or any other clerk, pending the suit, he may have a prohibitory writ, called a *ne admittas*; which recites the contention begun in the king's courts, and forbids the bishop to admit any clerk till it is determined; and if the bishop disregards this writ, even though the patron's right may have been found in a *ius patronatus*, the plaintiff, after he has obtained judgment in the *quare impedit*, may remove the incumbent, by writ of *scire facias*, and have a special action against the bishop, called a *quare incumbavit*, to recover the presentation, and damages for incumbering the church with a clerk, pending the suit. But this action will not lie if the bishop has incumbered the church before the *ne admittas* issued. In the proceedings on a *quare impedit*, the plaintiff must set out his title at length, and prove at least one presentation in himself, his ancestors, or those under whom he claims; for he must recover by the strength of his own right, and not by the weakness of the defendant's: and he must also shew a disturbance before the action brought. The bishop and the clerk usually defend only as ordinary, and as presentee of the patron, who is left to maintain his own right. If the decision is in favour of the plaintiff, on the trial, further inquiry

inquiry is made: 1. Whether the church is full; and whether of the defendant's presentation, that the clerk may be removed by writ brought in due time. 2. The value of the living, in order to assess damages; and 3. In case of plenary upon an usurpation, whether six calendar months have elapsed between the avoidance and the time of bringing the action: for then it would not be within the statute. If a verdict is found for the plaintiff, and he has commenced his action in due time, he has judgment to recover the presentation; and if the church is full, to remove the clerk, unless it was filed *pendente lite* by lapse to the ordinary, he not being party to the suit; in which case the plaintiff loses his presentation, but may recover two years full value of the church from the pretended patron, as a satisfaction for the turn lost by his disturbance: or, in case of insolvency, the defendant shall be imprisoned for two years. But if the church remains still void at the end of the suit, the successful party may have a writ directed to the bishop *ad admittendum clericum*, reciting the judgment of the court, and ordering him to admit and institute his clerk. If the bishop refuses, the patron may sue him by a writ of *quare non admisit*, and recover damages.

In a writ of *quare impedit*, which is almost the only real action remaining in common use, and also in the assize of *durchein presentment*, and writ of right, the patron only, and not the clerk, is allowed to sue the disturber; but the presentation to benefices which belong to Roman catholic patrons, being according to their several counties, vested in, and secured to the two universities, the statute 12 Anne, st. 2. c. 14. provides that, besides the writ of *quare impedit*, to which the universities as patrons are entitled, they, or their clerks, may be at liberty to file a bill in equity against any person presenting to such livings, and disturbing their right of patronage, or his *cestuy que trust*, or any other person whom they have cause to suspect; in order to compel a discovery of any secret trusts, for the benefit of papists, in evasion of those laws whereby this right of advowson is vested in those learned bodies: and also by the statute 11 George II. c. 17. to compel a discovery whether any grant or conveyance, said to be made of such advowson, were made *bona fide* to a protestant purchaser, for the benefit of protestants; and for a full consideration; without which requisites every such grant and conveyance of any advowson or avoidance is absolutely null and void. This is a particular law, and calculated for a particular purpose: but in no instance but this does the common law permit the clerk himself to interfere in recovering a presentation, of which he is afterwards to have the advantage.

Lapse, as already has been intimated, accrues where the patron does not present to a vacant benefice within six calendar months, and by successive progressions of the same period, the right of presentation devolves from the patron to the bishop as ordinary; from the bishop to the metropolitan as superior, and from the metropolitan to the king as paramount. The six months are calculated in cases of deprivation or resignation, not from the day when those circumstances took place, but from the time when the patron had notice. In case of death, no notice is necessary, though if the incumbent died in parts beyond sea, a proper period would be allowed for the intelligence to arrive. But if the patron were beyond sea when the incumbent died, it does not appear that this would occasion any extension of time in his favour. If he presents an insufficient clerk, he does not gain time, but a lapse is incurred if one who is sufficient is not presented within six months from the day when the last incumbent died.

During this period, or during that in which any subsequent lapses may accrue, the living is said to be in a state of *vacation*, and the ordinary sends out his *sequestration**, to have the cure supplied, and to preserve the profits (after the expences deducted) for the use of the successor. Sometimes a benefice is kept under sequestration for many years together; it may be so wholly, when it is of so small value, that no clergyman fit to serve the cure will be at the charge of taking it by institution: in this case, the sequestration is committed sometimes to the curate only, sometimes to the curate and church-wardens jointly. Sometimes the fruits and profits of a living which is in controversy, either by the content of parties, or the judge's authority, are sequestered and placed for safety, in a third hand; and thus, during a litigation of title, the revenues are carefully preserved, and given to the victor: the judge also generally appoints some minister to serve the cure, during this interval, commanding those to whom the sequestration is committed, to allow him a fit salary out of the profits.

PRESENTATION. The general rules concerning presentation are; that it must be to a void benefice, for a custom to chuse a supernumerary was declared by the court of king's bench to be foolish and void; it must be made by the patron himself; and it has even been said, that if he were only a year old, or younger, some one ought to guide his pen, for presentation by a guardian is void, nor can the assignees of a bankrupt present to a void turn, though they may sell the whole subsequent right of the

* Sequestrations are also made for other causes; particularly neglect of duty, debts of the incumbent which there are no other means to satisfy; and on refusal to repair houses and chancels after due notice.

bankrupt to the advowson. If a married woman has the title, the presentation must be made jointly by the husband and wife. The king has the final right in case of lapse, and the sole right on promotion to a bishopric; and the lord chancellor, or lord-keeper of the great seal, has a right to present to the king's benefices, under a certain yearly value. A person cannot present himself; but if he offers himself to the ordinary, and is admitted, such admission will be good; but the most eligible mode is, to make over the right to another before the avoidance in trust to present the assignor.

Presentations must be made in writing, by a letter missive on a stamp; and where a corporation aggregate present, it is done under their common seal. The letter of presentation is addressed to the ordinary, or, in his absence, to his vicar general in spirituals, or to any other person having sufficient authority, reciting the death of the late incumbent, and requiring him to admit the person therein named, and to institute and induct him to the living.

A presentation once made by ecclesiastical persons, is not revocable; but the king may revoke at any time before induction, and absolutely; and lay patrons before admission, and institution, and then not absolutely, but *cumulando*, that is, by presenting another person, and thus leaving to the choice of the ordinary, whom of the two he will admit. This may be a convenient mode of avoiding litigation, and softening the rejection of a clerk whom the ordinary may have very good reasons for refusing.

EXAMINATION. After presentation, the bishop has two months allowed him to enquire and examine into the life, conduct, faith and learning of the individual proposed; not that it is absolutely necessary for so long a space to elapse, but at the end of that term, at the furthest, a decision must be made. By the canon no bishop is to institute a clerk, who has been ordained by another, except on production of his letters of orders; and a sufficient testimony of his former good life and behaviour if required; and unless he shall appear on due examination to be worthy of his ministry. The principal examination is as to learning, and this goes not merely to original languages of the scriptures, and the fathers of the church, but to any other language the want of which may render the clerk incapable of the cure. For it is a maxim that where there is a mixture of divers languages in any place, the person presented must understand the several languages, and therefore ignorance of Welsh was declared to be a good cause of refusal, where the service was to be performed in that language, and the objection would be equally valid if the clerk did not understand English; nor would it be an effectual plea to allege that the
language

language required might be learnt, or that a curate might, in the mean time, perform that part of the duty.

With respect to life and faith, a clerk presented may lawfully be refused; if perjured before a lawful judge, an heretic, schismatic, irreligious, or within age, or if he or his patron be excommunicated for the space of forty days; or if he be outlawed, or guilty of forgery, or has committed simony in procuring the presentment he brings, or of another presentment of a former benefice, or if attainted of manslaughter, and not pardoned. It is said, that the ordinary may refuse a clerk on his own knowledge for a sufficient offence, although he is not convicted by law. If an ecclesiastical patron presents a clerk who is refused, he cannot present a-new, but the benefice, without notice, lapses to the ordinary; but a lay patron must have notice, and is at liberty to present another clerk, so he be received within six months from the time when the living became vacant.

If the ordinary finds no legal objections, he admits the clerk. The term admission is sometimes considered as inclusive of institution, but properly speaking it is merely the reverse of rejection; in ancient times it appears to have been accompanied with a ceremony called investiture, but that is discontinued.

INSTITUTION OR COLLATION. There is no difference between institution and collation as to the act itself; but as the bishop does not present to livings in his own gift, or which fall to him by lapse, he immediately collates his clerk in the same form as he or his chancellor institutes one presented by any other patron. The bishop either institutes in person, or gives his fiat to the clerk, and empowers his vicar general, chancellor, or commissary, to perform the ceremony. It is not necessary, that examination, admission, or institution, should be made within the diocese in which the church is; for the jurisdiction of the ordinary, as to such matters, is not local, but follows his person wherever he goes.

The following oaths and subscriptions are required from the clerk on this occasion: the oath against simony, those of allegiance and supremacy, that of canonical obedience to his proper bishop in all things lawful and honest, and, if the institution is to a vicarage, that of personal residence, unless dispensed with. The subscriptions are to the king's supremacy, the lawfulness and sufficiency of the common prayer, the thirty-nine articles, and the declaration or promise of conforming to the liturgy.

During institution, the clerk kneels before the ordinary, who reads the form from a written instrument, to which is appendant the episcopal seal, which the clerk is to hold in his hand. A

distinct and particular entry of the institution is made in the public register of the ordinary, containing the circumstances, cause, and patronage in virtue of which it was done; and it is of great importance that such entries be duly made and carefully preserved. For more certain assurance, the ordinary generally makes letters testimonial of the institution, and then executes and delivers to the clerk a written mandate requiring the archdeacon, or other proper person, to induct him.

INDUCTION. After institution, induction renders the clerk complete incumbent, giving him corporeal possession. By this, he becomes seized of the temporalities of the church, acquiring power to grant, or sue for them; by this, he is unexceptionably entitled to plead, that he is parson imparsoned; and by this also, the church is completely full, not only against a common person, (for so it is by institution) but also against the king.

In inducting a clergyman, the person to whom the mandate of the ordinary is addressed, usually takes him by the hand, and lays it upon the key or ring of the church door, or if the church is ruinous, on part of the wall of the church or church-yard, and says to this effect; "By virtue of this mandate, I do induct you into the real, actual, and corporeal possession of this church of N. with all the rights, profits, and appurtenances thereto belonging." After which the inductor opens the door, and puts the person inducted into the church, who usually tolls a bell, to make his induction public and known to the parishioners; which being done, the clergyman who inducted indorses a certificate on the archdeacon's mandate, and they who were present testify it under their hands.

Donatives are given and fully possessed, by virtue of a writing of the patron, without presentation, institution, or induction; so in the king's free chapels, the grantee is put in possession by the sheriff of the county, and not the ordinary. In some places, a prebendary gains possession without induction; as at Westminster, where the king makes collation by his letters patent. In some places the bishop makes the induction, in some, others make it, but in all, the ancient custom is the ground of regulation. The possession of sinecures is obtained, like that of other rectories and vicarages, by presentation, institution, and induction. It is to be observed that, if a parson or vicar sue for tythes in right of his benefice, he is in strictness bound to prove his institution, induction, and all other acts required by law to qualify him to be incumbent, and it may be necessary to prove the same facts in some cases relating to the rights of others; it is therefore fit that every clergyman should cause a regular written memorandum to be made and subscribed by a sufficient number of credible witnesses who were present on the occasion,

caſion, both of his induction, and the performance of the following ceremonies :

Within two months after his induction, the clergyman, on ſome Lord's day, muſt openly, publicly, and ſolemnly, and at the proper time, read the morning and evening prayers; and publicly before the congregation declare his unfeigned aſſent and conſent to the uſe of all things therein contained and preſcribed, in theſe words, and no others: "I, A. B. do here declare my unfeigned
 " aſſent and conſent to all and every thing contained and pre-
 " ſcribed in and by the book, intituled, The Book of Com-
 " mon Prayer and Administration of the Sacraments, and other
 " Rites and Ceremonies of the Church, according to the uſe of
 " the church of England; together with the Pſalter or Pſalms
 " of David appointed as they are to be ſung or ſaid in churches;
 " and the form or manner of making, ordaining, and confe-
 " crating of biſhops, prieſts, and deacons." He muſt alſo, within the ſame period, read the thirty-nine articles in the time of common prayer, and, in like manner, declare his free and unfeigned aſſent to them, and every part of them; and farther, within three months, he muſt publicly and openly read the ordinary's certificate of his having ſubſcribed the declaration of conformity to the liturgy of the church of England, as by law eſtabliſhed, together with the ſame declaration or acknowledgment, upon ſome Lord's day within three months next after ſuch ſubſcription, in his pariſh church where he is to officiate, in the preſence of the congregation then aſſembled in the time of divine ſervice. And on failure in either of theſe obligations, he is *ipſo facto* deprived, and the patron, within fix months after notice, muſt preſent another to the benefice, or it will lapſe.

PRIVILEGES AND RESTRAINTS. Many privileges were conferred, and many reſtraints impoſed on the clergy by the ancient canonical laws, which are now abrogated, grown obſolete, or ceuſe to be chained. By the inſtitutes of the Romiſh church, the clergy were forbidden to marry, but this unſcriptural reſtraint, equally repugnant to good morals and ſound policy, vaniſhed before the light of the reformation. By the letter of the canon, they could not miniſter in ſecular affairs, and were therefore inhabitted from being named juſtices, or becoming miniſters of juſtice; yet it is well known that, by ſucceeding clauſes, introduced into the canon, the Romiſh clergy filled not only the judge's ſeat in the court of chancery, but were often juſtices of other courts, and conſequently gave ſentence of blood. In our days, a clergyman is not prevented from being a juſtice of the peace, but there is no inſtance of his being ſeated on the bench in any of the courts at Weſtmiſter; and it is generally under-

flood that the law societies would not call to the bar a person who had taken holy orders. A clergyman is not bound to serve in any temporal office, even though it may be executed by deputy, as sheriff, constable, or juryman, nor to attend the sheriff's turn or lect, nor to serve in war. He is protected from arrest in civil suits in going to, staying at, and returning from divine service, but the statute provides that the clergy "shall not remain" within the churches or sanctuaries by fraud or collusion in any manner." The sheriff cannot levy on his ecclesiastical goods, nor can a distress be taken of the fees of the church; but the profits of a living may be sequestered for payment of the incumbent's debts. In old times they claimed exemption from tolls and other impositions, unless specifically mentioned in acts of parliament, but now the contrary doctrine prevails, and they are held to be liable unless specially exempted. In some acts the poorer classes of clergy are exonerated from certain taxes, but the instances are few, and cannot affect the whole body. A clergyman is not allowed to farm for profit, except his own estate, or so much land on hire as will supply his family, under penalty of 10*l.* a month; nor to keep a tan-yard, or brew-house; nor generally to use traffick in any sort of merchandize, on pain of forfeiting treble the value.

In offences where by law a layman is once intitled to benefit of clergy, a clerk is intitled to it an indefinite number of times; but it should be observed, that those crimes for the commission of which a layman, having had benefit of clergy, would escape almost unpunished, may subject a clergyman to privation of benefice and degradation; and he may be imprisoned by the spiritual judge for incontinence.

The battery of a clergyman is subject to peculiar penalties; for it is enacted by the statute called *articuli cleri*, 9 Edw. II. c. 3. that if any person lay violent hands on a clerk, the amends for the peace broken shall be before the king; that is by indictments in the king's courts; and the assilant may also be sued before the bishop, that excommunication or bodily penance may be imposed; which, if the offender will redeem by money to be given to the bishop, or the party grieved, it may be sued for before the bishop; a form which, under other circumstances, would expose the plaintiff to danger of *præsumere*. So that a person guilty of such brutal behaviour to a clergyman is subject to three kinds of prosecution; an indictment for breach of the king's peace, a civil action for damages, and a suit in the ecclesiastical court, first, *pro correctione et salute anime*, by enjoining penance, and then again for such sum of money as shall be agreed on for removing the penance enjoined.

But the most generally characteristic restraint affecting the clergy,

clergy, is that of dress: The precise manner in which a clergyman shall be habited cannot be prescribed; but the general rule is, that he shall appear in dress such as shall comport with gravity and decency, without effeminacy or affectation. To those who indulge in complaints (and they are not a few) that the clergy of this age, particularly the younger, dress in a sloppish and unbecoming style, it may be some consolation, unless their animadversions proceed from mere want of charity, to know that this circumstance does not denote any particular degeneracy in the present times, but formed the subject of solemn complaints, and the basis of an ecclesiastical canon nearly five hundred years ago. "The outside habit," said John Stratford, archbishop of Canterbury, in 1343, "often shews the inward disposition; and though the behaviour of the clergy ought to be the instruction of the laity, yet the prevailing excesses of the clergy, as to tonsure, garments, and trappings, give abominable scandal to the people; because such as have dignities, parsonages, honourable prebends, and benefices with cure, and even men in holy orders, scorn the tonsure (which is the mark of perfection and of the heavenly kingdom), and distinguish themselves with hair hanging down to their shoulders, in an effeminate manner, and apparel themselves like soldiers rather than clerks, with an upper jump remarkably short, with excessive wide or long sleeves, not covering the elbows, but hanging down, their hair curled and powdered, and caps with tippets of a wonderful length, with long beards, and rings on their fingers, girt with girdles exceedingly large and costly, having purses enamelled with figures, and various sculptures gilt, hanging with knives (like swords) in open view, their shoes chequered with red and green, exceeding long, and variously indented, with croppers to their saddles, and horns hanging to the necks of their horses, and cloaks furred on the edges, contrary to the canonical sanctions; so that there is no distinction between clerks and laicks, which renders them unworthy of the privilege of their order." Yet the worthy archbishop, after a severe ordinance against these indecorous excesses, adds, "yet by this constitution we intend not to abridge clerks of open wide furcoats, called table coats, with sitting sleeves, to be used at seasonable times and places; nor of short and close garments whilst they are travelling in the country at their own discretion."

RIGHTS OF CLERGYMEN. A parson has, during his life, the freehold in himself of the parsonage house, the glebe, the tythes, and other dues.

TYTHES. The most important and general of these rights is that of tythes, which are defined to be the tenth part of the

increase, yearly arising and renewing from the profits of the lands, the stock upon lands, and the personal industry of the inhabitants.

The origin of the right to tythes might, with great truth, and, it is to be hoped, with great safety to the interests of the clergy, be referred to divine institution, it being clearly ordained by the law of Moses; but, as a civil claim, its foundation rests on a basis of the greatest antiquity, and is supported by undisturbed usage. An ecclesiastical canon established it as early as the year 786; it was subsequently allowed by the kings of Mercia and Northumberland, during the heptarchy, and finally confirmed, as a civil right, by various kings of all England, particularly by Ethelwolf, Alfred, Edward the Elder, and Athelstan. Thus is the title to tythes, putting divine right, and even the moral duty of providing for those who devote their lives to the service and instruction of the public out of the question, fixed on a principle of possession more ancient than any other undisturbed tenure of mere property in the kingdom. Estates have been bought, sold, and inherited, subject to them from a period when possession and alienation can only be inferred by argument, but not proved as matter of fact; the value of estates, both in purchase and in leases, has been regulated by the consideration of them, and a proprietor has no more reason to complain that his land is not tythe-free, than he has that his neighbour's field is not his own.

It is not possible, in this work, to enter into all the distinctions which have been raised by the ingenuity of reason respecting tythes; but, for the general understanding of the subject, some distinction and arrangement will be necessary.

Tythes of some things are due of common right, of others by custom. Tythe is not due of common right of any fruit of the earth, which does not renew annually. Tythe, which arises from a fruit of the earth, can never be part of the land from which it arises, but must always be collateral thereto. Thus it is not due of common right for the produce* of a mine or quarry, nor for lime, chalk, or bricks, turf, gravel, or salt; because some of them do not renew annually, and others are not collateral to, but part of the land, or made out of it; but these and things similar may, by custom, be liable. Tythe is not, by common right, due for a house; but in London, and most ancient cities and boroughs, statute or custom subjects them to this demand, without which there would not, in many parishes, be a proper maintenance for the clergy.

Tythes are personal, predial, and mixed.

Personal are the tenth part of the *clear gains* of manual occupations, trades, fisheries, and the like, after deducting all charges
and

and expence. This species of tythe was subject to many exceptions by statutes and by legal reasoning; it is now only payable by special custom, and perhaps is paid no where in England, except for fish caught in the sea, and for corn mills.

Predial tythes are those which arise immediately from a fruit of the earth, as from corn, hay, hemp, or hops, or from any kind of fruit, seed, or herb. In this head is included the tythe called *Agistment*, which, in the strict sense of the word, means depasturing a beast the property of a stranger, but, in its legal sense, depasturing any beast, whether owned by the occupier or a stranger. This tythe is paid, not for the increase or improvement of the animal agisted, but for the grass eaten by it. With respect to the tythe of wood, many curious cases and applications to parliament, and much litigation have arisen. It is enacted that tythe shall not be demanded of gross wood, of the age of twenty years or upwards, and it is established by the decision of courts, that by gross wood is not meant high or large wood, but such wood as is generally, or by the custom of a particular part of the country, used as timber. Thus oak, ash, and elm, by universal reasoning, are exempt after the age of twenty years, and, by the custom of particular places, the hornbeam, the aspen, and some other trees; and the privilege, once acquired by the tree, extends to its loppings, though they be sold for fire-wood, and not used as timber, and to the germens which spring from it after it has been cut down. Tythe is in general due of beechen, birchen, hazel, willow, fallow, alder, maple, and white-thorn trees, and of all fruit trees, of what age soever they are; because the wood of these trees is not often used as timber. But, if the wood of any of them be frequently used, in a particular part of the country where timber is scarce, in building or repairing, tythe is not due of such trees, if they are of the age of twenty years.

Mixed tythe is that which consists of natural products, but nurtured and preserved by the care of man, and it arises from a beast, bird, or fowl. It generally consists in the young of beasts, the eggs and young of fowl or birds, of wool, milk, honey, bees wax, and fish taken out of a pond. It cannot be claimed of the young of animals, which are *fera nature*, as deer, rabbits, and tame pheasants; or kept merely for pleasure, as hounds, or singing birds, nor of milk, pigeons, fruit, pease, or any other thing used in the house, but only of such portions as are sold or converted into profit.

Predial and mixed tythes consist of a full tenth of the gross produce, without any deduction for rent, expence, or labour. In some places customs prevail that of certain things more or less than an exact tenth shall be paid as tythe, and these customs,

if established by proof, are valid; but it is essential that they should be explicit and reasonable, and not have a tendency to subject the clergyman to fraud or caprice.

Tythes again, in respect of their value, are divided into *great*, as corn, hay, and wood; and *small*, as fruits and herbs, and the personal and mixed tythes in general. On the distinction between great and small tythes a great diversity of decisions has taken place, dependent sometimes on peculiar views of the subject, sometimes on local customs, and occasionally on principles which have varied in their application.

Tythes are payable in general either to the minister of the parish or to the impropriator. In ancient times, although no person could be exempt from payment of tythe, it was held that every man was at liberty to render it to what church he thought fit; this uncertain regulation was early terminated; but a consequence of it still remains, as it happens in some, though but few places, that a rector or impropriator of one parish claims the tythe of lands locally situated in another. In general it may be said, though the rule is not without many exceptions and distinctions, that the great tythes belong to the rector or lay-impropriator, the small to the vicar.

OF SETTING OUT TYTHES. Predial tythes are generally set out by separating one tenth from the other nine; and placing on it a bough to show for what it is intended; but before the nine sheaves of the occupier are taken from the ground to be carried away, the whole ten are to be set out for the inspection of the person entitled to the tythe. The agriement tythe is two shillings in the pound on the rent of the land. By a statute of William III. persons sowing land with flax or hemp are not to pay more than five shillings per acre for tythe, and by one of George II. the same benefit is extended to madder. Of milk the tenth meal of all a farmer's cows is to be set out, and not the tenth part of every meal; of wool the tenth part by weight; and of young animals the tenth part so soon as they can live without the old ones; or if the number of any species does not amount to ten, then a tenth part of the value of the whole in money. Unless there is a special custom to the contrary, the tythe owner is obliged to carry away his tythe in reasonable time, and not the farmer to carry it for him. Tythe of milk is set out in vessels belonging to the farmer, but if the person entitled does not fetch it away in vessels of his own before the next milking time the parishioner may pour it on the ground, because he may then have occasion for the vessel in which it was set out; and the proprietor of a predial tythe must carry it away in a reasonable time, or be liable to an action for damages by the occupier of the land.

PROCEEDINGS ON THEIR BEING WITHHELD. If the tythes are *subtracted*, as it is called, that is omitted to be duly set out, the owner has remedy either by bill in equity calling on the defaulter to account for the quantity withheld, which the court will make him compensate for with costs, or by action on the statute 2 & 3 Edw. VI. c. 13.; in which he will be obliged to pay three times the value subtracted with costs. Where small tythes are in value under forty shillings, two justices of peace, neither of them being patron of the church, are enabled on complaint of the proprietor, and hearing or default of the party after due notice, to issue a distress for the value, and costs not exceeding ten shillings. Quakers, from conscientious motives, refuse to pay their tythes, and therefore it is enacted that two justices may, in like manner, compel them to pay, to whatever they may amount; but, in both cases, the parties may appeal to the sessions, and, if they dispute the title to the tythe, remove the question into a higher court.

MODUS. The disputes and embarrassments attendant on the strict exaction of tythes in kind, are frequently avoided by a composition for those of a particular class, or for all, which is properly called *modus decimandi*, or in current speech a *modus*. This may sometimes be made to bind the parties for ever; but in general it is only good with respect to those who contract. A modus, to be binding for ever, must be taken as an ancient custom to which not only the parson but the ordinary law assented; it is presumed to have been declared by a deed; it must be reasonable; certain as to the object for which it is paid, the quantum, and the period of payment; and it must not be liable to fraud; it must also have been constantly paid, for by intermission it is destroyed.

EXEMPTIONS. Lands are exempted or discharged from tythes for various causes; those in the king's possession, by reason of his prerogative, but this is personal to the sovereign, and does not extend to his grantee or heirs; barren lands are exempt, and lands that have been heath or waste are not, when improved, subject for the next seven years to any tythe greater than they have previously paid; glebe in the lands of the rector does not pay small tythes to the vicar. But the greatest cause of total exemption arises from the rule of the Romish church, that discharged monks of all orders from payment of the tythes; consequently, on the suppression of monasteries, acts of parliament were made, that every person acquiring their lands, tenements, tythes, or hereditaments, should hold them on the same terms as the religious possessors ought to have held them if they had not been suppressed or dissolved.

OFFERINGS.

OFFERINGS. Offerings, oblations, and obventions, are the same thing: though obventions is the more extensive word. Under these are comprehended, not only those small customary sums commonly paid by every person when he receives the sacrament of the Lord's supper at Easter, which in many places is, by custom, two-pence from every communicant, and in London four-pence a house; but also the customary payments for marriages, christenings, churchings, and burials, including pensions, mortuaries, compositions, and whatever falls under the denomination of surplice fees. Offerings were, in former times, made at the holy altar by the king and queen twelve times in the year on festivals called offering days, and distributed by the dean of the chapel to the poor. The money in lieu of these accustomed offerings is now fixed at fifty guineas a year, and paid by the privy purse annually to the dean or his order; for the distribution of which offertory money, the dean directs proper lists of poor people to be made out.

It was enacted by the statute 2 & 3 Edward VI. c. 13. that all persons who by law and custom ought to make their offerings, should pay them to the parson, vicar, proprietor, or their deputies or farmers of their parishes, on the four usual offering days, which are Christmas, Easter, Whitsuntide, and the feast of the dedication of the parish church, it has been decreed that such offerings are due by common right, and not by custom only; and a learned judge in delivering this opinion observed, that they were a compensation in lieu of personal tythes. They may be recovered like tythes under forty shillings.

GLEBE. Every church of common right is entitled to house and glebe. And the assigning of these at the first was of such absolute necessity, that without them no church could be regularly consecrated. The house and glebe are both comprehended under the word *manse*. The freehold of the glebe is in the parson from the moment of induction, but the fee simple is in abeyance, a provision wisely made by the law to prevent difficulties in the obtaining of possession by a new incumbent on account of the acts of his predecessor. The parson can now in no wise, not even with consent of the ordinary, alienate, exchange, or incumber the glebe, and certain acts tending to that effect are not only void in themselves but subject the incumbent to deprivation, and the other party in the contract to excommunication. If any incumbent die, and before his death has caused any of his glebe lands to be manured and sown at his own expence with any corn or grain; he may, by will, bequeath as he shall think fit, all the profits of the corn growing upon the glebe lands so manured and sowed. But a suc-

cessor included before the severance thereof from the ground, shall have the tythe.

In the whole manse, however, the clergyman has but a qualified estate; he may use it honestly, but not abuse, waste, or dilapidate it either by act or neglect, for it is the dowry of the church. Such conduct has been deemed a good cause of deprivation, or its progress may be arrested by a writ of prohibition; and for dilapidations found at the death of an incumbent, his successor receives a full compensation out of his effects, which he is obliged to expend in making necessary repairs. For the reasonable improvement of parsonages it is provided, by 17 Geo. III. c. 53., that the incumbent with the consent of the ordinary and patron, obtained in consequence of certain representations on oath, may borrow reasonable sums of money, and charge the living with the payment and interest.

FIRST FRUITS AND TENTHS. A deduction is made from the emoluments of the clergy in general under these denominations: first fruits are the value of every ecclesiastical living for the first year; tenths, a tenth part of the tythes of the clergy. Both these incumbrances were imposed by the pope, but at the reformation secured to the crown, and continued to be part of its revenue till appropriated by Queen Anne to the augmentation of small livings. It is in the power of the chancellor to issue in the king's name, commissions into every diocese for the purpose of ascertaining the exact value of benefices, that they may be rated accordingly. The first fruits are not paid within the year in which they arise, but different periods are allowed; the incumbent giving security for the principal, but the tenths become due yearly at Christmas, and are to be paid before the 3oth of April. It is enacted, that the collectors shall have convenient offices in London or Westminster, and, accordingly, the First Fruits office is established in the Inner, and the Tenths office in the Middle Temple. There are several exemptions from the payment of first fruits and tenths, and particularly one which exonerates all livings under the clear yearly value of 50*l*.

ECCLESIASTICAL ASSEMBLIES. The ecclesiastical assemblies known to the English law are CONVOCATIONS and SYNODS, but as they are in modern times much disused, little notice of them is necessary. The powers anciently claimed by the clergy of passing statutes for their own regulation, and imposing on themselves taxes proportioned to their share of the public burthens, are now no longer separate from the general authorities of the state. No ecclesiastical assemblies can be convened of their own right, but by the king's mandate alone; the clergy, in right of their benefices, vote for knights of the shire, and so are represented, although they cannot sit in the House of com-

mons, and their rights and property are guarded, and their conduct regulated by the same body which extends its care over the rest of the nation. The convocation legally consisted of two houses, the archbishop sitting as king; the bishops as lords, and the inferior clergy, who were elected in certain numbers, and sat in another house representing the commons. A convocation was held in each province.

CHURCHES AND CHAPELS. Cathedrals having already been described, it becomes fit to notice other places of worship wherein the clergy of the church of England can officiate. By the common law any person might build a place of worship on his own estate; but it was not considered as a church till consecrated. At a very early period, the Saxons, in large districts, founded churches for themselves and their tenants; in progress of time others were erected, which obtained tithes, burial, and baptism. And now every church, having these appendages, is deemed a parish church.

CHAPELS are of different kinds.

Private Chapels, which noblemen and others erect, adorn, and maintain at their own charge, and provide them with chaplains who are remarkably pensioned for performing religious ceremonies for the family. In former times these chapels were all consecrated by the bishop of the diocese, and in strictness ought to be so still. Private chapels are frequently built in large parishes, at the cost of individuals, whether clergy or laity; and being consecrated by the bishop, divine service is performed in them; the clergyman, or proprietor, drawing his emolument from the hire of the pews or seats.

Royal Chapels, are so called from their being exempt by royal licence from the jurisdiction of the ordinary, but they may be visited by the lord chancellor for the king.

Chapels of Ease, of which some are parochial. A chapel merely of ease, is that which was not allowed a font at its institution, and which is used only for the ease of the parishioners in prayers and preaching, (sacraments and burials being received and performed at the mother church,) and commonly where the curate is removable at pleasure, the parochial minister having the cure of both, but exercising it there by a vicar not perpetual, but temporary. A *parochial chapel* is that which has the parochial rights of christening and burying; and this differs in nothing from a church, but in the want of a rectory and endowment.

When by long use and custom, parochial bounds became fixed and settled, many of the parishes were still so large, that the inhabitants of remote hamlets found it inconvenient to be at so great a distance from the church; and therefore, for their relief

relief and ease, private oratories or chapels were built, and a chapelry sometimes endowed by the lord of the manor, or some other benefactor, but generally the chaplain was maintained by a stipend from the parish priest, to whom all the rights and dues were preserved. In order to authorize the erection of a chapel of ease, the joint consent of the diocesan, the patron, and the incumbent, if the church was full, were, and, as it seems, still are, required.

CONSECRATION. The law takes no notice of churches or chapels, till they are consecrated by the bishop; and a church cannot be consecrated, without a competent endowment.

The ceremony of consecration may be performed on any day, and no precise form is absolutely fixed. In 1712, the bishops in convocation transmitted a form to the lower house, which they agreed to with some alterations; although it never received the royal assent, it is generally followed, and is solemn, majestic, and impressive. As it consists chiefly of a series of prayers, psalms, and ecclesiastic offices, it is not here particularly described.

In the consecration of a new church, provision is to be made, that no damage may accrue to the rights or revenues of any other. A reasonable procuration is due to the bishop who consecrates, for the necessary refreshment of himself and his servants, he being on this occasion, as on visitations, sometimes drawn to a great distance from his palace. A church once consecrated need not be consecrated again. The canon law made an exception where it had been polluted by the shedding of blood; and if a church is utterly ruined and decayed, or the greater part of it destroyed by fire, it seems that it ought, when rebuilt, to be consecrated anew.

REPAIRS. Anciently, the bishops had the whole tithes of the diocese, a fourth part of which, in every parish, was applied to the repairs of the church: but on a release of this interest to the rectors, the bishops were exonerated from this duty, and now the burthen generally lays on the parishioners. In some places, the repairs of that part of the church which is called the chancel, belong to the rector, vicar, or lay impropriator, but this is regulated by custom. These repairs may be ordered by the churchwardens of their own authority, and if they neglect, the archdeacon can compel them, but any addition to the church, as a new gallery, can only be made with the consent of a majority of the parishioners, and by a licence from the ordinary. If it is necessary to pull down a ruinous church, or to enlarge a small one, the major part of the parishioners, having obtained the consent of the ordinary, and meeting upon due notice, may make a rate for either purpose.

All rates for the reparation of the church, are made by the church-wardens, together with the parishioners assembled on public notice given in the church; the whole parish being bound by the vote of those who attend; but if no other parishioners are present, the church-wardens alone may make the rate; because they, and not the parishioners, are to be cited and punished in defect of repairs. If they neglect or refuse, the bishop cannot direct a commission, to rate them, but they are to be compelled by spiritual censures.

SEATS OR PEWS. Before the reformation, no seats nor distinct apartments in church were peculiarly assigned, except to some great persons. The seats were moveable, the property of the incumbent, and in all respects at his disposal. At present the ordinary has the power of assigning seats; though by custom it may belong to the churches; or a seat or pew may by prescription or by faculty, be annexed to any particular house. In these cases the proprietor must repair his own pew, but in general, seats are built and repaired, like the church itself, at the general charge of the parishioners.

GOODS AND ORNAMENTS OF THE CHURCH. In the time of the catholic religion, the ornaments of the church were redundant and costly. Since the reformation, none have been retained that were not essential to the decency and solemnity of divine service, but none have been rejected in compliment to an affected precision, which, under pretence of removing the superfluous trappings, would have reduced the externals of religion to a pitiful degree of meanness. The furniture, ornaments, vestments, and books necessary to a church are provided by the church-wardens, who cannot alter them without the consent of the parish. Any person may give or dedicate goods to the use of the church; but the property is immediately changed, and he who builds a pew, or hangs a bell, can by no means take down the one or remove the other. If the walls, windows, or doors of the church, or trees in the church-yard, are broken or cut down, the rector may pursue the legal remedies against the offender, because he has the freehold, but if the goods or ornaments of the church are taken or converted to the use of any person, the church-wardens, as trustees for the parish, must seek redress.

The goods and ornaments most indispensably required in a church, and which must be provided and kept in cleanly and decent order by the church-wardens, are these. For general service;—a pulpit and reading desk, and surplice for the minister; and a desk for the clerk;—for baptism, a font of stone;—for the sacrament of the Lord's supper, a communion table, covered in time of divine service, with a carpet of silk, or other decent stuff;

fluff, and with a fair linnen cloth, in the time of ministration; a basin, in which the alms for the poor are to be received, while the minister reads the sentences of the offertory; a chalice, ewer, cup, patines, and other vessels, if necessary, for the consecrated bread and wine. The number and quality of these depend in a great degree on the populousness of the parish and the liberality of the parishioners; the canon requires only that they be clean and sweet, of pewter, if not purer metal; but there are few parishes where the liberality of individuals, or a general sense of propriety, has not occasioned the purchase of silver vessels for the administration of this most solemn office of religion. The books are, a bible of the largest volume; a book of common prayer, and to these are added a book of homilies, but this is rarely bought; there are besides regular books of christenings, marriages, and banns of marriage, and burials, which are directed to be placed in a chest with three locks, the keys of which respectively, are kept by the minister, and by each church-warden.

The parish must also furnish the church with bells and ropes; there must be a bier for the dead; and it is ordained that the ten commandments be set up at the east end of every church and chapel, chosen sentences written on the walls in places convenient, and the table of degrees of marriages prohibited publicly exhibited. To these things are usually, though not necessarily, added, a clock, an organ, chandeliers of metal, prayer books for the church-wardens, a stove or grate for the winter, and some other conveniences. And it is to be observed, that although the adoration of images is forbidden in the church of England, yet if superstitious images or pictures remain, no man has a right to break or deface them: such an effort of zeal would be punished as a misdemeanour.

By the riot act 1st Geo. 4. c. 5. "If any persons unlawfully, riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force demolish or pull down any church or chapel, or any building for religious worship certified and registered according to the 1 W. c. 18. the same shall be adjudged felony without benefit of clergy. And the hundred shall answer damages, as in cases of robbery."

CHURCH YARD. At what time burials in or near churches began to take place is a matter of doubt, but it was an ancient ecclesiastical constitution, that around a large church forty paces of land should be reserved, and about a smaller, thirty paces. Church-yard is generally used as synonymous with cemetery, though it frequently happens that a considerable portion of the church-yard is not used for burials, or that a burial ground is

purchased by a parish at a considerable distance from its church. It is an ancient maxim that *canonarium gaudet eodem privilegio quo ecclesia*; and a burial ground, whether strictly speaking a church-yard or not, is solemnly consecrated by the bishop, either together with the church, or separately. Before the protection afforded by sanctuaries was abolished by the statute 32 Hen. VIII. c. 12, church-yards, as well as churches, afforded refuge against the pursuits of justice. It is the duty of the church-wardens to prevent any traffic, games, or military musters in church-yards; their inclosure belongs to the parishioners, and is to be kept up at their expence, but the produce is the property of the minister, who has the freehold. Striking or drawing a weapon, with intention to smite, even though the motive be self-defence, in a church or church-yard, is a ground for excommunication, the severest of ecclesiastical censures; and corporeal punishment may further be inflicted, on conviction in a temporal court.

PARISH CLERKS. These persons were formerly read clerks, clergymen, and some are to this day. They are required to be twenty years of age at least; known to the parson, vicar, or minister to be of honest conversation, and sufficient for their reading, writing, and also, if possible, for competent skill in singing. By common law, the incumbents of livings had a right to nominate these clerks, and their right was established by an ecclesiastical canon, but in some places, it yields to an ancient custom or prescription, empowering the parishioners to elect. After being duly chosen and appointed, they are licensed by the ordinary, and sworn to obey the minister. Their duty is to attend divine service on all occasions, read the responses in a clear and audible manner, announce and sing the psalms, and read from the desk, after the communion and before the sermon in the morning service, all parochial notices desired to be read by the church-wardens or other competent authority: they also attend all baptisms, marriages, churchings of women, and funerals. Their emoluments depend chiefly on customs, varying in various places, being chiefly derived from fees paid to them on these occasions, for the recovery of which, if customary, recourse may be had to the courts of law. The office of parish clerk is a freehold for life, and it is held that he can only be censured, but not deprived by the ecclesiastical courts.

SEXTON. This officer is the keeper of the holy things belonging to divine worship; he is appointed by the minister or others, and receives his salary according to the custom of each parish. He may, by custom, have a freehold in his place, but is generally removable by those who appoint him. The office may be filled by a woman, and when it is in the gift of a parish, women may vote.

PARISHES. The division of the kingdom into parishes is purely ecclesiastical, but its origin is uncertain. In the most ancient times, the bishops and their clergy lived in common; and before the number of Christians was much increased, the bishops sent out their clergy to preach to the people as they saw occasion. But after the inhabitants had generally embraced Christianity, this itinerant system being found inconvenient, limited bounds to parochial cures were found necessary, and were probably in some degree settled by the bishops who were most instrumental in converting the nation from the Saxon idolatry. At first they made use of any old British churches that were left standing; and, in successive ages, churches were built and endowed by lords of manors and others, for the use of the inhabitants of their several districts, where, in consequence, parochial bounds were affixed. Such building and endowment gave a primary title to the patronage of laymen, and made the bounds of a parish commensurate to the extent of a manor. The tithes were originally not purely appropriated, but delivered to the bishop, to be distributed according to the instruction of the person paying, or at his own discretion; but when Christianity extended itself, and the lords began to build churches on their own demesnes or wastes, to accommodate their tenants in one or two adjoining lordships; then in order to have divine service regularly performed, they obliged all their tenants to appropriate their tithes to the maintenance of one officiating minister; and this tract of land, the tithes whereof were so appropriated, formed a distinct parish. This accounts for the frequent intermixture of parishes one with another; for, if a lord had a parcel of land detached from his principal estate, but not sufficient to form a parish of itself, it was natural for him to endow his newly-erected church with the tithes of those disjointed lands, especially if no church was then built in any lordship adjoining to those outlying parcels.

The boundaries of parishes depend on immemorial usage, and the memory is kept alive by perambulations, which are generally made in the rogation weeks. This ceremony ought to be performed by the curate and some chief persons of the parish, accompanied by some of the young people. The forms and ceremonies which, in times of popery, made it a religious procession, are forbidden, but the civil use of the perambulation is rigidly retained, inasmuch that it has been decided to be lawful for the parishioners to pass, according to ancient custom, over a close for this purpose, and to pull down, as nuisances, gates and hedges erected in order to obstruct their progress.

EXTRAPAROCIAL PLACES. When the kingdom was divided into parishes, and parish churches endowed, some lands, either

because they were in the hands of irreligious and careless owners, or were situate in forests and desert places, or for other now unsearchable reasons, were never united to any parish, and therefore continue to this day extraparochial, and their tythes are now, by immemorial custom, payable to the king instead of the bishop, in trust and confidence that he will distribute them for the general good of the church; yet extraparochial wastes and marsh lands, when improved and drained, are, by the statute 17 Geo. II. c. 37. to be assessed to all parochial rates in the parish next adjoining.

VILLS. The term vill is not definite in its signification. A parish is understood to be but one vill, but every vill is not a parish; it must consist of ten families, and have a constable, or at least the reputation of a vill; for if all the houses in a borough be decayed, it is yet a vill; but if an extraparochial place, having anciently been, for example, a nobleman's park, is occupied by any number of farmers, not amounting to ten, it is not a vill, however great and valuable the farms may be.

TOWN, TOWNSHIP, TITHING, OR VILLAGE. The statute 13 and 14 Car. II. c. 12. provides, that when a parish is so large that it cannot have the benefit of the overseers and provision for the poor, two overseers may be appointed for every township or village in such parish. In this statute the words township and village have always been thought synonymous; but it has been held that wherever there is a constable, there is a township; and parishes in some counties, as in part of Bedfordshire, are divided into tythings. These terms, therefore, are considered synonymous, as applied to divisions of parochial demesnes, though, in common speech, they are subject to many distinctions; nor is the word *Hamlet* easily to be distinguished from the others, but it is generally, though not necessarily, understood to be the most diminutive.

CHURCHWARDENS AND SIDESMEN. In the ancient episcopal synods, the bishops were used to summon divers creditable persons out of every parish, to give information of, and to attest the disorders of the clergy and people. These were called *testes synodales*; and becoming standing officers, gained the name of *synod's men*, whence, by corruption, *sidefmen*: they are also sometimes called *questmen*, from the nature of their office, in making *inquiry* concerning offences; they were chosen annually in Easter week, and continue to be so in most parishes, but the efficient part of their office is now devolved on the churchwardens, so that the nomination of any individual to be a sidesman, is considered only as preliminary to the attainment of the more distinguished office.

Churchwardens are chosen in vestry on the Tuesday in Easter week, throughout the kingdom, except where special custom or

peculiar accident determines it otherwise. In some parishes the minister appoints one, and the parishioners the other, but in some the vestry appoint both. The usual mode is for persons to be put in nomination; if more than two are proposed, a shew of hands may determine the election, but if a poll is demanded, it is generally taken by putting down the names of the candidates on paper, and each parishioner making a scratch in a line parallel to the name of him for whom he intends to give his suffrage. The scratches being cast up by the vestry clerk, the chairman declares those persons who appear to have a majority duly elected. Each churchwarden is obliged, at the next visitation, to swear before the ordinary, that he will truly and faithfully execute his office, and present such things and persons as to his knowledge are presentable by the laws ecclesiastical of the realm. The sidersmen swear to assist the churchwardens in the exercise of their office, as bound by law.

If the ordinary for any cause refuses to administer the oath, the court of King's Bench will grant a mandamus; and when two sets of churchwardens are chosen by a parish, and contest their rights, the court grants the same process to both, and an action may be brought by those who are sworn, but not admitted to act. It is held by some, that a churchwarden is not duly possessed of his office till sworn, but others have held, that, when elected, he becomes *eo instante*, a temporal as well as spiritual officer. In favour of this latter opinion, besides the authority, (that of lord Kenyon) reason seems to be very strong, since the oath is merely promissory, and implies no qualifications, and it is supported by the canon, which declares, that the churchwardens or questmen shall not continue any longer than one year in that office, except perhaps they be chosen again in like manner. Yet, by a later canon, it is declared, that the office of all churchwardens and sidersmen shall be reputed to continue, until the new churchwardens that shall succeed them be sworn.

If a churchwarden duly elected or appointed refuses to be sworn, he may be excommunicated, and no prohibition can be granted to stay his sentence: this may perhaps account for the apparent repugnance between the two canons, as it would be very unfit that churchwardens elect, by refusing the oath, should deprive the parish of the protection and benefits to be derived from these officers; though it is perfectly right that he who has been elected, and is willing to take on himself the duty, should enter *eo instante* on his office, and not suffer the term to be indefinitely postponed by the ordinary.

Many persons are exempt from the necessity of assuming, though not forbidden to fill this office; *peers*, by reason of their dignity; *clergymen*, because of their order; *attornies* of the su-

perior courts at Westminster, by reason of their privilege; *apothecaries* in London and seven miles round, if free of the company; *dissenters* may appoint a deputy, if approved by the parishioners; and persons in holy orders, or pretended holy orders, belonging to any congregation of dissenters, are exempted; persons who have *persecuted a felon to conviction*, obtain what is termed a Tyburn ticket, which exempts them or those to whom they assign it; and those who *live out of the parish*, though they occupy lands within it, can in no wise be chosen churchwardens.

The churchwardens are so far incorporated by law, as to sue for the goods of the church, and to bring an action of trespass for them; and also to purchase goods for the use of the parish; but they are not a corporation in such sort as to purchase lands, or to take by grant, except in London, where they are a corporation for those purposes also. And although the churchwardens may have their action for the goods of the church, yet they cannot sell or give them away without the consent of the parish.

The duties of churchwardens, in taking care of the effects belonging to the church, have been sufficiently noticed in a preceding page; and as their duty, as *surveyors* of the poor, is in no wise distinct from that of the officers, properly so called, that subject is reserved till the poor are expressly treated on. The duty which the churchwardens have gained by a sort of encroachment from the sickmen, however highly it may have been considered in ancient times, is at present of little moment; it is that of making presentments at visitations of certain offences and irregularities. These visitations were, in ancient times, made by the archbishops and bishops in person, annually or oftener, it being ordained that they should go about their dioceses, at fit seasons, correcting and reforming the churches, and consecrating and sowing the word of life, in the Lord's fields. But as the prelates had power, in case of sickness or other public concerns, to delegate priests or deacons to assist them; they cantoned their great dioceses into archdeaconries, and gave the archdeacons commissions to visit and inquire, and to give them an account of all at the end of their visitations. Yet the great duty imposed on the bishop is by no means neglected; for while the personal attention of the archdeacon insures the performance of offices of form, such as the swearing of churchwardens, and prevents the general injuries which the church might sustain by the negligence or parsimony of parishioners; the bishop, by visiting frequently, once in three years is the usual term, prevents every neglect in the archdeacons, shews a due attention to the interests of his flock, and, by administering the office of confirmation, keeps alive the spirit of Christianity, and augments the number
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of communicants at the holy sacrament. On a visitation, it is understood that the visitor has a right to call by mandate on any licensed preacher, to preach a visitation sermon: the claim has been ineffectually resisted, but in general the mandate is considered as an honour, and obeyed with cheerfulness. Every parson, vicar, curate, schoolmaster, or other person licensed must, at the bishop's first visitation, or at the next visitation after his admission, exhibit to him his letters of orders, institution, and induction, and all other his dispensations, licences, or faculties whatsoever, which the bishop may either allow, or, for just cause, disallow and reject; if approved, they are signed by the register.

The archdeacons, in their visitation, are to see that the offices of the church are duly administered, and take an account in writing of all the ornaments and utensils, vestments, and books. This inventory is presented to them every year, that they may see what has been added or lost; they are to have a diligent regard to the fabric of the church, and especially of the chancel, and if they find any defects, to limit, under a penalty, a certain time, within which they shall be repaired. The churchwardens, and some other principal inhabitants, ought, on these occasions, at the command of the archbishop or his official, to present to them the public excesses of prelates and other clerks, and they ought also to present any other enormous crime, for the purpose of drawing on the offender ecclesiastical animadversion. These presentments were, in former times, required to be precise and specific, and made on oath, and the churchwarden, omitting to make and duly support them, was to be refused the holy communion; but in modern times this practice is much relaxed; the presentment, if ever made, extending rarely beyond the defects of the church, in order to obtain the authority of the ecclesiastical court for its reparation.

Thus, in fact, the office and duty of churchwardens are much limited; the money raised for relief of the poor does not pass through their hands; the church rate is generally small, and strictly applicable to the furniture and repairs of the church; the task of presentment is reduced almost to nothing, and the few remaining duties imposed by various acts of parliament, regard them rather as public persons, than as ecclesiastical officers. They are obliged to account, at the expiration of their office, for the monies which have come to their hands, and to this account they must swear; but their disbursements are judged on a more liberal principle than those of overseers, for if they have laid out the parish money imprudently and improvidently, yet if it be truly and honestly laid out, they must be reimbursed: the parishioners can have no remedy, unless some fraud or de-

ceit be proved against them; because the parish have made them their trustees; and, where they have passed their accounts at a vestry, the spiritual court cannot afterwards proceed against them to account upon oath.

VESTRY. A vestry is either *open* or *select*; the open vestry is the assembly of the whole parish, in some convenient place, for the dispatch of parochial business. These meetings, having been commonly held in the room adjoining or belonging to the church, where the priest's vestments are usually deposited, both the meeting and the room derive their name from that circumstance: vestries are, however, held in various places; in some parishes in the body of the church; in others, in rooms built for the purpose, and at a considerable distance from it. On the Sunday before a vestry is to meet, public notice ought to be given, either in the church, after divine service is ended, or else at the church-door, as the parishioners come out, of the calling of the meeting, the time and place of assembling; and it would be fairest also, to declare the nature of the business intended to be agitated. It is also usual to toll one of the church-bells, as notice to the parishioners, for half an hour before any matter is proceeded on.

In open vestries, every parishioner who has paid to the church-rates, or scot and lot, and no other person, has a right to attend; the minister, in this, as in every other parish-meeting, presides for regulating and directing of affairs whether he be rector or vicar. Out-dwellers, occupying land in the parish, have a vote, as well as the inhabitants; and the major part present will bind the whole parish; the right of adjourning the vestry is not in the minister, or any other person, as chairman, nor in the churchwardens, but in the whole assembly, where all are on an equal footing; and it must be decided, like all other matters there, by a majority of votes.

Most of these rules, except as to the composition of the assembly, apply to *select vestries*. These have been established in various ways; some, by an ancient custom, acknowledged by law to be valid, of choosing managers for the parish, who were empowered to nominate others to fill up vacancies in their body; some, by special acts of parliament, obtained at different times, and fifty were formed at once by the statute 10 Anne, c. 11. whereby the commissioners, for building the new churches, were directed to appoint a convenient number of sufficient inhabitants to be vestrymen; and from time to time, upon the death, removal, or other avoidance, of any such vestryman, the residue to elect a successor.

VESTRY-CLERK. This officer is chosen by the vestry; and he acts as its register or secretary, but has no vote: his business

to attend at all parish-meetings, to draw up and copy all orders, and other acts of the vestry, and to give out copies when necessary; and he has the custody of all the parish books and papers.

BEADLE. The beadle is also chosen by the parish; and his business is to attend the vestry, and execute the orders there made, or those of the churchwardens and overseers, as the messenger or servant of the parish.

UNION OF CHURCHES. It sometimes happens, that in two adjacent parishes, the want of wealth, or decrease of population, renders it improper to maintain separate churches, and, in that case, the law allows of a consolidation or union, which may be made by the ordinaries, patrons, and incumbents, or in towns corporate, with the assent of the mayor, sheriff, and commonalty, without any licence from the crown. These unions must be made subject to such provisos, as by writing under the seal of such ordinaries, incumbents, and patrons, shall be declared and set forth. But, notwithstanding such union, the parishes continue distinct as to all rates, taxes, parochial rights, charges, duties, and privileges; and churchwardens are elected and appointed for each as before. The repair of the united church rests on both parishes; and that which is deserted may be demolished, or fall to decay. The turns of presentation must be arranged between the contracting parties; but neither of the patrons changes the nature or terms of his respective advowson. If both churches are full at the time of the union, it cannot take effect till one becomes void, when the surviving minister officiates in the united church, and the next presentations follow, according to the compact.

DUTIES OF THE CLERGY. The consideration of these will branch into many divisions, both as they relate to the clerical body, and to those to whom they render the services of their function.

RESIDENCE. In what degree residence is enjoined to the dignitaries of the church, has already been mentioned; with respect to vicars, it has also been observed, that they take an oath of perpetual residence; for as they were first appointed in consequence of the non-residence of the appropriators, their duty cannot be delegated; *vicarius non habet vicarium*. Residence is understood to imply, *bona fide*, habitation, in the parsonage, or vicarage house, belonging to the living, or if that be decayed or destroyed, in some other house in the parish, convenient for attendance on divine service, and performance of parochial duties. The bishops have authority, in their respective dioceses, to enforce the residence of the clergy; but the statute law extends the power. By 21 Hen. VIII. c. 13. com-

monly called the statute of non-residence, every spiritual person, promoted to any archdeaconry, deanery, or dignity, in any cathedral church, or other church, conventual, or collegiate, or beneficed with any parsonage, or vicarage, shall be personally resident, and abiding in, at, and upon, his said dignity, prebend, or benefice, or at any one of them, at the least; and in case he shall not keep residence at one of them as aforesaid, but absent himself wilfully, by the space of one month together, or by the space of two months, to be at several times in any one year, and make his residence and abiding in any other place by such time, he shall forfeit for every such default, 10/12 half to the king, and half to him who will sue for it, in any of the king's courts.

There are numerous exceptions from the penalty of this statute; and, first, it should be observed, that archdeacon and dean being the highest dignity specified, the penalty cannot, by the general term used afterward, be construed to extend to the superior class of bishops and archbishops. The exemptions from its operations are, 1st. Spiritual persons employed in the king's service beyond sea: 2d. Scholars being conversant and abiding for study, without fraud or covin, at any university within this realm, or without. But it being soon discovered that this exception furnished a pretext for residing in one of the universities, in idleness and dissipation, a subsequent statute provided, that its benefits should only extend to persons under forty years of age, resident and abiding within the university, attending the lectures, keeping sophisms, problems, disputations, and other exercises, in regular form, and not to any persons above that age, unless they were chancellor, vice-chancellor, commissary of the university, wardens, deans, provosts, presidents, rectors, masters, principals, or other head rulers of colleges, halls, or other houses or places corporate within the said universities, doctors of the chair, readers of divinity in the common schools of divinity, or readers of any public or common lecture in divinity, law civil, physic, philosophy, humanity, or any of the liberal sciences, or public or common interpreter or teacher of the Hebrew tongue, Chaldee, or Greek; and to persons above the age of forty years, resorting to any of the said universities, to proceed doctors in divinity, law civil, or physic, for the time of their said proceedings, and executing of such sermons, disputations, or lectures, which they be bound, by the statutes of the universities, there to do for the said degrees. 3d. Chaplains of the king and queen, their children, brothers, or sisters, attending daily in their household; but the king's dispensation was extended to justify the non-residence of his chaplains, even when not attending his person. 4th. Chaplains,

lains, of any spiritual or temporal lord of parliament, attending daily in their household. 5th. By a subsequent statute, it was enacted, that each of the following officers of the crown might have one chaplain in his household, excused from the duty of residence: the chancellor of the duchy of Lancaster, the chancellor of the court of augmentations, the chancellor of the court of first fruits and tenths, the master of his majesty's wards and liveries, the general surveyors of his lands, the treasurer of his chamber, and the groom of the stole. 6th. It was also provided, by another statute, that the following persons might similarly protect one chaplain each: the judges of the courts of King's Bench and Common Pleas, the barons of the Exchequer, and the attorney and solicitor general. 7th. By the first mentioned statute, were further exemptions; the chaplains of every duchess, marchioness, countess, viscountess, or baroness; and their privileges, in this respect, were preserved to them, though they married under the degree of baron. 8th. The chaplains of the lord chancellor, or treasurer of England, the king's chamberlain, or steward of his household. 9th. Chaplains of the knights of the garter, of the chief justice of the King's Bench, warden of the ports, the king's secretary, deans of the chapel, and amerc; but all these must, without fraud or covin, be resident in the household of the persons named. 10th. The master of the Rolls, dean of the arches, any chancellor or commissary of any archbishop or bishop, such of the twelve masters of the chancery, and twelve advocates of the arches, as were spiritual men, during the occupation of their rooms and offices; and all such spiritual persons as might happen, by injunction of the lord chancellor, or the king's council, to be bound to any daily appearance and attendance, to answer to the law, during the time of such injunction. All the chaplains above mentioned are, however, obliged to repair twice a year, at the least, to their benefices and cures, and remain there eight days at least, on pain of 40s. for every time so falling.

OF PLURALITIES. The statutes against non-residence would naturally be construed to forbid the holding of more than one living by one person, since he could not possibly be resident on both; but the ecclesiastical law had not been negligent in providing against this circumstance; and the statute which enjoined residence, embraced also the consideration of *pluralities*. The general rule laid down is, that if any person having one benefice, with cure of souls, of the yearly value of 8*l.*, or above, accept and take any other with cure of souls, and be instituted and inducted in possession of the same; then the first benefice shall be void, and the patron may present another person, in the same manner as if this incumbent had died or resigned. And
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if the second living is in value much inferior to the first, yet the incumbent is deprived, and not allowed to retract his acceptance.

The exceptions to this rule are, that all spiritual men, being of the king's council, may purchase licence, or dispensation, to take three parsonages, or benefices with cure of souls; and all others, being the king's chaplains, and not sworn of his council; the chaplains of the queen, prince, or princess, or any of the king's children, brethren, sisters, uncles, or aunts, may sensibly purchase licence or dispensation, and receive two parsonages, or benefices, with cure of souls: every archbishop might formerly have six chaplains, but subsequently two were added, making the number eight; every duke may have six chaplains; every marquis and earl, five; viscount and bishop, four; chancellor of England for the time being, baron, and knight of the garter, three; every duchess, marchioness, countess and baroness, being widows, two; treasurer, comptroller of the king's house; the king's secretary and dean of his chapel; the king's ammer, and master of the rolls, two; chief justice of the King's Bench, one; warden of the five ports, one; every one of whom may purchase licence or dispensation to receive and keep as many parsonages or benefices with cure, as the chaplains of a duke or an archbishop. The brothers and sons born in wedlock of every knight, may, every of them, purchase licence or dispensation, and receive two benefices. And all doctors and bachelors of divinity, doctors of law, and bachelors of law canon, admitted to those degrees in any university of this realm, and not by grace only, may have licence to keep two benefices. A duchess, marchioness, countess, or baroness, being widows and marrying again below the degree of baron, may qualify as many chaplains as if she had remained a widow; the king's chaplains may hold livings without limitation of number, if given by his majesty. And no deanery, archdeaconry, chancellorship, treasurership, chantership, or prebend in any cathedral, or collegiate church, nor parsonage that has a vicar endowed, nor any benefice perpetually appropriate, shall be taken or comprehended under the name of benefice, having cure of souls. Neither are united churches considered as pluralities, unless the union be colourably made to continue for the life of the incumbent only, and in evasion of the statute.

No chaplain can avail himself of his appointment, unless it be produced in writing under the hand and seal of the person entitled to grant it, nor can such person qualify above the limited number, or by dismissing the chaplain, deprive him of the benefit of the dispensation. But, it is required, by the canon, that such dispensations be not granted to any but those who shall have taken the degree of master of arts, at the least, in an

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English university, and be a public and sufficient preacher licensed; and they must be, by a good and sufficient caution, bound to make personal residence in each of their said benefices, for some reasonable time in every year; and that the said benefices be not more than thirty miles asunder; and, lastly, that they have under him, in the benefices where they do not reside, preachers, lawfully allowed, that is able sufficiently to teach and instruct the people. The distance of thirty miles here specified, is not computed by statute miles on the turnpike road, or in a straight admeasurement from place to place, but by computation in the county or counties where the two livings lie. The king was used formerly to grant dispensations for holding livings beyond this distance, but it has not been done since the revolution, as it is doubtful whether the declaration of rights does not prevent him, even in this instance, from dispensing with a positive law. In order to obtain a dispensation, it is necessary for the clergyman to procure several testimonials; namely, two certificates, from the bishop in whose diocese the livings are, of their value in the king's books, and their reputed value and distance; one certificate for the archbishop, and the other for the lord chancellor. And, if the livings lie in two dioceses, then two certificates from each bishop. He must exhibit to the archbishop his presentation to the second living, and bring with him two papers of testimonials from the neighbouring clergy, concerning his behaviour and conversation. He must also exhibit to the archbishop, his letters of orders of deacon and priest, and a certificate of his having duly taken the degree of master of arts, at least, under the hand of the register of his university. Or if he qualifies as a chaplain, his appointment must be duly registered in the faculty-office, to be tendered to the archbishop, according to the statute; and after he has given the required security, and his dispensation is made out, he must get it confirmed by the lord chancellor, under the great seal, and is then instituted and inducted by the bishop of the diocese where the living is situated.

LIVINGS IN COMMENDAM. Another mode of holding several livings, without incurring a penalty, is called *in commendam*. This term is applied to be a benefice, or ecclesiastical living, which, being voidable, to prevent its becoming void, *commendatur*, is committed, to the charge and care of some sufficient clerk, to be supplied, until it may be conveniently provided of a pastor. This power of holding livings having been much abused, several constitutions of the church were directed against the malpractices, but the custom is, in many cases, highly laudable, and almost indispensable. It has already been mentioned, that the acceptance of a bishopric voids all other ecclesiastical preferments;

ments; but this effect may be prevented by a donation *in commendam*; and without this indulgence, several of the bishoprics would not, at this day, be sufficient for the honourable maintenance of those who are obliged by law not only to administer the episcopal functions committed to their charge, but, as lords of parliament, to attend the sittings of that assembly, and there maintain the rights of the church, the honour of the crown, and the liberties of the people. A benefice *in commendam* may be temporary or perpetual, at the pleasure of the king. When it is temporary, the precise time is expressed and limited in the dispensation; when perpetual, the style is, so long as he shall live, and continue bishop of that see.

EXCHANGE. When the benefice is lost to the incumbent by his accepting another without a dispensation, it is called a *cession*; but in order to avoid this inconvenience, it is usual, when an incumbent is desirous to exchange his living, to effect it by resignation. A resignation cannot regularly be made but to the immediate superior: thus, a bishop cannot resign to the dean and chapter, though they elect him, nor to the king, though elected by virtue of his *congé d'évo*, but to the archbishop, and the archbishop must resign to the king. It is a rule, that the resignation should be pure, absolute, and unconditional; but when it is made for the purpose of exchange only, it admits of a stipulation, not to be valid, unless the exchange takes effect. It ought regularly to be made in person, and, if by a priest, to the proper ordinary.

PUBLIC WORSHIP. A principal duty of the clergy, and, indeed, one chief purpose of their ordination, is the due performance of the rites of the church.

In the early ages, every bishop had the power to form a liturgy for his own diocese; and if he kept to the analogy of faith and doctrine, all circumstances were left to his own discretion: afterwards the practice was, for the whole province to follow the service of the metropolitan church; which also becomes the general rule of the church. But it appears that this rule was obscured by the superstitions of popery; the course of reading portions of the holy scripture, so as to complete all the books of the Old Testament, once at least in a year, was interrupted by the introduction of fabulous and bombastic legends, from the lives of saints, and a multitude of other vain and frivolous services. It was among the earliest cares of government, after the reformation, to remedy this evil by various acts for uniformity of the Common Prayer, the most important of which, 1 Eliz. and 13 and 14 Car. II., are generally printed in that book, and their regulations are precisely observed by the clergy. The great effect of these acts, so far as relates to public worship, is to confine the clergy and their congregation within

within certain bounds, to prescribe the use of a Christian-like and devout form, sufficiently extensive to embrace every lawful desire of the human heart, and exempt from every thing approaching to arrogance or tending to injustice. In private prayer, individuals may address to Heaven their separate petitions in such form as their conscience may dictate or their necessities suggest, but were there no precise rule in public petitions, the prayers of Christians might become presumptuous and ridiculous, unbecoming the gravity of religion, and disgraced by caprice, passion, malice, hope and fear. Nor does the prescription of a rational and well digested form, impede, but rather assists the effusion of piety. The motives and system which produced the regulation adopted in our book of common prayer are expressed in a clear and cogent manner in the preface, which being in general use they need not be here repeated. The duty of ministers to express in the most public and authentic manner their approbation of this form of prayer, and churchwardens to provide it for the use of every church, have already been noticed.

To the observance of the stated forms in all rites of the church, the clergy are bound both by canon and statute. Ministers omitting to use them after subscription are to be suspended, and unless they submit within a month, deposed from the ministry. Where the incumbent of a living resides, he must, although he keeps a curate, once at least in a month publicly read the prayers and administer the sacraments, on pain of forfeiting for every offence 5*l.* to the poor of the parish. And any minister refusing to administer in the form prescribed, or obstinately and wilfully persisting in the use of any other; or preaching, declaring, or speaking any thing in the derogation or depraving of the said book, or any part of it, shall, on conviction by a jury, forfeit to the king, for his first offence, the profits of all his spiritual promotions, or of one of them, for one whole year, and be imprisoned six months; for his second offence be imprisoned a year, and *ipso facto* deprived of all his spiritual promotions; and for his third, imprisoned for life; or, if he has no spiritual promotions, imprisonment for life is the punishment for the second offence.

Nor are these penalties confined to the clergy; for by the canon, any person affirming that the form of God's worship in the church of England, established by law and contained in the book of common prayer and administration of sacraments, is a corrupt, superstitious, or unlawful worship of God, or contains any thing in it that is repugnant to the scriptures, is to be excommunicated *ipso facto*, and not restored but by the bishop of the place, or archbishop, after his repentance and public revocation

tion of such his wicked errors. And by statute, "If any person shall in any interludes, plays, songs, rhymes, or by other open words, declare or speak any thing in the derogation, depraving, or despising the same book, or of any thing therein contained, or any part thereof; or shall by open fact, deed, or by open threatenings, compel or cause, or otherwise procure or maintain any parson, vicar, or other minister, in any cathedral or parish church, or chapel, or in any other place, to sing or say any common or open prayer, or to minister any sacrament otherwise, or in any other manner and form than is mentioned in the said book; or by any of the said means shall unlawfully interrupt or let any parson, vicar, or any other minister, in any cathedral or parish church, chapel, or other place, to sing and say any common and open prayer, or to minister the sacraments or any of them, in such manner and form as is mentioned in the said book; every such person being thereof lawfully convicted in form aforesaid, shall (if the prosecution is on the statute of the 2 & 3 Edw. VI.) forfeit to the king for the first offence 10*l.*, for the second 20*l.*, for the third offence shall forfeit all his goods and be imprisoned during life:" and if for the first offence he do not pay the 10*l.* within six weeks after his conviction, he shall be imprisoned three months; if for the second offence he do not pay the said sum of 20*l.* within the same time, he shall be imprisoned six months. And if the prosecution is on the statute of the 1 Elizabeth c. 2. then he shall forfeit to the king for the first offence one hundred marks, or be imprisoned six months; for the second offence four hundred marks, or be imprisoned twelve months; and for the third offence shall forfeit all his goods and be imprisoned during life.

PREACHING. With respect to preaching many restraints are imposed. In Queen Elizabeth's time the clergy, except those who were expressly licensed, were forbidden to expound the scripture as of themselves, but were to read some of the homilies; this restraint, now that the reformation is no longer in danger, is discontinued, but still every priest and deacon must have a licence to preach, and on coming into a strange church to perform occasional duty, ought to exhibit it to the churchwardens or other ecclesiastical officers. Any preacher maintaining doctrines disagreeing from the word of God, the thirty-nine articles, or the book of common prayer, is to be reported to the bishop of the diocese, who is to determine the matter, and no preacher is permitted in the pulpit, namely, or of purpose, to impugn or confute any doctrine delivered by any other preacher in the same church, or in any church near adjoining,
before

before he has acquainted the bishop of the diocese, and received order from him what to do.

These regulations are wisely framed to prevent the pulpit from becoming a place for wanton disputation or irritative contention, and the law has been attentive to the conduct of persons attending divine service so that the whole may be decently and respectably ordered. All persons in church are to be uncovered, and if a churchwarden or other officer takes by force the hat from the head of a refractory person, it has been decided that it is no assault; the churchwardens can prevent idle persons from remaining in the churchyard or porch during divine service; keep out persons excommunicated or denounced; and free the church from those who disturb the service by walking about, talking, ringing the bells, or making any other improper noises. And by statutes, persons maliciously disturbing a priest during divine service, or pulling down, defacing, spoiling, breaking or otherwise unreverently handling the sacraments of the Lord's supper, may be apprehended by a constable, churchwarden, or any other person present, and carried before a justice of the peace, and by him committed to jail for three months, and further till the next quarter session, at which time he is to declare his repentance and give surety for his good behaviour for a year, or be further committed till he shall be penitent. And in case of a rescue, the person rescuing incurs the same punishment with a further penalty of 5*l.* And by the Act of Toleration 1 Wm. c. 18. If any person shall willingly and of purpose, maliciously or contemptuously, come into any cathedral, parish church, chapel, or other congregation permitted by that act, and disquiet or disturb the same, or misuse any preacher or teacher, he shall, on proof thereof before a justice of the peace by two witnesses, find two sureties to be bound by recognizance in the sum of 50*l.*, and in default of such sureties shall be committed to prison, there to remain till the next general or quarter sessions; and on conviction of the said offence at such sessions, shall suffer the penalty of 20*l.* And a similar penalty is inflicted on those who shall in the same way disturb any congregation or assembly of religious worship, permitted to Catholics by the 31 G. III. c. 32. Persons absenting themselves from divine service are also liable to be presented by the churchwardens to the bishop at his visitation, and to forfeit twelve-pence to the poor for every Sunday of their absence, which may be levied by the churchwardens under a warrant of distress signed by one magistrate; and this offence is subjected to a further penalty of 20*l.* for every month's absence, which is forfeited to the king.

SACRAMENTS. The church of England acknowledges but
two,

two, baptism and the Lord's supper; the church of Rome has five others, confirmation, penance, orders, matrimony, and extreme unction. The reason for not admitting these to be sacraments is well expressed in the articles of religion; "They
 " being such as have grown partly of the corrupt following of
 " the apostles, partly are states of life allowed by the scriptures,
 " but yet have not like nature of sacraments with baptism and
 " the Lord's supper, for that they have not any visible sign or
 " ceremony ordained by God."

Baptism was at first administered publicly, as occasion served, by rivers; afterwards the baptistry was built at the entrance of the church or very near it, which had a large basin in it that held the persons to be baptized, and they went down by steps into it. Afterwards, when immersion came to be disused, fountains were set up at the entrance of the churches, and these are ordered to be of stone or other competent materials. The parties intending to bring children to public baptism should give notice to the minister, and the ceremony ought to be performed on Sunday or some holy day, but may be on any other. Every male child has two godfathers and one godmother; every female one godfather and two godmothers. No parent can be admitted to answer as godfather for his own child: nor any godfather or godmother shall be suffered to make any other answer or speech than by the book of common prayer is prescribed in that behalf. By an old canon, the minister was to take care not to permit wanton names, which being pronounced do sound to lasciviousness, to be given to children baptized, especially of the female sex: and if otherwise it be done, the same shall be changed by the bishop at confirmation, and afterward deemed the lawful name. In the modern form of confirmation, however, the bishop does not pronounce the parties' names, but it may be that, on a proper representation, either by the individual on whom an improper name had been fixed, or any other person on their behalf, the bishop might change it. The immersion of the child is not to be performed if any objection can be made on the score of health, sprinkling is now generally substituted, and the sign of the cross is made on it by the minister, but with an express declaration in the Rubric that no power is ascribed nor any worship paid to the sign, but that it is used only as a commemoration. Private baptism is frequently practised, and is allowed, though discommended, by the church, except in cases of necessity. The Romish church allowed, in cases of extremity, the performance of baptism by laymen; and this practice was not prohibited in the early periods of the reformation; but at the conference at Hampton Court, it was settled that the Rubric in the book of common
 prayer

prayer should be so altered, as to direct that it should be performed by the lawful minister in cases of extremity; but it is observed that laymen are nowhere expressly forbidden. The form on these occasions is to name the child, and for the minister to sprinkle it with water, pronouncing the words, "I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost;" this, in common speech, is termed "naming" or "half baptizing" a child; the rest of the ceremony, as the appointment of godfathers, &c., may be afterward performed. Those of riper years who become converts to Christianity, must, before baptism, give a longer notice, that they may be examined as to their acquaintance with the doctrines of religion; they have godfathers and godmothers, but should be confirmed as soon after as may be convenient.

The sacrament of the *Lord's supper* ought not to be received by any one till he has undergone the ceremony of confirmation, which is a personal appearance before a bishop at a church, at a time appointed, and publicly acknowledging belief in the articles of the Christian faith, and assuming the engagement to perform those things which were promised by godfathers and godmothers at the time of baptism.

Notice of administering the Lord's supper must be given the preceding Sunday in church by the minister, and in strictness, those parishioners who mean to communicate ought to announce it the preceding day, but this regulation is now little regarded. The minister is bound to refuse the sacrament to those who are excommunicated or under penalty of suspension, also to notorious evil livers, or who have wronged, or live in open malice with their neighbours, or refuse to be present at public prayers, or are common and notorious depravers of the book of common prayer and administration of the sacraments, and of the orders, rites, and ceremonies therein prescribed; or of any thing that is contained in any of the thirty-nine articles; or of any thing contained in the book of ordering priests and bishops; or to any that have spoken against and depraved his majesty's sovereign authority in causes ecclesiastical: except every such person shall first acknowledge to the minister, before the churchwardens, his repentance for the same, and promise by word (if he cannot write) that he will do so no more; and except (if he can write) he shall first do the same under his hand-writing to be delivered to the minister, and by him sent to the bishop of the diocese or ordinary of the place. And if any offend their brethren, either by adultery, whoredom, incest, or drunkenness, or by swearing, ribaldry, usury, or any uncleanness, or wickedness of life; such notorious offenders shall not be admitted to the holy communion till they be reformed. The sacrament is also to be with-

held from church-wardens or fidefmen, who refufe or neglect to make presentment of offences according to their oaths. The communion cannot be administered in a private houfe, except in cafes of ficknefs; nor in church to lefs than three perfons befides the minifter, who muft all kneel, not in adoration of the bread and wine, as containing the real body and blood of our Saviour, but for the fake of order and devotion; and the minifter may not difpenfe with this ceremony on pain of fufpenfion. The clergyman muft, on this occafion, be drefl in the velture appointed for that miniftration, that is to fay, a white albe plain, with a veltment or cope: and where there are many priests or deacons, there fo many fhall be ready to help the priest in the miniftration as fhall be requifite, and fhall have upon them likewise the veltures appointed for their miniftry, that is to fay, albes with tunacles. And whenfoever the bifhop fhall celebrate the holy communion in the church, or execute any other public miniftration; he fhall have upon him, befides his rochet, a furlpice or albe, and a cope or veltment, and alfo his pastoral ftaff in his hand, or elfe borne or holden by his chaplain. The laity receive both bread and wine; contrary to the practice of the Roman church, where they have the bread only; thefe are provided by the church-wardens at the expence of the parifh; fo much as remains unconsecrated belongs to the curate, but fhould any of that which has been consecrated remain, it is not to be taken out of church, but eaten and drunk by the minifter and fuch communicants as he fhall call to him. The money given at the offertory is to be diftributed to fuch poor perfons as the minifter and church-wardens fee fit; and, in cafe of their not agreeing, at the direction of the ordinary.

VISITATION OF THE SICK. It has been faid that the facrament of the Lord's fupper may be privately administered in cafe of ficknefs; and it is the duty of the minifter or curate to refort to perfons dangerously ill for the purpofe of inftructing and comforting them as their fituation may require; and befides the general ecclefiaftical exhortations to faith, charity, repentance, and even confeffion, where particular fins burthen the confcience, it is the duty of the minifter to bring to the mind of the difeafed the neceffity of fettling his temporal affairs, making his will, and giving fuch inftructions as may be neceffary toward the afcertainment and adjustment of his debts, and of monies due to him. At the laft extremity of the patient, it is ufual to toll a bell; a cuftom which probably originated with the church of Rome, as a fignal for mafles fatisfactory, and prayers, but with us it is a mere mark of refpect, it is called the *pafling bell*.

BURIAL. The rite of burial belongs to all the dead, except those who are excommunicated with the greater excommunication and have not been known to repent; and if a minister who has had notice of an intended funeral, refuses or delays to bury any corpse that is brought to the church yard, he shall be suspended by the bishop of his diocese for three months. It appears to be in the option of the minister, whether he will suffer the body to be carried into the church or not, but it is clear that no one but the incumbent can grant leave for a corpse to be buried within the church, nor can any one claim it as a right, except where such a burying place is demanded by prescription as appertaining to a manor-house, in which case it is taken, that the freehold belonged to the manor; and in many churches, family vaults are purchased, in which the heir has a right to bury whomsoever he pleases, without further licence, but on payment of the proper fees and dues. By the 30th Charles II. st. 1. c. 3. For the encouragement of the woollen manufactures, it is enacted, that no corpse shall be buried in any shirt, shift, sheet, or shroud, or any thing whatsoever made or mingled with flax, hemp, silk, hair, gold or silver, or in any stuff or thing, other than what is made with sheep's wool only; on pain of 5*l.* And within eight days after the interment, some relation of the deceased is to make affidavit that the body was buried in woollen only, and declare the same to the minister; who, if such affidavit is not produced, is to give notice to the churchwardens or overseers, and on information before a magistrate, a warrant is to issue to distrain the goods, of the deceased for 5*l.*; and if such person died in the house of a master or mistress, father or mother, then on them the distress is to be made. And the minister of every parish shall keep a register, in a book to be provided at the charge of the parish, and make a true entry of all burials within his parish, and of all affidavits brought to him as aforesaid.

The carcase that is buried belongs to no one; but is subject to ecclesiastical cognizance; if abused or removed. It cannot be taken up for the purpose of removal without a licence from the ordinary; but in case of violent death, the coroner may order it to be dug up for inspection any time he may judge necessary. Though a deceased corpse is the property of no one, yet the digging of it up for the purpose of dissection is an indictable offence, and to steal the shroud is felony, that being the property of the executor or administrator. Grave-stones, coats of arms, pennons, and other ensigns of honour, erected in the church yard, or fixed in the church, are in like manner their property, and although at first they could not be introduced into any church without leave of the incumbent and church-

wardens, and a licence from the ordinary, yet they cannot be removed by their authority jointly or severally; and the heir or executor may maintain an action or an appeal of felony against those who break, deface, or carry them away. But it has been held that if the ornaments set up are improper, or tend to the hindrance of divine service, they may be removed by order of an ecclesiastical court, even though the setting of them up was licensed by the ordinary.

MARRIAGE. Marriage is defined to be a compact between a man and a woman for the procreation and education of children. All well-ordered societies have therefore guarded the marriage rite with religious solemnities, and ordained that the contract should be indissoluble during the joint lives of the parties. The municipal law of England considers marriage in no other light than as a civil contract. The holiness of the matrimonial state is left entirely to the ecclesiastical law: the temporal courts not having jurisdiction to consider unlawful marriage as a sin, but merely as a civil inconvenience. The punishment therefore, or annulling, of incestuous or other unscriptural marriages, is the province of the spiritual courts; which act *pro salute animæ*.

In order to the contracting of marriage, it is necessary that both parties should be consenting, for it is a maxim of law as well as of reason, that *consensus non concubitus facit nuptias*. Hence by the old law, before the statute 26 Geo. II. c. 33. called the marriage act, it was held that parents who contracted their children at too early an age for their own consent, to be given or implied, did nothing. This age it is true was much earlier than years of Discretion; it was the age of seven years, but even that imperfect regulation shewed some respect for the principle. Yet as the feebleness of woman might expose her to violence, especially where property offered a temptation, the statute 3 Hen. VII. c. 2. provides that any person taking a woman, whether maid, wife, or widow, having substance in goods moveable, lands or tenements, or being heir apparent to her ancestor, against her will, and for lucre of her substance, if such woman be afterwards married to such misdoer, or to any other by his assent, or be defiled, the offender, with all who instigated him, or received the woman, shall be guilty of felony, and all considered as principals; and they are deprived of benefit of clergy. A statute 4 Philip and Mary, c. 8. provides that if any person takes away a female child, unmarried, and within the age of sixteen years, from her parents or guardians, and if she, being above the age of twelve, and under sixteen, do assent or agree to such person that shall make any contract of marriage contrary to the form of that act, the

next

next of kin shall immediately come into possession of her estate, and enjoy it during her life, and after her death, it is to descend according to its limitation, but never to the person with whom she shall so have contracted matrimony. Further, it is so essential to the state of matrimony, that it shall not only have been entered into freely, but without delusion, or the intervention of parties actuated by improper motives, that it has been deemed a matter indictable, or an offence for which the court will grant an information, to procure an improvident or unequal marriage; marriage-brokers bonds, and contracts have been declared to be void, and decreed to be given up and cancelled, and a gratuity in money actually paid has been ordered to be refunded; for such bargains are in no shape to be countenanced; and as contracts of this kind are rendered void on reasons of public inconvenience, it has been adjudged, that no subsequent confirmation by the party can make them valid. By parity of reasoning, all private agreements contrary to the tenor of any writing publicly executed by the parties in the nature of marriage articles are void.

A promise of marriage, if made between parties capable of contracting, is a binding engagement, and for the breach an action for damages will lie. It requires that the promise should be mutual; that is to say, if one were to promise marriage, but the other to refuse, an action could not afterwards be maintained on such promise, but if the person to whom the promise was made received it with appearances of approbation, implying assent, that would be sufficient, and if the party to whom the promise was made, was under the age of twenty-one, but yet assented, an action for the breach of promise might be brought either by such party on coming of age, or by parent or next friend before that period.

A person deaf and dumb, may contract and solemnize marriage by signs, but idiots cannot, because they cannot give perfect consent; nor can lunatics, unless during a lucid interval: but as it may be difficult to prove the exact state of the party's mind at the actual celebration of the nuptials, therefore the statute, 15 G. II. c. 30, has provided, that the marriage of lunatics and persons under phrenzies (if found lunatics under a commission, or committed to the care of trustees by any act of parliament) before they are declared of sound mind by the lord chancellor or the majority of such trustees, shall be totally void.

Before marriage can be solemnized, certain ceremonies are necessary in order to afford time for the detection of attempts to unite improper persons, or to obtain security and assurance that

no such effort shall be made. These ceremonies are, the publication of *banns*, or the obtaining of a *licence*.

Banns, derived from a Saxon word, signifies proclamation. They are published upon three Sundays preceding the solemnization of marriage, during the time of morning service, or of the evening service, if there be no morning service in the parish church, or in some public chapel wherein banns of matrimony have been usually published, of the parish or chapelly wherein the persons to be married shall dwell, or if they reside in different parishes, in both; and, in this case, the curate of the one parish shall not solemnize matrimony betwixt them, without a certificate of the banns being thrice asked from the curate of the other parish. No minister is obliged to publish the banns of matrimony between any persons, unless they shall, seven days at the least, before the time required for the first publication, deliver, or cause to be delivered to him, a notice in writing of their true christian and surnames, and the places of their respective abodes within such parish, chapelry, or extra-parochial place where the banns are to be published, and the time during which they have inhabited or lodged in such houses respectively. The banns require any of the congregation who know cause or just impediment why the parties should not be joined in matrimony, then to declare it; and if any just cause is declared, such as the dissent of parents or guardians, where either party is under age; the precontract or previous marriage of either, the publication is of no effect.

A *licence* may be granted, without banns being published; but only by such as have episcopal authority, the commissary for faculties, vicars general of the archbishops and bishops *señe plena* or *señe vacante*, the guardian of the spiritualities, or ordinaries exercising of right episcopal jurisdiction in their several jurisdictions respectively. And by the 26th C. II. c. 33. no surrogate deputed by any ecclesiastical judge, who has power to grant licences of marriage, shall grant any such licence until he has taken an oath before the said judge, faithfully to execute his office according to law, to the best of his knowledge, and has given security by his bond in the sum of 10*l.* to the bishop of the diocese, for the due and faithful execution of the said office. Persons applying for a licence must enter into a security with these conditions: 1. That at the time of granting such licence, there is not any impediment of precontract, consanguinity, affinity, or other lawful cause, to hinder the said marriage. 2. That there is not any controversy or suit depending in any court, before any ecclesiastical judge, touching any contract or marriage of either of the said parties with any other.

other. 3. That they have obtained thereunto the exprefs consent of their parents, (if they be living,) or otherwise of their guardians or governors. Laſtly, That they ſhall celebrate the ſaid matrimony publicly in the pariſh church or chapel where one of them dwells, and in no other place, and that between the hours of eight and twelve in the forenoon. To the truth of the firſt three of theſe conditions, the party is alſo to make oath; with reſpect to the laſt, a diſpenſation is obtained in what is termed a *ſpecial licence*; but the fees on theſe are very large, which prevents ſpecial licences from becoming too common. The pariſhes where the parties dwell, ſhall be expreſſed in the licence, as alſo the pariſh named where the marriage ſhall be celebrated. And if any commiſſary for faculties, vicars general, or other ordinaries ſhall offend in the premiſes, or any part thereof, he ſhall for every time ſo offending be ſuſpended from the execution of his office for the ſpace of ſix months; and every ſuch licence or diſpenſation ſhall be held void to all effects and purpoſes, as if there had never been any ſuch granted. And if any perſon ſhall falſely make, alter, forge, or counterfeit any ſuch licence of marriage; or cauſe or procure the ſame to be done; or aſſiſt therein; or utter or publiſh the ſame as true, knowing the ſame to be falſe, altered, forged, or counterfeited; he ſhall be guilty of felony without benefit of clergy.

It appears from the foregoing ſtatements, that when the marriage is by banns, it muſt be ſolemnized in the church of the pariſh where one of the parties has been reſident during the laſt month, and when by licence, in the church appointed by ſuch licence, which alſo muſt be the pariſh church of one of the parties, and that the time muſt be between eight o'clock in the morning, and noon. A clergyman offending in any of theſe particulars, was by the canon law to be ſuſpended three years; but by the ſtatute 26 Geo. II. c. 33, commonly called the marriage act, he is to be transported fourteen, and the marriage itſelf is to all effects and purpoſes null and void.

In very remote times there was no ceremony of marriage, the parties being agreed, the huſband went to the houſe where his intended wife dwelt, and taking her to his home, declared himſelf to be, and accordingly became, her huſband. In England, in the time of Oliver Cromwell, marriages were performed by juſtices of the peace, though this alteration could produce no effect but that of leſſening the utility of the clergy. The rite of marriage, although conſidered as a high ſolemnity in the church of England, is not, as in that of Rome, a ſacrament, nor is it regarded in law in any other view than as a contract, though of the higheſt nature, and every violation of it emi-

neously penal in its consequences. In solemnizing marriage, the priest solemnly requires any one who can shew cause against it then to do so, adding the charitable injunction, that if then omitted, the party shall for ever after hold his peace. The whole form of proceedings is very accurately described in the book of common prayer; and it is well known that the ring is the instrument or symbol by which the parties are united. This ring at first, according to Swinburn, was not of gold but of iron, adorned with an adamant, the metal hard and durable, signifying the durance and perpetuity of the contract. "Howbeit," he says, "it skilleth not, at this day, what metal the ring be of; the form of it being round and without end, doth import, that their love should circulate and flow continually. The finger on which this ring is to be worn, is the fourth finger of the left hand next unto the little finger, because there was supposed a vein of blood to pass from thence unto the heart." In the Roman ritual, there is a benediction of the ring, and a prayer that she who wears it may continue in perfect love and fidelity to her husband, and the fear of God all her days.

The ceremony must be performed in presence of two persons beside the priest, and when completed an entry is made in a register book, provided for the purpose by the churchwardens, and ruled with methodical exactness to prevent interpolation. In this entry or register it shall be expressed that the marriage was celebrated by banns or licence; and if both or either of the parties married by licence be under age, the consent of the parents or guardians must be entered in the record, which must be signed by the minister with his proper addition, and also by the parties married, and attested by two witnesses present at the solemnization of such marriage. The copy of this entry on a stamp, with a formal attestation that it was duly extracted, is called a certificate. The register book is the highest, and, with respect to families, the most important evidence. It is, therefore, provided in the marriage act, that if any person shall, knowingly and wilfully, insert, or cause to be inserted, in such register book, any false entry of any matter or thing relating to any marriage; or falsely make, alter, forge, or counterfeit, or cause or procure to be made, altered, forged, or counterfeited; or assist in making, altering, forging, or counterfeiting, any such entry in such register; or utter, or publish as true, any such false, altered, forged, or counterfeited register as aforesaid, or a copy thereof, knowing the same to be false, altered, forged, or counterfeited; or if any person shall wilfully destroy, or cause or procure to be destroyed, any register book of marriages, or any part thereof, with intent to avoid any marriage, or to subject any person to any of the penalties of the act, he shall be guilty of felony without benefit of clergy.

The impediments to marriage, so often mentioned, are, 1st, canonical, which are precontract, and consanguinity or affinity; 2d, legal, which are prior marriage, want of age, want of consent of parents or guardians, want of reason, and breach or falsification of some of the other requisites already described.

Precontract is now an objection of no force, since the party suffering by the breach of it may recover damages in a civil action, but not the party injured, nor in course those who have married to the injury of that party, can make it a ground for annulling the marriage. The rules of canon and civil law respecting precontracts were these; the parties mutually said "I will take thee to be my wife," or "my husband;" and this, if done in an open place, before witnesses, was effectual as an obligation in the present, to be performed in future. All contracts made before the age of seven were void; between that age and twelve in the female, and fourteen in the male, they could only contract for the future, but not the present; but after those ages they were capable of true and lawful matrimony; till one-and-twenty, however, their contracts required the sanction of parents or guardians.

Consanguinity and *affinity* differ in this; consanguinity is a natural relationship, as that of a father to his son, or of a man to the child of his brother or sister. Affinity is acquired, as the relation of a man to his son's wife, or to the brother or sister of his own wife, or to her children by a former marriage. The relations by consanguinity, in a right line ascending and descending, can never marry; that is, if a man could live till his great grand daughter were marriageable, he would not be allowed to contract matrimony with her. In collateral consanguinity the prohibition goes no further than to prevent a man from marrying his niece, or a woman her nephew; but the children of brothers can legally marry. The objections, on account of affinity, cannot well be described; they are partly founded on the prohibitions in the eighteenth chapter of the book of Leviticus, but more clearly expressed in a table set forth in the year 1563, the substance of which is generally printed in bibles and common prayer books*. The reasons in favour of these prohibitions, drawn from divine law, natural reason, and sound morality, are so numerous and so obvious, that it is not thought necessary here to repeat them.

Prior marriage. The first wife or husband being alive is an insuperable bar to the validity of a nuptial contract; nor can this defect be extenuated by any circumstance, such as ignorance of

* The reason for framing this table was to prevent the effect of those fantastic consanguinities and affinities which were invented by the church of Rome to obtain money by the sale of dispensations.

the first spouse being alive; or remedied by any succeeding event, as death before or after the fact was known. Polygamy, or, as it is less properly called, bigamy, is felony by the statute 1 James I. c. 11. but with benefit of clergy. There are five exceptions which prevent the condemnation of the offender, but only the last two permit the second marriage to be valid: 1. Where either party has been continually *abroad* for seven years, whether the party in England has notice of the other's being living or not. 2. Where either of the parties has been absent from the other seven years *within* this kingdom, and the remaining party has had no knowledge of the other's being alive within that time. 3. Where there is a divorce, or separation *a mensis et thors*, by sentence in the ecclesiastical court. 4. Where the first marriage is declared absolutely void by any such sentence, and the parties loosed *a vinculo*. Or, 5. Where either of the parties was under the age of consent at the time of the first marriage; for in such case the first marriage was voidable by the disagreement of either party, which the second marriage clearly amounts to. But if, at the age of consent, the parties had agreed to the marriage, which completes the contract, and is indeed the real marriage, and afterwards one of them should marry again, such second marriage, it is thought, would be within the reason and penalties of the act.

Want of age, and want of consent of parents or guardians, are defects more decidedly marked by the marriage act than by any former system of law. Many wise and good men have doubted whether the necessary postponement of marriage to so long a period after the age of puberty is not injurious to morals in a far greater degree than the protection it affords to propriety, and family feeling can atone for. The age fixed is twenty-one both in men and women: the consent of parents or guardians must be express and absolute; guardians may be appointed by the will of some person who bequeaths property, or nominated by the court of chancery; and it has been held, with respect to a bastard, that the consent of its putative parents is of no avail, but that a guardian must be appointed for the express purpose of bringing him or her within the provision of the marriage act. As it is expressly declared in that statute, that it does not extend to Scotland, it is usual for parties who wish to free themselves from its restraints to get the marriage ceremony performed in that part of the kingdom. Doubts have been stated respecting the validity of such marriages, they being frauds upon the law, but a case is reported, in which they were affirmed to be legal. If parties who have married without consent of their parents or guardians, are in a state of widowhood before the age of twenty-one, they are not again subject to any impediment.

The other points, *want of reason and violation of some regulations in the marriage act*, have already been mentioned.

The chief consequences of marriage legally contracted, and duly solemnized, are these: The husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and *cover*, she performs every thing, and is therefore called in our law French a *feme-covert*; *femina viro co-operata*, is said to be *covert baron*, or under the protection and influence of her husband, her baron, or lord; and her condition, during her marriage, is called her *coverture*. Upon this principle, of an union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquires by the marriage. For this reason, a man cannot grant any thing to his wife, or enter into covenant with her; for the grant would suppose her separate existence; and to covenant with her would be only to covenant with himself; and therefore it is also generally true, that all compacts made between husband and wife, when single, are voided by the inter-marriage. A woman indeed may be attorney for her husband; for that implies no separation from, but is rather a representation of, her lord. And a husband may also bequeath any thing to his wife by will; for that cannot take effect till the coverture is determined by his death. The husband is bound to provide his wife with necessaries by law as much as himself; and if she contracts debts for them, he is obliged to pay them; but for any thing besides necessaries he is not chargeable. Also, if a wife elopes, and lives with another man, the husband is not chargeable even for necessaries; at least if the person who furnishes them is sufficiently apprized of her elopement. If the wife be indebted before marriage, the husband is bound afterwards to pay the debt, for he has adopted her and her circumstances together. If the wife be injured in her person or her property, she can bring no action for redress without her husband's concurrence, and in his name, as well as her own; neither can she be sued, without making the husband a defendant. There is indeed one case where the wife may sue and be sued as a *feme sole*, viz. where the husband has abjured the realm, or is banished, for then he is dead in law; and, the husband being thus disabled to sue for or defend the wife, it would be most unreasonable if she had no remedy or could make no defence at all. In criminal prosecutions, it is true, the wife may be indicted and punished separately; for the union is only a civil union. But, in trials of any sort, they are not allowed to be evidence for or against each other; partly because it is impossible their testimony should be indifferent; but principally because of the union of

person; and therefore, if they were admitted to be witnesses for each other, they would contradict one maxim of law, "*nemo in propria causa testis esse debet*;" and if against each other, they would contradict another maxim, "*nemo tenetur seipsum accusare*." But, where the offence is directly against the person of the wife, this rule has been usually dispensed with; and therefore, by statute 3 Hen. VII. c. 2. in case a woman be forcibly taken away, and married, she may be a witness against such her husband, in order to convict him of felony; for in this case she can, with no propriety, be reckoned his wife, because a main ingredient, her consent, was wanting to the contract. And also there is another maxim of law, that no man shall take advantage of his own wrong, which the ravisher would do, if, by forcibly marrying a woman, he could prevent her from being a witness, who is perhaps the only witness to that very fact.

In the civil law, the husband and wife are considered as two distinct persons, and may have separate estates, contracts, debts, and injuries; and therefore, in our ecclesiastical courts, a woman may sue and be sued without her husband.

But, though our law in general considers man and wife as one person, yet there are some instances in which she is separately considered, as inferior to him and acting by his compulsion. And therefore all deeds executed, and acts done by her, during her coverture, are void, except it be a fine, or like matter of record, in which case she must be solemnly and secretly examined, to learn if her act be voluntary. She cannot by will devise lands to her husband, unless under special circumstances; for, at the time of making it, she is supposed to be under his coercion; and in some felonies, and other inferior crimes, committed by her, through constraint of her husband, the law excuses her; but this extends not to treason or murder. The husband also, by the old law, might give his wife moderate correction; for as he is to answer for her misbehaviour, the law thought it reasonable to intrust him with this power of restraining her, by domestic chastisement, in the same moderation that a man is allowed to correct his apprentices or children, for whom the master or parent is also liable, in some cases, to answer. This power of correction was, however, confined within reasonable bounds, and the husband was prohibited from using any violence to his wife, other than reasonably belonged to a husband, for the sake of discipline and lawful castigation. The civil law gave the husband the same, or larger authority over his wife; allowing him, for some misdemeanors, severely to beat his wife with a whip or cudgel; for others, only to give her moderate castigation; but with us, in the polite reign of Charles II. the power of correction began to be doubted: and a wife may now have security of the peace against her husband; or, in return,

returns, a husband against his wife. Yet the lower rank of people, who were always fond of the old common law, still claim and exert their ancient privilege; and the courts of law will still permit a husband to restrain a wife of her liberty, in case of any gross misconduct.

By marriage the whole property of the wife belongs to the husband, but it is customary to guard against the effects of caprice, dissipation, or misfortune, by a contract entered into before marriage, by which estates or sums of money are vested in the names of trustees, whose duty it is to preserve them free from the debts, engagements, or control of the husband, for the use and benefit of the wife during her life, and subsequently of her children, or in such other mode as the parties and their parents, guardians, or friends have agreed, and this is called a *marriage settlement*. Where no such settlement is made, or where it is not expressly stated to be in bar of *dower*, or thirds at the common law, the wife on the death of her husband is intitled to dower, that is to say, to the third part of all the lands and tenements whereof he was seized at any time during the coverture, to hold for herself, during her natural life. To this rule of endowment there are some inconsiderable limitations and exceptions, but it is in general so extensive, that if the husband possesses the estates though but a single moment, the wife shall be endowed; and if he alienates them, they are still liable to dower: copyhold estates are not so, being only at the lord's will; unless by special custom of the manor, in which case it is usually called the widow's free bench. To gain this benefit the woman must be the actual wife of the party at the time of his decease. If divorced *a vinculo matrimonii*, she cannot be endowed; but a divorce *a mensa et thoro* only, does not destroy the dower. Elopement and living with an adulterer deprive her of this benefit, unless her husband be reconciled and bring her back to live with him.

If a woman is seized of any estate for life, and a man marries her, has a child by her which is born alive, and she dies, the surviving widower holds the estate for his life, to the prejudice of the person who ought to have succeeded to it; he is then called *tenant, by the courtesy of England*.

DIVORCE. Marriage is intended to last during the joint-lives of the parties, but divorces may be obtained for various causes. They are of two sorts, the one *a mensa et thoro*, which enables the parties to live separately, but not to contract matrimony elsewhere; the other, *a vinculo matrimonii*, which utterly dissolves or declares null the marriage tie, and allows each party to act as if the rites of wedlock had never been performed.

Pre-contract is esteemed a cause of divorce *a vinculo*; but it can

can hardly exist in its more pure sense since the marriage act, which forbids the proceeding in the ecclesiastical court, on any such supposed contract; but where marriage has actually taken effect, and where one of the parties has married again after a seven years absence, or on a generally accredited report of the death of the absentee; the second contract would be void, and the children illegitimate.

Consanguinity or *affinity*, within the prohibited degrees, afford ground for a similar sentence attended with the same consequences.

Frigidity or *impotence*, frustrating the original cause of the marriage contract, is likewise a foundation for a divorce *a vinculo*; but this defect must have been original and constant, for if it has supervened after marriage, it is not a matter of which any court can take cognizance.

Cruelty on the part of the husband, or his living in *adultery*, or being guilty of practices repugnant to nature, are good reasons for granting a divorce *a mensa et thoro*, at the suit of the wife.

Adultery of the wife is the foundation only of a divorce *a mensa et thoro*, in the ecclesiastical courts; nor will even that be granted if she recriminates, and proves that her husband was indulging in the same irregularities. If his conduct is not open to this censure, or to the imputation of cruelty or gross neglect, he can, not only obtain this separation, but damages from him who has committed adultery with his wife, and verdicts on this account have been given to a very great amount. After the husband has pursued these two courses, he can apply to parliament, for an act divorcing him intirely from his unfaithful wife, and leaving him free to contract elsewhere. But parliament in exercising this extraordinary power, shew a great degree of jealousy and caution; they rigidly insist on the divorce in the ecclesiastical court; and damages in a court at Westminster being obtained, they re-examine the witnesses to prove all the material facts in the case; and they take every precaution that can be reasonably devised, to assure themselves that there is no collusion among the parties, and that the application to them does not proceed from restlessness of inclination, or love of change.

In case of divorce *a mensa et thoro*, the law gives the wife *alimony*, or an allowance out of the husband's estate for her support. It is settled at the discretion of the ecclesiastical judge, on consideration of all the circumstances of the case. This is sometimes called the wife's *glowers*; for recovery of which, there is (besides the ordinary process of excommunication,) a writ at common law *de gloweriis habendis*. It is generally proportioned to the rank and quality of the parties; but in case of elopement, and living with an adulterer, the law allows

allows to the wife no alimony. In modern times the necessity of such applications to judges and courts, is frequently prevented by the marriage settlement, which fixes a sum under the name of separate maintenance, to be allowed to the wife in case of those incompatibilities of temper, or irregularities of conduct which may occasion separations.

Elopement is the culpable act of a woman, voluntarily leaving her husband; or continuing to absent herself from him by her own consent, after an original leaving by force. However immodest a wife's conduct may be, yet while she co-habits with her husband, he is bound to supply her with necessaries, and to pay for them; for he took her for better for worse: so if he runs away from her, or turns her away; but if she goes away from him; when such separation becomes notorious, whoever gives her credit, does it at his peril, for the husband is not liable, unless he takes her again; in which case all her legal claims are revived. If husband and wife separate by consent, he making her a separate allowance, and the fact being publicly and commonly known, no person supplying her, even with necessaries, can afterward have recourse to him for payment; but if a husband turns his wife away without her consent, he must be answerable for the debts she incurs.

BASTARDS. In this term are included all children born out of lawful matrimony, even though their putative parents afterward marry; and all those born of parents who are divorced for polygamy, consanguinity, or affinity; but if either of the parties who have married within the prohibited degrees, dies before sentence of divorce, the contract remains unimpeachable in itself and the issue are legitimate. In wedlock some cases are admitted in which the children are reputed bastards; as impotency of the husband, or where it can be proved that he has not had access to his wife for a certain term; it was in old times settled that if both were within the four seas, access should be presumed, but modern decisions have more wisely established, that access should be matter of evidence, and left to the determination of a jury.

A bastard is in law the child of nobody; but this definition does not hold to such an extent, as to sanction acts evidently criminal. He has no parent from whom he can claim inheritance; if he dies unmarried and intestate, his brothers, or any of the descendants of his father or mother, cannot inherit his property, but it lapses to the patentee or grantee of the crown; but yet a bastard cannot marry his mother, or his bastard sister; for though the law does not acknowledge his affinities, nature does, and her law must not be counteracted. The statutes have made many provisions, for preventing bastard children

children from becoming chargeable to parishes, and they give power to magistrates to commit the fathers and mothers to the house of correction; and the ecclesiastical court may subject the offenders to penance.

Such are the chief ecclesiastical rites, and the duties and contingencies arising from them.

ECCLESIASTICAL OFFENCES AND PUNISHMENTS. These offences may be equally committed by the clergy and laity; but as the clerical character is a high aggravation, the ecclesiastical courts punish with greater severity delinquents of that class.

SIMONY. The name of this offence is derived from Simon the forcerer, mentioned in the Acts of the Apostles, as endeavouring to purchase for money the gift of the Holy Ghost. It is defined to be the buying or selling of holy orders, or of any ecclesiastical dignity or promotion. This was by the canon law a very grievous crime; and so much the more odious, because, as Sir Edward Coke observes, it is ever accompanied with perjury; for the presentee is sworn to have committed no simony. The canons being found insufficient to enforce adequate punishment, an act was passed 31 Eliz. c. 6. defining the offence in very explicit and copious terms, and ordaining that the presentation should be void, and the turn lapse to the crown, the grantor to forfeit besides, double the amount of one year's value of the benefice, and the clerk so corruptly taking or seeking it was disabled to hold that benefice. Any person, for any reward or benefit direct or indirect, admitting, instituting, installing, inducting, investing or placing a man in a benefice or dignity, forfeits double the value of one year's profit; the benefice or dignity to become void, and the patron to be at liberty to present anew. A resignation or exchange for money, or a corrupt motive, subjects both giver and receiver to a penalty of double the sum. The person taking a reward beyond the ordinary fees for giving orders, or licence to preach, to forfeit 40*l.*, and the person so receiving orders or licence to forfeit 10*l.*; and any benefice conferred on him within seven years after his so entering into the ministry to be void, and the patron to present again. The penalties mentioned in this act are to be paid in equal parts, to the crown and to the informer. Doubts having arisen whether this statute extended to a clerk, purchasing the next presentation to a benefice while it was full, it was enacted by 12 Anne, c. 12. that such transactions should be deemed simoniacal, and the same penalties incurred as if the agreement had been made after the vacancy of the benefice. These statutes, it is to be observed, extend only to presentations, but not to advowsons, which being a temporal inheritance, may be conveyed like others of the same class;

class; but if an advowson is granted during the vacancy of a benefice, the turn to that presentation is not included in the grant.

Bonds of resignation have been held to be intimately connected with simony; they are of two sorts, *general* and *special*. General bonds conditioned for the resignation of the living on the request of the patron, were declared to be legal by a long series of decisions in all the courts; but in a case which occurred in 1783, after the validity of such a bond had been established in the courts of Common Pleas, and King's Bench, their judgment was reversed on a writ of error in the House of Lords; the lord chancellor Thurlow, and the bishops strenuously exerting themselves against such bonds, and maintaining their illegality, although their opinion was directly contrary to that of all the judges, except baron Eyre. This decision has not hindered the court of King's Bench from giving judgment in a subsequent case, that a bond given to resign a rectory when the patron's son came of age, and to keep the chancel and rectory in repair, was valid; but as the condition of this bond was special, it was expected that the House of Lords if the case was carried there, would allow the principle of their former decision to be reargued. But however good such bonds might be in law, the courts of Equity have always interfered to restrain an improper use of them, as when the patron used his bond as a threatening inducement to the parson to forbear demanding his tythes or dues of a parishioner, or when the party in whose favour the resignation was intended to be, came of age, but instead of the living, compelled the incumbent to grant him an annuity; in such cases perpetual injunctions have been granted.

BLASPHEMY AND PROFANENESS. All blasphemies against God, as denying his being or providence; and all contumacious reproaches of Jesus Christ; all profane scoffing at the holy scripture, or exposing any part thereof to contempt or ridicule; all impostures in religion, as falsely pretending to extraordinary commissions from God, and terrifying or abusing the people with false denunciations of judgments; and all open lewdness, grossly scandalous, tend to subvert religion or morality, which are the foundation of government, and are therefore punishable by the temporal judges with fine and imprisonment, and also such corporeal infamous punishment, as to the court in its discretion shall seem meet, according to the heinousness of the crime. Also, seditious words, in derogation of the established religion, are indictable, as tending to a breach of the peace; as these, "your religion is a new religion; preaching is but prattling, and prayer once a day is more

edifying." By statute 3 Jac. I. c. 21. If any person shall in any stage-play, interlude, shew, make game, or pageant, jestingly or profanely speak, or use the holy name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, which are not to be spoken but with fear and reverence, he shall forfeit 10*l.*, half to the king, and half to him that shall sue for the same in any court of record at Westminster.

Under this head it is fit to notice profane cursing and swearing. By the canon the church-wardens or sides-men were obliged to present offenders in this respect at the visitation, and they were to be excluded from the Holy Communion till reformation. And by the 19 Geo. II. c. 21. "If any person shall profanely curse or swear, and be thereof convicted on the oath of one witness, before one justice of the peace, or mayor of a town corporate, or by confession; every person so offending shall forfeit as follows: that is to say, every day labourer, common soldier, common sailor, and common seaman, one shilling; and every other person under the degree of a gentleman, two shillings: and every person of and above the degree of a gentleman, five shillings. And if any person after conviction offend a second time, he shall forfeit double; and for every other offence after a second conviction, treble. And if such profane cursing or swearing shall be in the presence, and hearing of a justice of the peace, or in the presence or hearing of such mayor as aforesaid; he shall convict the offender without further proof." If in presence of a constable or peace officer, he is to secure and convey him before a magistrate for conviction; and if he does not pay the penalties, he is to be committed to the house of correction for ten days; or if a soldier or sailor in his majesty's service, to be set in the stocks one hour, or if he has committed more offences than one, two hours: magistrates wilfully omitting their duty, forfeit 5*l.*, half to the informer and half to the poor, and constables and other peace officers 4*s.* All flag officers, and all persons in or belonging to his majesty's ships or vessels of war, being guilty of profane oaths, cursings, execrations, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a court martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

APOSTACY. This crime is defined to be a total renunciation of Christianity, and embracing a false religion, or disclaiming all religion; and it can only take place in a person who has once been a Christian. This crime was at one period punished with death, but that being considered too great in respect of its civil effect, and the ecclesiastical law having no power to inflict

strict it, apostacy was left to the operation of ecclesiastical censure, till about the close of the 17th century, when the civil liberties, to which we were restored, being used as a cloak for innovations, and the most horrid doctrines, subversive of all religion, being publicly avowed, both in discourse and writings, it was thought necessary, again, for the civil power to interpose, by not admitting those miscreants to the privileges of society, who maintained such principles as destroyed all moral obligation. To this end it was enacted, by statute 9 and 10 William III. c. 32. that if any person educated in, or having made profession of, the Christian religion, shall, by writing, printing, teaching, or advised speaking, deny the Christian religion to be true, or the holy scriptures to be of divine authority, he shall, upon the first offence, be rendered incapable to hold any office or place of trust; and, for the second, be rendered incapable of bringing any action, being guardian, executor, legatee, or purchaser of lands, and shall suffer three years imprisonment, without bail. But these punishments could only take place when an information was given upon oath, before a justice of peace, within four days after such words spoken; and the prosecution commenced within three months after such information; and, to give room for repentance, if, within four months after the first conviction, the delinquent, in open court, publicly renounced his error, he was discharged, for that once, from all disabilities.

HERESY. The abstract definition of this term, among protestants, is said to be a false opinion, repugnant to some part of doctrine clearly revealed in scripture, and either absolutely essential to the Christian faith, or, at least, of most high importance. Such a definition is far from being sufficiently clear to justify the holding of a criminal jurisdiction over him who falls within it; and, loose as it is, the church of Rome, by adopting others still less precise, at different periods, converted the imputation of heresy into an engine of cruelty and oppression. Particular modes of belief, or unbelief, not tending to overturn Christianity itself, are not proper objects of coercion by a civil magistrate; and which of them should be denominated heretical was left to the decision of the ecclesiastical judge. The Roman Catholics, by a definition of most extraordinary extent, considered as heretics all “teachers of erroneous opinions, contrary to the faith and blessed determination of the holy church.” It is true, that the sanctioning hypocrisy of the canonists went, at first, no farther than enjoining penance, excommunication, and ecclesiastical deprivation, for heresy, though afterwards they proceeded boldly to imprisonment by the ordinary, and confiscation of goods to pious uses: but, in the

mean time, they had prevailed on the weakness of bigotted princes, to render the civil power subservient to their purposes, by making heresy not only a temporal, but even a capital offence; the Romish ecclesiastics determining, without appeal, whatever they pleased to be heresy, and consigning to the secular arm the odium and drudgery of executions; with which they themselves were too tender and delicate to intermeddle. Nay, they pretended to intercede and pray, on behalf of the convicted heretic, that the sentence might be limited, and not extend to death; well knowing, at the same time, that they were delivering the unhappy victim to certain execution. Thus, the writ *de heretico comburendo* became one of those acknowledged by our law; but still the issuing of it was under some restraints. The conviction of heresy, by the common law, was not in any petty ecclesiastical court, but before the archbishop himself, in a provincial synod; and the delinquent was delivered over to the king, to do as he should please with him; so that the crown had a controul over the spiritual power, and might pardon the convict, by issuing no process against him; the writ *de heretico comburendo* being, not a writ of course, but issuing only by the special direction of the king in council. In the time of Henry IV., the clergy, alarmed by the progress of reformers, under the name of Lollards, and taking advantage of the king's feeble title to the throne, obtained an act of parliament, enabling the diocesan alone, without the intervention of a synod, to convict persons of heretical tenets; and, unless the convict abjured his opinions, or, if after abjuration, he relapsed, the sheriff was bound, *ex officio*, if required by the bishop, to commit the unhappy victim to the flames, without waiting for the consent of the crown. From this period, until the reformation, no material relaxation of this system of cruelty took place, except a statute of Henry VIII., declaring offences against the see of Rome not to be heresy; but another statute of the same reign affirmed the six most contested points of popery, and sentenced those who should oppugn the first, transubstantiation, to the fire as heretics; and the other five, communion in one kind, celibacy of the clergy, monastic vows, the sacrificing of the mass, and auricular confession, to the gallows as felons. When the reformation reared its head, after the oppressive reign of Queen Mary, the statute 1 Eliz. c. 1. repealed all former statutes relative to heresy, leaving the jurisdiction on that subject as it stood at common law; viz. as to the infliction of common censures, in the ecclesiastical courts; and in case of burning the heretic, in the provincial synod only. It fixed a boundary to the definition of the offence, limiting it to tenets which had been so declared; 1. By words of the canonical scriptures: 2.

By

By the first four general councils, or such others as have only used the words of the holy scriptures; or, 3. Which should afterwards be so declared by the parliament, with the assent of the clergy in convocation. The writ *de heretico comburendo*, however, still remained, and was executed in the reign of Elizabeth on two Anabaptists, and in that of James I. on two Arians; but it was abolished by the statute 29 Charles II. c. 9.; and heresy left subject only to ecclesiastical censure, *pro salute anime*.

Thus, with respect to religion, every man is free to entertain whatever sentiments he pleases, without inquiry; and all modes of doctrine, consistent with the great truths of Christianity, may be inculcated by Christian teachers, without restraint; but by the statute 9 and 10 W. III. c. 32. if any person educated in the Christian religion, or professing the same, shall, by writing, printing, teaching, or advised speaking, deny any one of the persons in the Holy Trinity to be God, or maintain that there are more gods than one, he shall undergo the same penalties and incapacities which are inflicted on apostacy by the same statute.

IMPOSTURES AND PRETENDED PROPHECIES. These offences, as they are founded on a supposed inspiration, may properly be termed ecclesiastical, though they are cognizable only by a civil magistrate. Those who falsely pretend an extraordinary commission from heaven, or terrify and abuse the people with false denunciations of judgment, are punishable by the temporal courts with fine, imprisonment, and infamous corporal punishment. False and pretended prophecies, with intent to disturb the peace, are equally unlawful, and more penal; as they raise enthusiastic jealousies in the people, and terrify them with imaginary fears. They were punished by statute 1 Ed. VI. c. 12. which was repealed in the reign of Queen Mary. And, now, by the statute 5. Eliz. c. 15. the penalty for the first offence is a fine of 10*l.* and one year's imprisonment; for the second, forfeiture of all goods and chattels, and imprisonment during life.

WITCHCRAFT AND SORCERY. In the ancient code these were crimes of the greatest magnitude; and popular superstition lending its aid to erroneous legislation, many enormities were committed under pretence of detecting, trying, and punishing those who had made compact with the evil spirit. The better sense of modern times has repressed these excesses, and reduced the formidable tribe of witches and conjurers to their proper rank of vagabonds and impostors; not, however, to be punished with death, but confined to hard labour, exposed in the pillory, and restrained by securities for their future good behaviour. This alteration was effected by the statute 5 G. II. c. 5.

SABBATH-BREAKING. Against the profanation of the Lord's-

day, provision has been made in several statutes, and, by the canon law; but all these are tempered by a strict regard to the necessities and conveniencies of the public. The penalty for not attending public worship has been mentioned. The exercise of several trades is forbidden by various statutes under different penalties; shoemakers exhibiting for sale any of their goods, are amerced in 3*s.* 4*d.* a pair and the value; carriers, carters, and drovers, travelling, incur a penalty of 20*s.*; butchers killing or felling meat, 6*s.* 8*d.*; and all persons are prohibited from doing or exercising any worldly labour, business, or work, of their ordinary callings, on the Lord's day, or any part thereof (works of necessity and charity only excepted). No person shall publicly cry, shew forth, or expose to sale, any wares, merchandises, fruits, herbs, goods, or chattels whatsoever, on the Lord's day, or any part thereof, on pain of forfeiting the same; no drover, horse-courser, waggoner, butcher, higler, or any of their servants, shall travel or come into his or their inn or lodging, on the Lord's day, or any part thereof, on pain of 20*s.* and no person shall use, employ, or travel, on the Lord's day, with any boat, wherry, lighter, or barge, except it be on extraordinary occasions, to be allowed by a justice of peace of the county, or the head officer, or some justice of peace of the city, borough, or town corporate, where the fact shall be committed, on pain of 5*s.* But this shall not extend to the prohibiting of dressing of meat in families, or dressing or felling of meat in inns, cook-shops, or victualling houses, for such as otherwise cannot be provided; nor to the crying or felling of milk, before nine of the clock in the morning, or after four of the clock in the afternoon. Mackarel are allowed to be sold on Sundays, before or after divine service. And fish-carrriages (for the supply chiefly of the markets within London and Westminster) are allowed to pass on Sundays or holidays, whether laden or returning empty. Forty watermen allowed by their company may ply on the Thames, between Vauxhall and Limehouse; and hackney coachmen and chairmen are also allowed to exercise their vocation. The exception from the statute of works of necessity and charity seems to extend by complaisance to barbers; and it had unlimited extent with respect to bakers dressing meat for families, till an act, 34 G. III. c. 61. restrained them to sell bread, and bake puddings, pies, and tarts, only between the hours of nine in the forenoon and one in the afternoon. Fairs and markets are forbidden by an act of Henry VI. sports, such as bear or bull-baiting, interludes, common plays, and other unlawful exercises and pastimes, by the 1 Cha. I. c. 1. which further provides, that there shall be no assemblies or concourse of people out of their own parishes on the Lord's day for any sports
whatever;

whatever; the penalty on each offender is 3*s.* 4*d.* This act, distinguishing between lawful and unlawful sports, proceeded on the book of sports allowed by James I. published in 1618, whereby that king publicly declared to his subjects these games following to be lawful, viz. dancing, archery, leaping, vaulting, may-games, whifun-ales, and morris-dances; and commanded that no such honest mirth or recreation should be forbidden on Sundays after evening service. Killing game, or using a gun on Sundays, is prohibited by statute 13 Geo. III. c. 80. and by 29 C. II. c. 7. no process can be served or executed on the Lord's day, except for treason, felony, and breach of the peace, to which is added a judge's warrant, for apprehending a person who has escaped from prison. In order to discountenance travelling on the Lord's day, it is enacted, that a person robbed, cannot, as in other cases, sue the county; but it was decided, that a person travelling in his coach to his own parish-church, and robbed, was not deprived of this remedy.

In this division mention must be made of the *holidays* observed in the church of England, on some of which, particularly Christmas day and Good Friday, the same general restrictions prevail as on Sundays. The observance of certain days, as fit periods for returning thanks to God for singular benefits or mercies, deprecating renewals of his vengeance, and commemorating with praise the blessed who have suffered martyrdom for the establishment of his holy religion, is evidently connected with the practice of the most pure and rational piety. The church of England holds on this point a just medium between the papists, who filled the calendar with days of observance, in compliment to fictitious or unknown saints, and the overtrained rigour of some sectaries, who, carping at the term *holiday*, will not allow one day to be more holy than another. In the early days of the reformation, the statute 5th and 6th Edward VI. c. 3. shewing, in its preamble, the fitness of observing certain days, but acknowledging that they are not expressly pointed out in scripture, but left to be determined and assigned by the rulers and ministers of Christ's church in every country, enacts that the following days shall be kept holidays, and none others; that is to say, all Sundays in the year, the days of the feast of the circumcision of our Lord Jesus Christ, of the epiphany, of the purification of the Blessed Virgin, of St. Matthias the apostle, of the annunciation of the Blessed Virgin, of St. Mark the evangelist, of St. Philip and James the apostles, of the ascension of our Lord Jesus Christ, of the nativity of St. John Baptist, of St. Peter the apostle, of St. James the apostle, of St. Bartholemew the apostle, of St. Matthew the apostle, of St. Michael the archangel, of St. Luke the evangelist, of St. Simon and Jude the apostles,

of All Saints, of St. Andrew the apostle, of St. Thomas the apostle, of the nativity of our Lord, of St. Stephen the martyr, of St. John the evangelist, of the Holy Innocents, Monday and Tuesday in Easter week, and Monday and Tuesday in Whitsun week; and that no other day shall be kept and commanded to be kept holy, or to abstain from lawful bodily labour. To these the church has added the conversion of St. Paul, and the day of St. Barnabas, and at different periods, the fifth of November, in commemoration of the popish plot, the thirtieth of January, for the murder of king Charles I.; the twenty-ninth of May, for the restoration of royalty in the person of Charles II.; and the day of accession of the reigning sovereign. Vigils and days of abstinence from flesh, are among the ordinances of the church, but the observance of them is left entirely to the discretion of individuals.

The punishments inflicted for the above offences by the courts of law have been generally mentioned; those in the power of the church are, first, with respect to the clergy, suspension, deprivation, and degradation; and second, with respect to them and the laity alike, penance and excommunication.

Before the reformation, the clergy had a prerogative called *canonical purgation*, which entitled them, when convicted of an offence before a secular judge by evidence, or even by confession, to cause a jury of twelve clerks to be impanelled before a bishop or his ordinary, before whom the offender came, and swearing himself to be not guilty, and procuring twelve clergymen to swear they believed him, he was delivered from punishment; but this absurd encouragement of perjury was abrogated in the reign of Elizabeth.

SUSPENSION. The suspension of a clergyman is the prohibition of enjoyment of his office, or benefice, for a limited time, but not for ever. The penalty on a clergyman officiating after suspension, if he shall persist therein after a reproof from the bishop, is, by the ancient canon law, that he shall be excommunicated all manner of ways, and every person who communicates with him shall be excommunicated also. There is a suspension applied also to the laity, but it signifies only a temporary exclusion from hearing divine service and receiving the holy sacrament, which may therefore be called a temporary excommunication.

DEPRIVATION. This is an ecclesiastical censure, whereby a clergyman is deprived of his parsonage, vicarage, or other spiritual promotion or dignity. In all causes of deprivation of a person actually possessed of a benefice, these things must occur: 1. a mention or citation of the party to appear. 2. A charge given him, to which he is to answer, called a libel. 3. A competent

petent time assigned for the proofs and answers. 4. A liberty for counsel to defend his cause, and to except against the proofs and witnesses. 5. A solemn sentence, after hearing all the proofs and answers. These are the fundamentals of all judicial proceedings in the ecclesiastical courts, in order to a deprivation; and if these things be not observed, the party has just cause of appeal, and may have a remedy from a superior court. The causes of deprivation allowed by the common law, or by statute, are, want of orders, or of age, illiteracy, simony, plurality, conviction of treason, felony, or perjury; a second conviction of refusing to read the book of common prayer, or any part thereof, or speaking or preaching in derogation of it, or using any other rite or ceremony; not being admitted to administer the sacraments within one year after induction; persisting in maintaining doctrines repugnant to the thirty-nine articles; omitting to read them or the morning and evening prayers, or to read and subscribe the declaration of conformity, or to take and subscribe the oaths of allegiance, supremacy, and abjuration, at the times mentioned in the several statutes already cited; infidelity and miscreancy, including atheism, blasphemy, heresy, and schism; incontinence, drunkenness, disobedience of the orders and constitutions for governing the church, non-payment of tithes, and alienation, certainly, if not dilapidation of ecclesiastical estates. The causes of deprivation by the canon law, are, disclosing confessions; on which point it may be observed, that although in our church Christians are not obliged or enjoined, as in that of Rome, to lay open their acts and even their thoughts to a priest, yet it is allowed to such as are distressed in mind on account of any secret offence by them committed, to unburthen their consciences, and obtain spiritual consolation by confession; and the priest, in such case, is forbidden to disclose this most sacred and confidential communication, unless it be of a nature to involve him in a penalty for having concealed after being made privy to it. The other causes in the canon law, are, wearing arms; non-residence; demanding money for sacraments; obstinacy in intrusion; violating a sanctuary; marriage and, *a fortiori*, bigamy; concubinage; contumacy in wearing an irregular habit; officiating after excommunication without absolution, and keeping other fasts than those acknowledged by law. Of these latter causes some are obsolete, and others rendered impossible by statutes passed since the reformation. The sentence is pronounced by the bishop only, with the assistance of his chancellor and dean, if they may conveniently be had, and some of the prebendaries, if the court be kept near the cathedral church; or of the archdeacon, if he may be had conveniently, and, at least, two other grave ministers and preachers,

to be called by the bishop when the court is kept in other places.

DEGRADATION. This is an ecclesiastical censure, whereby a clergyman is deprived of his holy orders, which he formerly had, as of priest or deacon. And, by the canon law, this may be done two ways, either summarily, or by word only, or solemnly, as by divesting the party degraded of those ornaments and rites, which were the ensigns of his order or degree. This solemn degradation was anciently performed in this manner: If the offender was a person in inferior orders, then the bishop of the diocese alone, if in higher orders, as priest or deacon, then the bishop of the diocese, together with a certain number of other bishops, sent for the party to come before them. He was brought in, having on his sacred robes, and having in his hands a book, vessel, or other instrument or ornament appertaining to his order, as if he was about to officiate in his function. Then the bishop publicly took away from him, one by one, the said instruments and vestments belonging to his office, saying to this effect, "This and this we take from thee, and do deprive thee of the honour of priesthood;" and, finally, in taking away the last sacerdotal vestment, saying thus, "By the authority of God Almighty, the Father, the Son, and the Holy Ghost, and of us, we do take from thee the clerical habit, and do depose, degrade, despoil, and deprive thee of all order, benefit, and privilege of the clergy." And perhaps it would be better if a clergyman, convicted of crimes which are punishable with death, were to be immediately degraded, and not delivered over to the common executioner while invested with the clerical character.

PENANCE. This punishment is used in the discipline of the church, and affects the body of the offender, obliging him to afford a public satisfaction to the church, for the scandal he has given by his evil example. In the case of incest, or incontinency, the sinner is usually enjoined to do a public penance in the cathedral or parish church, or public market, bare-legged and bare-headed, in a white sheet, and to make an open confession of his crime in a prescribed form of words, which is augmented or moderated according to the quality of the offence, and the discretion of the judge. So in smaller faults and scandals, a public satisfaction or penance, as the judge shall decree, is to be made before the minister, churchwardens, or some of the parishioners, respect being had to the quality of the offence, and circumstances of the fact; as in the case of defamation, or the laying violent hands on a minister, or the like. And as these censures may be moderated by the judge's discretion, so, by ancient privilege of the ecclesiastical judge, they may be commuted for an oblation.

ablation of money for pious uses. There were formerly also private penances consisting of the voluntary infliction of pain, labour, or self-denial, enjoined by priests on hearing confessions.

EXCOMMUNICATION. This ecclesiastical censure, whereby the person against whom it is pronounced is, for the time, cast out of the communion of the church, is of two kinds, the lesser and the greater: The *lesser* is privation of the use of the sacraments and divine worship; and this sentence is passed by judges ecclesiastical on persons guilty of obduracy or disobedience, in not appearing on citation, or not submitting to penance or other injunctions of the court. The *greater* excommunication is that whereby men are deprived, not only of the sacraments and the benefits of divine offices, but of the society and conversation of the faithful. In some cases, as striking in a church, it is declared that the offender shall be *ipso facto* excommunicated; but this is to be understood after conviction, which cannot take place without previous monition or summons. The sentence can only be pronounced by the bishop, or other person in holy orders, being a matter of acts at least also; the priest's name pronouncing such sentence is to be expressed in the instrument issuing under seal out of the court. By the ecclesiastical law, persons excommunicated are to be inhibited the commerce and communion of the faithful; the churchwardens and questmen are to see that they be kept out of church, and in ancient times the sentences of the greater excommunication were solemnly promulged four times in the year, with candles lighted, bells tolling, the cross, and other solemnities. If a clerk is excommunicated, he cannot be presented to a benefice; nor can the person excommunicated be an advocate, witness, juror, or bring an action, either real or personal, for recovery of property; and when dead, he cannot have Christian burial, unless some person will testify his repentance. He may, however, make a will, or be nominated executor, but cannot take out probate of the will during the term of his excommunication; and he may have benefit of clergy in a simple felony. If a judge of any spiritual court excommunicates a man for a cause of which he has not the legal cognizance, the party may have an action against him at common law, and he is also liable to be indicted at the suit of the king; but if the excommunication is legal, and within forty days after the sentence has been published in the church the offender does not submit and abide by the sentence of the spiritual court, the bishop may certify such contempt to the king in chancery, upon which there issues out a writ to the sheriff of the county, called from the bishop's certificate a *significavit*, or, from its effects, a writ *de excommunicato capiendo*; and the sheriff shall thereupon take the offender
and

and imprison him in the county jail till he is reconciled to the church, and such reconciliation certified by the bishop; upon which another writ, *de excommunicato deliberando*, issues out of chancery to deliver and release him.

TEST ACTS. The offences and punishments above-mentioned are generally intended to regulate, as well those who profess the christian religion according to the doctrine of the church of England, as those who dissent from it, or deny christianity altogether; but against these there are some peculiar laws, calculated not to oppress them, but to protect and secure the national establishment from the effects of fraud and of force. Some of the laws passed soon after the reformation against reviling or degrading the offices of the church, were rendered necessary by the hatred and contempt in which that establishment was held, not less by the disciples of Geneva than those of Rome. The same hatred assiduously and perseveringly exhibited, occasioned the introduction of some other severe penal statutes, involving the dissenters as well as the catholics, but their application to the latter class was abrogated by the toleration acts, 1 William and Mary, c. 18. and 10 Anne, c. 2. The precise restraints and indulgences affecting certain classes of non-conformists, will be noticed in the short account of their principal divisions; but the general restrictions which affect the catholics are comprized in the statutes against popery; and those which operate both on them and the protestant dissenters are the corporation and test acts, the 13 C. II. st. 2. c. 1. and the 25 C. II. c. 2. which is explained by the 9 Geo. II. c. 26. These laws are designed as bulwarks to secure the established church against perils from non-conformists of all denominations, infidels, Turks, Jews, heretics, papists, and sectaries. By the former no person can be legally elected to any office relating to the government of any city or corporation, unless, within a twelvemonth before, he has received the sacrament of the Lord's supper, according to the rites of the church of England; and he is also enjoined to take the oaths of allegiance and supremacy, with the oath of office: or, in default of either of these requisites, such election shall be void. The other, called the test act, directs all officers, civil and military, to take the oaths and make the declaration against transubstantiation, in any of the king's courts at Westminster, or at the quarter sessions, within six calendar months after their admission; and also within the same time to receive the sacrament of the Lord's supper, according to the usage of the church of England, in some public church, immediately after divine service and sermon, and to deliver into court a certificate thereof signed by the minister and church-wardens, and also to prove the same by two credible witnesses,

witnesses, upon forfeiture of 500*l.* and disability to hold the said office; and of much the same nature with these is the statute 7 James I. c. 2. which permits no persons to be naturalized or restored in blood, but such as undergo a like test. Before the end of every session of parliament, an act is passed to indemnify all persons who have not complied with the requisitions of the corporation and test acts, provided they qualify themselves within a time then specified; and provided also, that judgment in any action or prosecution has not been obtained against them for their former omission.

In the following enumeration of the principal religions or sects inimical to the establishment of the church of England, or dissenting from any or all its doctrines, it is not intended to give even a catalogue of all the names, much less to state with precision the grounds of their difference, but merely to notice their leading characters, and the social regulations which peculiarly affect them.

Jews. Of all the classes of men who inhabited this country, none were so uniformly persecuted as the Jews. As aliens they had no natural rights or claims to protection, and against them the bigotry of the monks, the superstition of the populace, the envy of the merchants, and the dishonesty of the barons, were always in enmity, and frequently in conspiracy. They exercised the trade of money-lenders at a time, when, by the Christian religion, the receipt of interest for money was held to be accursed; and those whose estates were under mortgage, or goods in pledge to these people, were always ready to give scope to the popular malice, and glut their fury on a race, who, having no national establishment in any part of the world, could not revenge or retaliate. Not to mention the massacres and robberies to which they were exposed, it may be fit to notice the laws, which, when they were not oppressed or robbed without colour of law, particularly affected them. They and all their goods were at the disposal of the chief lord where they lived; who had an absolute property in them; and they might not remove to another lord without his leave: and Henry III. sold the Jews for a certain term of years, to earl Richard, his brother. They were distinguished from the Christians in their lives, and at their deaths; for they wore a badge on their outward garments, in the shape of a table, and were fined if they went abroad without such badges; and they were never buried within the walls of any city, and anciently not permitted to establish places of burial in the country. There were particular judges and laws by which their causes and contracts were decided, and there was a court of justice assigned for the Jews. and they were adjudged to be out of the laws
which

which allowed benefit of clergy. If a Jew of either sex was married to a Christian, it was felony, and the punishment, according to some authors, was burning, or, according to others, burying, alive. Finally, in the 16th year of Edward I. they were all imprisoned, but redeemed themselves for a large sum of money; though they gained only a respite of three years, for in the nineteenth of that monarch, they were formally banished, and so remained during 364 years, when Cromwell allowed them to re-enter the kingdom. At present there are few distinctions, and those neither odious nor oppressive, between a Jew and a Christian. The Jews can worship, keep their festivals, bury, and contract matrimony, according to their own rites, and they are expressly exempted, marrying with each other, from the restraints in the marriage act. A Jew is however obliged, on application to the chancellor, to allow a sufficient maintenance to his child becoming a protestant; he can recover his rights in all courts of justice, and in evidence, or in an answer in equity, he is sworn on the Pentateuch. Jews cannot be naturalized, inasmuch as they cannot receive the sacrament according to the forms of the church of England; an act was passed in the year 1753, to relieve them from this inability, but in the next session it was repealed with precipitancy.

MAHOMETANS. These people never having had any material intercourse with these kingdoms, so as to influence their domestic state, it is only necessary to mention them in explanation of the general understanding of the term infidel. This name was applied to all who believe neither the New nor the Old Testament to be the word of God; and it is a rule, that such persons cannot be witnesses in a court of justice; but Mahometans sworn on the Koran have been allowed to make depositions both in the court of Chancery and at the Council Board. It would seem then that the definition of infidel, as now adopted, would apply only to atheists, and to those sectaries who acknowledge a God, but deny the authenticity of all revelation. The former cannot, in course, be bound by the sacred nature of any oath; and it is difficult to conceive what form could make a serious impression on the other, who worships an abstract being of his own invention; fitting him with powers and attributes at his own pleasure.

PAPISTS. With respect to the incroachments of the head of the Catholic church on the liberties of this country, both religious and civil, sufficient observation has already been made. The degree of indulgence which ought to be extended to those who profess that religion is now so much a party question, and discussed with so much heat, that an opinion on the subject would

would require more support and illustration than would be becoming in this work. To avoid any appearance, therefore, of giving or leading to a judgment on this point, the following enumeration of disabilities, with their causes and the relaxations extended to them, is given in the very words of judge Blackstone, and his commentator Mr. Christian.

After noticing the state of Protestant dissenters, with expressions commendatory of liberal toleration, so far as it can be afforded consistently with the safety of the established church, the learned author proceeds: "As to Papists, what has been said of the Protestant dissenters would hold equally strong for a general toleration of them, provided their separation was founded only upon difference of opinion in religion, and their principles did not also extend to a subversion of the civil government. If once they could be brought to renounce the supremacy of the pope, they might quietly enjoy their seven sacraments, their purgatory, and auricular confession, their worship of reliques and images, nay even their transubstantiation. But while they acknowledge a foreign power, superior to the sovereignty of the kingdom, they cannot complain if the laws of that kingdom will not treat them upon the footing of good subjects. Let us therefore now take a view of the laws in force against the Papists, who may be divided into three classes: persons professing popery, popish recusants convict, and popish priests. 1. Persons professing the popish religion, besides the former penalties for not frequenting their parish church, are disabled from taking lands either by descent or purchase after eight en years of age, until they renounce their errors; they must, at the age of twenty-one, register their estates before acquired, and all future conveyances and wills relating to them; they are incapable of presenting to any advowson, or granting to any other person any avoidance of the same; they may not keep or teach any school, under pain of perpetual imprisonment; and, if they willingly say or hear mass, they forfeit the one two hundred, the other one hundred marks, and each shall suffer a year's imprisonment. Thus much for persons who, from the misfortune of family prejudices or otherwise, have conceived an unhappy attachment to the Romish church from their infancy, and publicly profess its errors. But if any evil industry is used to rivet these errors upon them, if any person sends another abroad to be educated in the popish religion, or to reside in any religious house abroad for that purpose, or contributes to their maintenance when there; both the sender, the sent, and the contributor, are disabled to sue in law or equity, to be executor or administrator to any person, to take any

“ legacy or deed of gift, and to bear any office in the realm,
 “ and shall forfeit all their goods and chattels, and likewise all
 “ their real estate for life. And where these errors are also
 “ aggravated by apostacy or perversion, where a person is re-
 “ conciled to the see of Rome, or procures others to be recon-
 “ ciled, the offence amounts to high treason. 2. Popish recu-
 “ sants convicted in a court of law of not attending the service
 “ of the church of England, are subject to the following dis-
 “ abilities, penalties, and forfeitures, over and above those
 “ before mentioned. They are considered as persons excom-
 “ municated; they can hold no office or employment; they
 “ must not keep arms in their houses, but the same may be
 “ seized by the justices of the peace; they may not come
 “ within ten miles of London on pain of 100*l.*; they can bring
 “ no action at law, or suit in equity; they are not permitted
 “ to travel above five miles from home, unless by licence, upon
 “ pain of forfeiting all their goods; and they may not come to
 “ court under pain of 100*l.* No marriage or burial of such
 “ recusant, or baptism of his child, shall be had otherwise
 “ than by the ministers of the church of England, under other
 “ severe penalties. A married woman, when recusant, shall
 “ forfeit two thirds of her dower or jointure, may not be
 “ executrix or administratrix to her husband, nor have any
 “ part of his goods; and during the coverture may be kept
 “ in prison, unless her husband redeems her at the rate of 10*l.*
 “ a month, or the third part of all his lands. And, lastly, as
 “ a feme-covert recusant may be imprisoned; so all others must,
 “ within three months after conviction, either submit and re-
 “ nounce their errors, or, if required so to do by four justices,
 “ must abjure and renounce the realm: and if they do not
 “ depart, or if they return without the king’s licence, they shall
 “ be guilty of felony, and suffer death as felons without benefit
 “ of clergy. There is also an inferior species of recusancy,
 “ (refusing to make the declaration against popery enjoined by
 “ statute 30 Cha. II. st. 2. when tendered by the proper magis-
 “ trate,) which, if the party resides within ten miles of London,
 “ makes him an absolute recusant convict; or, if at a greater
 “ distance, suspends him from having any seat in parliament,
 “ keeping arms in his house, or any horse above the value of
 “ five pounds. This is the state, by the laws now in being, of
 “ a lay-papist. But, 3. The remaining species or degree, viz.
 “ popish priests, are in a still more dangerous condition. For,
 “ by statute 11 & 12 W. III. c. 4., popish priests or bishops
 “ celebrating mass or exercising any part of their functions in
 “ England, except in the houses of ambassadors, are liable to
 “ perpetual imprisonment. And, by the statute 27 Eliz. c. 2.,
 “ any

“ any popish priest, born in the dominions of the crown of
 “ England, who shall come over hither from beyond sea,
 “ (unless driven by stress of weather and tarrying only a rea-
 “ sonable time,) or shall be in England three days without con-
 “ forming and taking the oaths, is guilty of high treason: and
 “ all persons harbouring him are guilty of felony without the
 “ benefit of clergy. This is a short summary of the laws against
 “ the papists under their three several classes, of persons profess-
 “ ing the popish religion, popish recusants convict, and popish
 “ priests; of which the president Montesquieu observes that
 “ they are so rigorous, though not professedly of the sanguinary
 “ kind, that they do all the hurt that can be possibly done in
 “ cold blood. But in answer to this it may be observed, (what
 “ foreigners, who only judge from our statute books, are not
 “ fully apprized of,) that these laws are seldom exerted to their
 “ utmost rigour: and indeed, if they were, it would be very
 “ difficult to excuse them; for they are rather to be accounted
 “ for from their history, and the urgency of the times which
 “ produced them, than to be approved (upon a cool review) as
 “ a standing system of law. The restless machinations of the
 “ Jesuits during the reign of Elizabeth, the turbulence and
 “ uneasiness of the papists under the new religious establish-
 “ ment, and the boldness of their hopes and wishes for the
 “ succession of the queen of Scots, obliged the parliament to
 “ counteract so dangerous a spirit by laws of a great, and then
 “ perhaps necessary severity. The powder treason, in the suc-
 “ ceeding reign, struck a panic into James I. which operated
 “ in different ways: it occasioned the enacting of new laws
 “ against the papists, but deterred him from putting them into
 “ execution. The intrigues of queen Henrietta in the reign of
 “ Charles I., the prospect of a popish successor in that of
 “ Charles II., the assassination-plot in the reign of king Wil-
 “ liam, and the avowed claim of a popish pretender to the
 “ crown in that and subsequent reigns, will account for the
 “ extension of these penalties at those several periods of our
 “ history. But if a time should ever arrive, and perhaps it is
 “ not very distant, when all fears of a pretender shall have
 “ vanished, and the power and influence of the pope shall
 “ become feeble, ridiculous, and despicable, not only in Eng-
 “ land but in every kingdom of Europe; it probably would
 “ not then be amiss to review and soften these rigorous edicts;
 “ at least till the civil principles of the Roman Catholics
 “ called again upon the legislature to renew them: for it ought
 “ not to be left in the breast of every merciless bigot, to drag
 “ down the vengeance of these occasional laws upon inoffen-
 “ sive, though mistaken, subjects; in opposition to the lenient

“ inclinations of the civil magistrate, and to the destruction
 “ of every principle of toleration and religious liberty.

“ This has partly been done by statute 18 Geo. III. c. 60.
 “ with regard to such papists as duly take the oath therein
 “ prescribed, of allegiance to his majesty, abjuration of the
 “ pretender, renunciation of the pope’s civil power, and ab-
 “ horrence of the doctrines of destroying and not keeping faith
 “ with heretics, and deposing or murdering princes excom-
 “ municated by authority of the see of Rome: in respect of
 “ whom only, the statute of 11 & 12 W. III. is repealed, so far
 “ as it disables them from purchasing or inheriting, or au-
 “ thorizes the apprehending or prosecuting the papist clergy,
 “ or subjects to perpetual imprisonment, either them, or any
 “ teachers of youth.”—“ But now by the statute 31 Geo. III. c.
 “ 32.” Mr. Christian adds, “ which may be called the toleration
 “ act of the Roman Catholics, all the severe and cruel restrictions
 “ and penalties, enumerated by the learned judge, are removed
 “ from those Roman Catholics, who are willing to comply
 “ with the requisitions of that statute, which are, that they
 “ must appear at some of the courts of Westminster, or at
 “ the quarter sessions held for the county, city, or place
 “ where they shall reside, and make and subscribe a declaration,
 “ that they profess the Roman Catholic religion, and also an
 “ oath which is exactly similar to that required by the 18th
 “ Geo. III. c. 60. the substance of which is stated above. On
 “ this declaration and oath being duly made by any Roman
 “ catholic, the officer of the court shall grant him a certificate;
 “ and such officer shall yearly transmit to the privy council,
 “ lists of all persons who have thus qualified themselves within
 “ the year in his respective court. The statute then provides,
 “ that a Roman Catholic thus qualified, shall not be prosecuted
 “ under any statute for not repairing to a parish church, nor
 “ shall he be prosecuted for being a papist, nor for attending or
 “ performing mass or other ceremonies of the church of
 “ Rome; provided that no place shall be allowed for an
 “ assembly to celebrate such worship, until it is certified to the
 “ sessions; nor shall any minister officiate in it, until his name
 “ and description are recorded there; and no such place of
 “ assembly shall have its doors locked or barred during the
 “ time of meeting or divine worship. If any Roman Catholic
 “ is elected constable, church-warden, overseer, or into any
 “ parochial office, he may execute the same by a deputy, to
 “ be approved, as if he were to act for himself as principal;
 “ every minister who has qualified, shall be exempt from
 “ serving on juries, and from being elected into any paro-
 “ chial office; all the laws for frequenting divine service on
 “ Sundays,

“Sundays, shall continue in force, except where persons attend
 “some place of worship allowed by this statute, or the toler-
 “ration act of the dissenters, 1 W. and M.; and if any person
 “disturb a congregation allowed under this act, he shall, as
 “for disturbing a dissenting meeting, be bound over to the
 “next sessions, and upon conviction there, shall forfeit twenty
 “pounds; but no Roman Catholic minister shall officiate in
 “any place of worship having a steeple and a bell, or at any
 “funeral in a church or church-yard, or shall wear the habits
 “of his order, except in a place allowed by this statute, or in
 “a private house, where there shall not be more than five
 “persons besides the family. This statute shall not exempt
 “Roman Catholics from the payment of tythes, or other dues,
 “to the church; nor shall it affect the statutes concerning
 “marriages, or any law respecting the succession to the crown.
 “No person, who has qualified, shall be prosecuted for in-
 “structing youth, except in an endowed school; or a school
 “in one of the English universities; and except also, that no
 “Roman Catholic schoolmaster shall receive into his school the
 “child of any protestant father; nor shall any Roman Catholic
 “keep a school until his or her name be recorded as a teacher
 “at the sessions. But no religious order is to be established;
 “and every endowment of a school or college by a Roman
 “Catholic shall still be superstitious and unlawful. And no
 “person henceforth shall be summoned to take oath of su-
 “premacv, and the declaration against transubstantiation; nor
 “shall Roman Catholics, who have qualified, be removable
 “from London and Westminster; neither shall any peer, who
 “has qualified, be punishable for coming into the presence,
 “or palace of the king or queen. And no papists whatever
 “shall be any longer obliged to register their names and estates,
 “or enrol their deeds and wills. And every Roman Catholic
 “who has qualified, may be permitted to act as a barrister,
 “attorney, and notary.”

DISSENTERS. In this class may be included, but merely to
 mention them, for they do not materially affect the community;
 those sectaries who deny the divinity of our blessed Saviour, and
 call themselves Christians, but acknowledge him only as a man.
 These are comprehended in the general term *Anti-Trinitarians*,
 and include the residue of many ancient, as well as the body
 of many modern sects; and under this less exceptionable de-
 nomination, the atheists, and other free-thinkers, as they call
 themselves, are apt to enrol. The Anti-Trinitarians have
 several places of worship, and publish their translations of the
 scriptures, and alterations of the book of common prayer,

without fear of statutes, which the indulgence of modern times renders obsolete.

PRESBYTERIANS. The kirk of Scotland is, properly speaking, the only body of regular Presbyterians in Great Britain. The presbyterians, as to doctrine, agree with the church of England: their chief difference lies in the point of discipline, viz. who shall appoint the governors of the church, and what subordination shall or shall not be between them? The Presbyterians allow of no hierarchy, no subordination in the persons of their ministers; bishops and priests, they maintain, in the time of the apostles, were the same; and therefore, though they allow episcopacy as now settled in the church of England, to be very ancient, yet they deny it to be of divine authority. In lieu of a series of ministers one over another, in quality of priests, bishops, and archbishops, their polity consists in a series of assemblies, or synods: thus every minister is to be obedient to the classis under which he lives; and that classis to a synod, provincial, callical, or oecumenical. The power of ordination, with them, resides in a classis; and none are admitted to administer the sacrament, but those ordained by the imposition of hands of other ministers. They make use of deacons to take care of their poor; and in the government of the church, call in lay elders.

INDEPENDENTS. These persons carry the doctrine of separation further than Presbyterians; they deny, not only any subordination among their clergy, but also all dependency on any other assembly. They maintain, that every separate church, or particular congregation, has in itself radically and essentially every thing necessary for its own government; that it has all ecclesiastical power and jurisdiction; and is not at all subject to other churches or their deputies, nor to their assemblies or synods. Though the independents do not think it necessary to assemble synods; yet, if any be held, they look on their resolutions as weighty and prudential counsels, but not as decisions to be peremptorily obeyed. They agree, that one or more churches may help another church with their advice and assistance, and even reprove it when it offends; provided they do not pretend to any superior authority or right to excommunicate, &c. In matters of faith and doctrine the independents agree with the rest of the reformed; so that the difference is rather political than religious. This sect sprung from the Brownists, a very ancient class of Puritans, founded in 1580, by a learned man called Robert Brown, who afterwards renounced his errors, was reconciled to the Church of England, and died rector of a church in Northamptonshire.

BAPTISTS. This is a general term, including all the sectaries who renounce paedobaptism, or the christening of infants, and reserve those who are born in their sects till they become adults, or insist that converts shall be baptized again. This re-baptism is the origin of the most ancient of their titles *Anabaptists*, but some subdivisions of their sects do not think this necessary. There were *Anabaptists* even in the primitive church; that is, heretics who baptized a second time: such were the Novatians, Cataphrygians, and Donatists. There were also in the third century several catholic bishops in Asia and Africa, who held the baptism of heretics invalid; and therefore re-baptized such as were converted to orthodoxy. But these ancient Re-baptists were not called Anabaptists. In the twelfth century, the Waldenses, Albigenses, and Petrobrussians, are also recorded as of the same belief; but neither was the denomination given to them. It was first applied to a sect of Protestants, who appeared in the sixteenth century, but their founder is not ascertained. In the time of Luther they rose in great force in Suabia, and under pretence of establishing the kingdom of Christ on earth, committed such outrages, that Luther invited all the world to take arms against them as fanatics who abused the word of God, and Calvin wrote in refutation of their doctrines. Their violence in time subsided, their numbers have been rather increasing than diminishing in England, and among their teachers have been some worthy and learned men.

QUAKERS. These people appeared in England during the interregnum, their founder being George Fox, an illiterate person, born at Drayton, in Leicestershire; and by trade a shoe-maker. The accounts of these times tell us, that as he wrought at his trade, he used to meditate much on the scriptures; which, with the solitary course of life, improving his natural melancholy, he began at length to have visions: and, in consequence, set up for a preacher. He proposed but few articles of faith; dwelt mostly on morality; preached mutual charity, the love of God, and a deep attention to the inner motions and secret workings of the spirit. He would have a simple worship, and religion without any ceremonies; making it a principal point to wait in profound silence, the motion and direction of the Holy Spirit. The genius of the times, the novelty of the doctrine, and the great appearance of devotion in the man, soon gained him disciples; and some unusual shakings and convulsions with which they were seized at their first meetings, procured them the appellation of *Quakers*. They profess a great austerity of behaviour; a singular probity and uprightness in their dealings; a demureness and gravity of countenance; a coldness and sparingness of discourse, to have

time to weigh what they say; a great deal of frugality in their tables, and of plainness in their dress. They abhor war, even for self-defence, take no oaths on any account, have no clergy or form of prayer, but every one, male or female, at their meetings, on feeling what is termed a motion of the spirit, rises and delivers such sentiments as proceed from the temporary inspiration; they marry without priest or magistrate, in a form of their own, which gives the compact publicity and authenticity, and they refuse the ordinary civilities of society, such as drinking healths, being uncovered in public places, titling those whom they address, Sir, or Madam, but use instead, the word *neighbour*; and they do not adopt the polite mode of calling a single person *you*, but adhere to *thou and thee*. It is also a principle among them, that they ought not, without compulsion, to pay tythes, church rates and dues, or any taxes laid for the mere purpose of carrying on war. Their doctrines in matters purely religious are speculative, but in no respect immoral or noxious, and their social discipline, by monthly, quarterly, yearly, and other meetings, has not been censured. In the early days of their formation they were accused of some excesses, but in latter times, they have been remarked for an easy and orderly compliance with all the regulations of society. Their scruples respecting taxes and rates are conquered by the slightest appearance of force, and they permit their hats to be taken off in courts of justice, and other places without resistance. The legislature, in consideration of their scruples, allows their *affirmation* to be taken instead of an oath, in all but criminal cases; they have all the benefits of the act of toleration, and their weddings are allowed to be valid.

MORAVIANS. This sect began in Bohemia and Moravia: its origin is ascribed to Count Zinzendorf, a German nobleman, who died in 1760; the Moravians have also been styled Herrnhutters, from the name of the village where they first settled, and term themselves *unitas fratrum*, or united brethren, and claim a much more ancient origin than the times of Count Zinzendorf. Their principles and mode of worship are rather open to the censure of extravagance; but not repugnant to the doctrines of the Church of England, and their zeal, in spreading Christianity through the regions of America, procured from the British parliament 22 Geo. II. c. 30. an act expressly in their favour. It provides that their solemn affirmation shall be taken instead of an oath, but not to qualify them to give evidence in criminal cases or serve on juries.

METHODISTS. This sect, now divided into many schismatic fractions by the views and temper of their leaders, originated in the year 1729, at the university of Oxford, among some young
men,

men, who studied with care the scriptures in their original tongue. These individuals formed separate parties, and, relying on their talents to obtain popularity, and their industry to increase their proselytes, spread with wonderful celerity the influence of their doctrines, not only over the British metropolis, but all parts of the British dominions. Their distinguishing principles are, salvation by faith without the aid or evidence of good works; and perceptible and even instantaneous conversion, with an assurance of reconciliation to God, which they term the *new birth*. This sect was never in hostility with the church of England, and its establishments not excluding the professors from any association with it, neither penalty nor encouragement has attended their progress. The zeal and activity of the teachers have been found useful in disseminating Christianity where it was never received before, or at best had fallen into oblivion through neglect; but the violence of their doctrines, increased in its effect by the coarseness of some illiterate itinerants, assuming to be teachers on the credit of a pretended new birth, has been the cause of considerable evils, and brought on the sect in general no slight animadversions. The moderate doctrines of Methodism, far from being repugnant to, have been professed by many distinguished divines of the church of England, and the better and more distinguished among the Methodists have had support, applause, and commemoration, from eminent, learned, and worthy men.

These are in importance the chief, but not in name any considerable portion of the sects of Christians known in England. Some of them are loud and vehement in complaints against the test and corporation acts, describing the privation of office for non-conformity as a species of persecution; yet, in fact, the toleration they enjoy is greater, and the restraints they labour under are less than in any other country which has an established church. The rule which has guided, and is illustrated by the condescension of our legislators, in this respect, is admirably expressed by the author from whom a preceding passage is derived. "Our ancestors," says Blackstone, "were certainly mistaken in their plans of compulsion and intolerance. The sin of schism, as such, is by no means the object of temporal coercion and punishment. If through weakness of intellect, through misdirected piety, through perverseness and acerbity of temper, or (which is often the case) through a prospect of secular advantage in herding with a party, men quarrel with the ecclesiastical establishment, the civil magistrate has nothing to do with it, unless their tenets and practice are such as threaten ruin or disturbance to the state. He is bound indeed to protect the established church: and, if this

“ can be better effected by admitting none but its genuine
 “ members to offices of trust and emolument, he is certainly at
 “ liberty so to do; the disposal of offices being matter of favour
 “ and discretion. But, this point being once secured, all per-
 “ secution for diversity of opinions, however ridiculous or
 “ absurd they may be, is contrary to every principle of sound
 “ policy and civil freedom. The names and subordination of
 “ the clergy, the posture of devotion, the materials and colour
 “ of the minister’s garments, and other matters of the same
 “ kind, must be left to the opinion of every man’s private
 “ judgment.”

GENTRY.

In this class are comprized the knights of the four orders, baronets, knights, esquires, and gentlemen, with a view of the nature and objects of heraldry, and the established gradations of precedency.

MILITARY ORDERS. A military order is a brotherhood, fellowship, or association of a certain number of actual knights, subjected to a sovereign or great master, united by particular laws and statutes peculiar to that society. The companions are admitted with certain ceremonies, sworn to the observance of the statutes, and distinguished by some particular habits, ensigns, badges, or symbols, which usually give denomination to the order. The vacancies are, from time to time, supplied by nomination or election, for which, and several other ends and purposes, the members are obliged to assemble and hold chapters. The commencement of any military order cannot be traced beyond the twelfth century: the religious are of a more early date than the civil military, and owe their origin to the crusades; but both were, in all probability, instituted on the same prospect and design, which might be the giving mutual aids and supports in war, either against the enemies of religion, or against the foes of the sovereign. The great success of the religious orders against the infidels, might probably encourage and excite princes to erect military for their own particular defence and security; for the founders were famed for their military enterprizes and warlike policy; and institutions were framed at critical periods, when the sovereigns or founders were either making preparations for, or actually engaged in, hostilities: in fact the statutes of the respective orders contain express articles, which, in substance, though in different terms, require assistance to be given in war to the grand master at all events, accompanied generally with the strictest prohibition from bearing arms against any member of the society.

For

For this reason monarchs have permitted the weight of their displeasure to fall on their homagers or subjects for accepting foreign orders without their permission, while some have, in old times, been very solicitous to get their names enrolled in the military orders of their powerful contemporaries, and others have shown great address in evading propositions to that effect, which would involve them in burthenfome and unprofitable alliances.

The military orders of knighthood in England are those of the Garter, the Thistle, the Bath, and Saint Patrick.

GARTER. This is generally acknowledged to be the most dignified military order in Europe, though the motives, and precise time of its establishment are not agreed on, and many fables have obtained currency respecting the origin of its name, and distinguishing appendage. The obscurity attending these subjects is ascribed to the loss of the original statutes, and of the ancient registers and annals, while the silence of contemporary writers, and the great distance of years, have left modern authors full scope for conjecture.

With respect to the era of its first formation, authors differ on various accounts; some following the romantic disposition of former ages, ascribe it purely to king Arthur; and, giving credit to all the extravagant exploits imputed to him, represent the garter as a mere revival of the round table, which he was supposed to have established at Caerleon. Others attribute the design, at least, if not the perfection of the order, to the brave *Cœur de Lion*, during his wars in Palestine, but the tradition on which they rely wants foundation, and is disgraced by circumstances evidently fictitious. There is however no doubt that the order now subsisting was founded at Windsor, by Edward III., though it is not agreed whether the date was in the eighth or twenty-third year of his reign. This monarch, a warrior, patriot, and man of genius, devised this excellent mean of inspiring the valour and increasing the attachment of his subjects, and of captivating the good will of many foreign potentates, at the moment when he was preparing to acquire immortal renown, or forego all he possessed by a hazardous enterprise on the crown and kingdom of France. The mere distinction of knighthood was, at that time, grown too common, and therefore it was well judged to institute an order more than barely chivalric, yet less than noble; expensive to the possessor, yet not to be derived, as the fees on ordinary knight-hoods were, from the feudal tenants under the name of an aid; and which should for ever afford to the sovereign, on vacancies, an opportunity of gracing the valiant or advancing the wise, without augmenting the number of hereditary counsellors,

or granting any transmissible honours. In meditation of such an undertaking, a king so wise as Edward would not omit to avail himself of every circumstance which might render his new dignity not only precious but venerable. If Richard I. really projected a similar measure, the tradition must have been at that time strong and lively, and nothing could render the monarch and his order more popular than an apparent adherence to the plan of that illustrious hero, whose memory was still adored, and whose example still emulated by the honourable and the brave. The tales of king Arthur too were at that time amply recorded, and implicitly believed, and as that of the round table was among the foremost, Edward could not offer a more gracious tribute to those who considered glory as connected with antiquity, than by renewing the ceremonies ascribed to those times, when the body of truth can hardly be distinguished from the shadow of fiction, and the very labour of investigation and incertitude of deduction endear to the inquirer transactions, habits, and circumstances respecting which he would otherwise be utterly indifferent.

With respect to the date of the institution, those who place it in 1344, rely on the authority of Froissart, a contemporary historian who dedicated this portion of his history to the queen of Edward III. The means of ascertaining the exact date are lost by the destruction of the first records of the garter, but the authority of Froissart is not exempt from doubt, as he mingles in his poetical narratives many romantic fictions; and as he was not born till the year 1337, must have written from tradition, or the information of others. Nor is the dedication of his book any conclusive proof, for as Mr. Hume, in questioning his assertion on another point, justly observes, "it is a mistake to imagine that the patrons of dedications read the books, much less vouch for all the contents of them."

Thus much as to the validity of Froissart's positive testimony; but whoever, consulting the history of the times, views the state of Edward and of England, in 1344, and compares it with the circumstances of both in 1349, will clearly discern where all reasonings drawn from probability must fix their preference. In 1344, Edward had been rather foiled than successful in all his attempts on the continent, the nation was distressed and dispirited by the weight of taxes imposed on them to supply resources for his unprosperous expeditions; the clergy had been but recently in hostility with him on account of his prosecution of John Stratford, the archbishop of Canterbury; he was on the point of breaking a truce concluded for his advantage and violated for his convenience; foreign powers, regarding his attempts on France with hostility or with
derision,

derision, were not to be tempted with any shew of honour that he could make, to unite with him in the strict tie of military brotherhood, nor could he, involved in debts which bore "a consuming interest," and receiving a limited, though liberal supply from parliament, dissipate that sum, or consume his valuable time in an expensive and ceremonious installation. One other circumstance merits some regard: his heroic son, Edward the Black Prince, was not, in 1344, of age to receive the honour of knighthood, nor did he in fact receive it till 1346, just before the ever memorable battle of Crecy. In 1349, Edward's glory was at an unexampled pitch; the battle of Crecy, the capture of Calais, the subjugation of Scotland, and the immense plunder acquired by all persons in his army, made him popular at home, formidable abroad, wealthy himself, and surrounded by gallant and opulent warriors; this then was the time for him to set to Europe the example of establishing a sumptuous and honourable military order*. To this end then he issued a proclamation, inviting foreign knights to his court, promising them safe conduct, and displaying at Windsor all the glory of his success, and in the attire of himself, his queen, and his courtiers, all the pomp which could be derived from the spoils of war.

Taking even 1350, the most modern date assigned to this establishment, it precedes, by long intervals, all other orders now subsisting in Europe; it is 119 years before the foundation of St. Michael, by Lewis XI. king of France, in 1469, eighty years before the institution of the order of the Golden Fleece, by Philip II. duke of Burgundy, in 1430; one hundred and ninety years before James V. of Scotland, formed the order of Saint Andrew, or the Thistle; and 209 years before the order of the Elephant was instituted in Denmark.

The general motives of this order were the establishment of a select, well-born, military brotherhood in support of the crown, and advancement of discipline, to which were added those so usual in every system partaking in the nature of chivalry, the fortifying of the faith, the maintenance of right and justice, and the defence and honour of the ladies. Tradition indeed ascribes its formation to the fair sex, and that not merely in general terms, but by the narration of several fables, such as those of the queen, or the countess of Salisbury, the king's mistress, dropping a garter at a ball; or of its being instituted

* The authenticity of F. 231st in this date, is much insisted on by Mr. Antis in his register of the order of the Garter, but perhaps the whole difference arises from a slip of the pen or the negligence of a transcriber of Froissart, who has taken the Roman numerals *xlx* for *xlix*, a mistake which might very easily be made in any MS. of the time of Froissart.

in memory of a certain queen Perifceclide; which have been vouched by grave authors, and no less gravely disproved; while others have endeavoured to derive this Christian institution from the mysteries of the Cabiri. It is however certain, that the robes of the order have been frequently distributed as of right to ladies, as well widows as consorts; and even when they had married noblemen who were not of the order.

In this honourable fraternity have been included, beside the sovereigns and princes of England, eight emperors of Germany, five kings of France, three kings of Spain, one king of Arragon, seven kings of Portugal, one king of Poland, two kings of Sweden, six kings of Denmark, two kings of Naples, one king of Sicily and Jerusalem, one king of Bohemia, two kings of Scotland, and forty other sovereign princes. These illustrious acceptances are only contrasted by one refusal, which was that of Philip, duke of Burgundy, in the second year of Henry VI., and his motive was purely conscientious, "lest he should be obliged to break either the sacred statutes of this order or the rights of kindred." Motives similar to this have produced resignations, but the instances are by no means frequent, and such an act by a sovereign has been deemed an absolute renunciation of all friendship and amity. Several knights have been deposed for conduct unworthy of the order, or for want of that fidelity and attachment to the sovereign to which they were bound by their oath at the time of installation.

Statutes for the establishment and regulation of this order, have been frequently made and revised; they have formed the model for those of most other institutions of the same nature, and it is by a consideration of them, and occasional comparison between those now in force and those of preceding times, that the most material points relative to the garter will be best understood.

At a solemn chapter, held at Westminster in the seventh year of Edward VI., 17th March 1552, at which that pious and learned young monarch presided, the statutes of the order accumulated in many preceding reigns, underwent a complete revival. In the introduction to this work, the honourable, religious and patriotic motives, which influenced the first founders, and the success of their efforts, were eloquently displayed; "but" it was said "that old serpent Satan, a continual adversary to mankind, had so great envy hereat, for that he espied it to be of all men both in our own and foreign countries much commended, that he busily laboured to deface, and utterly to destroy so great an encouragement and occasion of virtue; and this he did so much the rather, when he saw so many valiant men, stirred with desire of this honour

“honour to the attaining of perfect and absolute virtue.
 “Whereupon so far forth he went subtilly blinding men’s eyes
 “upon hope of prey, that at length he filled and stuffed the
 “very statutes and ordinances of this fellowship, with many
 “obscure, superstitious, and repugnant opinions. We there-
 “fore, to defeat this so great malice of that subtle enemy,
 “have been greatly moved by the ancientness, majesty, and
 “very godliness of this order, so that we thought all our
 “study, labour and diligence to be well bestowed in reducing
 “the same to its original estate and pristine foundation.”

Whatever share the old serpent may have had in depraving the statutes of the garter, the complaint itself was not ill founded, for they were disfigured by so many superstitious respecting the Trinity, the Virgin Mary, Saint George, and other ecclesiastical matters, that if such modes had been persevered in, the insignia would rather have resembled an amulet than a military honour. The statutes of Edward VI. then ordain.

1. “That the order shall be called the Order of the Garter,
 “and not of Saint George, lest the honour due to God might
 “seem to be given to any creature.

“The number of the knights was declared to be twenty-
 “five, beside the sovereign, being all gentlemen born, and
 “without reproach.”

In this regulation an alteration was made in the year 1786, when a statute was issued by the sovereign at a chapter at St. James’s, enlarging the number by allowing the addition of the sons of the sovereign, exclusive of the number twenty-five.

2. *The Sovereign.* “The king, and his heirs and successors
 “being kings, are to be sovereigns of the order, as has ever
 “been heretofore; to whom also the declaration, interpreta-
 “tion, definition, and, as the matter shall require, the cor-
 “rection of the statutes shall always belong, having thereto
 “the consent of six of the order at the least.

“In case of death of any of the order, the king’s letter
 “issues to the remainder being in the realm, or to so many
 “of them as he thinks fit, but not less than six, command-
 “ing them to attend him at such time and place as he shall
 “appoint for the election.”

“It is the privilege of the sovereign to dispense with the
 “ceremonies as cause may require, or give licence for their
 “omission.”

The privileges reserved to the sovereign in this division, rightly belong to him as the fountain of honour; the limitation of the sovereignty to the heirs and successors of the king, being kings, is indispensable in the nature of knighthood, hence
 it

it is, that in the arms of queen Anne, instead of the words, *Honi soit qui mal y pense*, the motto of this order, the words, *Semper eadem* are inserted.

3d. *The Order*, "None shall be admitted into this fellowship, except he be a gentleman of blood of the father's side, from three descents, and bearing arms, and shall be also of the order of knighthood before his election, without due reproach of all manner of shameful acts and deeds."

In the statutes made in the 11 Henry VIII., it was ordained both by father's and mother's side, and the term "without reproach" was explained to signify: 1st, Being exempt from conviction or attainder of heresy, or error against the Catholic faith, or the undergoing of any penalty or public punishment for such offence; 2d, From attainder or conviction of high treason; and 3d, Any knight departing or fleeing from battle, or journey; being in company with his sovereign, or lieutenants, or others, where banners, standards, or pennons had been displayed, and they had proceeded to fighting; was to be adjudged a knight with reproach, not only incapable of being elected, but if already of the order, he was to be deprived and degraded.

"In case of vacancies, the sovereign and the knights of the order, in number at least six, being assembled in their robes, every one of them shall write the names of nine worthy personages, first three of princes, that is to say, of emperors, kings, arch-dukes, dukes, marquises, or earls; three of viscounts, barons, or lords; and three of bannerets, or knights bachelors, which being so written and presented to the sovereign, according to the accustomed manner, his majesty shall choose out of them whom he thinks most worthy of the place void, and if he or they who shall be chosen shall be there present; two knights of the order shall lead him or them into the place where the sovereign is, the one after the other according to their honours and place, and his highness shall put about his neck a collar, or little chain or lace, having a massy golden image of an armed knight sitting on horseback, compassed with a garter of gold hanging thereat, in which garter shall be this sentence contained: *Honi soit qui mal y pense*, which is the cognizance of the order. And that done, two other companions of the order shall fasten or tie the garter about his left leg, to whom shall be delivered by the chancellor or his deputy, a book of the statutes of the order, signed with the sovereign's hand, which, after the death of the said knight, must be restored to garter king of arms."

4th. "When any foreign prince shall be chosen into this order,

“ order, the fovereign fhall fend to him one of the knights of
 “ the faid order, and garter the king of arms, with the flatutes
 “ figned with the fovereign’s hand, and fealed with the feal of
 “ the order, who, after the end of common prayers ufed in that
 “ country, fhall put upon the perfons elected, the accuftomed
 “ robes and apparel of the order, that is to fay: the mantle,
 “ girdle, and the hood; alfo about his neck they fhall put a col-
 “ lar of gold wrought with rofes, having the order of the garter
 “ hanging thereunto, and about his leg they fhall tie the garter.
 “ No foreign prince elected into this order fhall be bound to
 “ give any oath, or to perform the other ceremonies of the
 “ order, unlefs they will themfelves, nor yet not to leave dur-
 “ ing their lives the wearing of the image of St. George,
 “ which they firft received, but as it fhall pleafe them; but if
 “ they think fit they may be fworn to obferve in all points,
 “ from article to article, the flatutes of the order, as fpecified
 “ in the book.”

5th. Refpecting *deprivation*, it is declared: that, “ whofoever
 “ fhall be convicted of any capital offence, or fhall be known
 “ cowardly to have turned their face from the enemy in battle,
 “ or fhall be spotted with any capital crime, though he efcape the
 “ pain of death, or have been received into this company for
 “ lack of knowledge of his flock and lineage, according to the
 “ ordinance above expreffed, and fhall be afterward duly prov-
 “ ed no gentleman, fhall be removed and expelled from this
 “ order and fellowfhip. When a knight is degraded, the
 “ other *alias* provoft of this order, by the appointment and
 “ commandment of the fovereign, fhall firft of all arreft the
 “ knight convicted with his black rod, and afterwards, he with
 “ the king of arms associate with him, or one of them, being
 “ thereto authorized by the king, fhall take away from him the
 “ collar and garter of the order. Provided always that no
 “ fuch arreft be executed on any of the faid company or
 “ fellowfhip, without firft the fame be confulted upon at a
 “ chapter holden in the prefence of the fovereign, and there
 “ concluded with the number of fix at leaft of the order.
 “ After *garter* the king at arms has declared openly his offence,
 “ being treason or herefy, at Windfor, according to the
 “ accuftomed manner, one of the heralds of arms fhall throw
 “ down his hatchments hanging over his feat there, and con-
 “ temptuoufly fpuen them with his feet (as he may) out of
 “ the chapel, by which fact he fhall be taken ever afterwards
 “ for a perfon degraded and quite deprived of this order.
 “ The name of a knight of the order condemned of treason,
 “ being entered into the register book of the order, fhall after-
 “ wards

“wards have this note in the margin, over against the place
 “where the name shall be written *Vobis traitor!* the name
 “nevertheless remaining unput out;” and the sentence of
 degradation is pronounced by garter king of arms, according to
 a prescribed form.

The remaining statutes relate to the feast, apparel, and
 officers of the order, which will be treated of separately.

The habiliment of a knight is characterized by his garter,
 surcoat, mantle, George or collar, cap and plume. The dress of
 the order, consists of small clothes after the antique fashion,
 and as they were generally worn in the reign of Henry VIII.,
 of white and silver tissue, with stockings of white silk, which
 being very long and joining the breeches, are called *pantaloons*.
 They are worn with one garter only, which is dark blue, the
 motto *Honi soit qui mal y pense*, is embroidered in letters of
 gold: it is fixed between the left knee and calf of the leg,
 and while it is being put on at the time of investiture, the
 knight is admonished in these terms: “To the honour of
 “God omnipotent, and in memorial of the blessed martyr St.
 “George, tie about thy leg, for they renown, this noble gar-
 “ter; wear it as the symbol of this most illustrious order,
 “never to be forgotten or laid aside, that thereby thou mayest
 “be admonished to be courageous; and having undertaken a
 “just war, in which thou shalt be engaged, thou mayest
 “stand firm, valiantly fight, and successfully conquer.” It is
 also ordered by the statutes that no knight shall go abroad
 without this badge, except when he rides booted, on pain of
 forfeiting a noble.

The collar, or as it is generally called, the order, does not
 appear to have been an original ornament, though from its
 composition, a series of S. S. to which is appended the image
 of St. George overcoming the dragon, it has been inferred
 that it was designed by Edward III., in honour of the coun-
 tesses of Salisbury. But it appears that collars in this form were
 commonly worn by the nobility and their retainers, long be-
 fore and after the establishment of the garter, and there is no
 sufficient reason for supposing that it was affixed to the knights
 of this class, till the reign of Henry VII. It is now placed
 on the knight at his investiture by the sovereign himself, and
 the following admonition is pronounced: “Wear this ribband,
 “adorned with the image of that blessed martyr and soldier
 “of Christ, Saint George, by whose imitation provoked, thou
 “mayest so overpass both prosperous and adverse adventures,
 “that having stoutly vanquished thy enemies, both of body
 “and soul, thou mayest not only receive the praise of the tran-
 “sient combat, but be crowned with the palm of eternal vic-
 “tory”

“ tory.” This ornament now contains twenty-six garters enamelled, and as many knots, alluding to the sovereign of the order, and his twenty-five knights-companions. It consists of two different links alternately combined together: on the first is a red rose in enamel, which is surrounded with a blue enamelled garter, upon which appears the motto, in letters of gold. The second link is the same in every respect; save that the rose in the centre is of white enamel. These links are united with *Lacs d’amour*, or, true lovers knots; and from the middle of the collar, is suspended the effigy of St. George on horseback, in armour, encountering the dragon with a tilting spear; which medal, being of pure gold, is often enriched with jewels. By the statutes of the order, the collar ought to weigh thirty ounces, troy weight. Until the reign of Charles II., the ribband with the lesser George, used to be worn round the neck, but he ordered it in future to be worn from the left shoulder, coming under the right arm. And the same king ordered, that the sovereign, the knights-companions, the prelate, and chancellor of the order, should at all times, in all places and assemblies, when not adorned with their robes, wear on the left side of their coats, cloaks, or riding cassocks, the cross of the order, encompassed with the garter, to shew the world the height of honour to which they were arrived; and to the cross and garter, he added a silver star of eight points to be worn by the knights on their left sides; and by the statutes of the order, they are never to appear in public without their garter, lesser George, and star, except on the principal and solemn feasts, when they are to wear their collars.

The installation was ever a ceremony of great magnificence, and the good taste and liberality of the present sovereign have rather enhanced than diminished its ancient splendour. It takes place at Windsor, when the knights-companions attend in the full habit of the order; the officers in their mantles, and the knights elect in the under habits of the order, with their caps and feathers in their hands. The under habits are these; the stockings and breeches as before described: on the outside of the knee is fixed a knot of open silver lace and ribbands intermixed, in the form of a large rose; and a little below the left knee, the garter. The shoes, being of white shammy, with red heels, have each a knot (as the former) on the exterior side. The doublet is cloth of silver, adorned before and behind, and down the sleeves, with several guards, or rows of open silver lace, each lace having a row of small silver buttons, set down the middle. The cuffs are open, and adorned with silver lace, like the sleeves, and ribbands set in

silver loops. At the bottom of the upper seam of each cuff is fixed a knot of silver ribbands, that falls over the gloves, which are of kid, laced at the top with silver, and adorned at the opening with a knot, as on that of the cuffs. Then their trowsers, which are of the same cloth as the doublet, and adorned with two rows of lace and ribbands, as before mentioned, intermixed and set at small distances, that the ground appears between them, being buckled round his waist, are in form of a pair of puffed breeches, reaching to the middle of the thighs.

A procession is made from the presence-chamber to the chapel, led by the poor knights, who are followed by the prebendaries of Windsor, the officers of arms, the knights elect, the knights-companions, and the officers of the order, in appropriate dresses. After certain ceremonies, the knights-companions and the sovereign retire into the chapter house, where the knights elect are separately introduced, received by the two junior knights-companions, and conducted to the table where the surcoat, girdle, and sword are placed. The surcoat which is of crimson velvet, lined with white taffety, is delivered by garter king of arms to the two senior knights, who invest with it the knight elect, while an admonition is read to him in these terms: “ Take this robe of crimson, to the increase of your honour, “ and in token or sign of the most noble order you have received; wherewith you being defended, may be bold, not only “ strong to fight, but also to offer yourself to shed your blood “ for Christ’s faith, the liberties of the church, and the just “ and necessary defence of them that are oppressed and “ needy.”

After this, his sword is girt close about him, over his surcoat, with a belt the same as the coat, and then bearing in his hand his cap which is of black velvet, rather high with narrow brims, and adorned with a plume of white feathers, with a lemon sprig in the middle, he proceeds to his installation in St. George’s chapel, being conducted between two knights-companions of the order, to the seat below his stall. At this place, garter king of arms has previously deposited on a crimson velvet cushion, laced and tasselled with gold, the mantle, collar, hood, and book of statutes; and the knight elect laying his right hand on the New Testament, the following oath is administered to him:

“ You being chosen to be one of this honourable company, “ of this most noble order of the garter, shall promise and “ swear by the Holy Evangelists, by you here touched, that “ wittingly or willingly you shall not break any statute of the “ said order, or any articles in them contained, the same being “ agreeable, and not repugnant to the laws of Almighty God, “ and

“ and the laws of this realm, as far forth as to you belongeth
 “ and appertaineth: so help you God and his holy word.”
 As soon as he has taken this oath, he is conducted to his stall,
 and invested in the following manner: the mantle, lined as the
 surcoat, and made of sky-coloured velvet, adorned on the left
 shoulder with St. George’s cross, encircled with the garter,
 wreathed on the edges with blue and gold; being put on him
 by the two knights that led him into the choir, is fastened
 about his neck with a cord on a robe string, made of the same
 coloured silk and Venice gold twilled, the ends being made in-
 to large knots or buttons, encircled with a caul and fringe.
 And while the ceremony of the investiture of the mantle (which
 is tied on the right shoulder,) is performing, the proper ad-
 monition is pronounced by the registrar: “ Receive this robe
 “ of heavenly colour, the livery of the most excellent order, in
 “ augmentation of thy honour, ennobled with the shield and
 “ red cross of our Lord, by whose power thou mayest safely
 “ pierce troops of thy enemies, and be over them ever vic-
 “ torious; and being, in this temporal warfare, glorious in
 “ egregious and heroic actions, thou mayest obtain eternal
 “ and triumphant joy.” The hood, which is of crimson velvet,
 and lined with white taffety, was formerly worn on the head;
 but the cap being substituted, it is now fastened to the right
 shoulder over the mantle, to the tippet which comes athwart
 the breast, and tucks under the girdle.

The collar is put over the hood and mantle, and fastened to
 the shoulders by a silver ribband, and an admonition admi-
 nistered, similar to that which is pronounced, when the knight
 is invested with the ribband; when the cap and feather are put
 on the knight’s head, he is completely invested; and, after
 divine service, and several religious ceremonies, and offerings
 at the altar, the whole party, with trumpets sounding, march
 to dinner, prepared for them in St. George’s hall. The feast
 on this occasion is always very sumptuous; the knights are
 placed at it in the order of their stalls, and not of their rank in
 other respects.

At the installation of a knight, his helmet, crest, sword, ban-
 ner, and a plate containing his name and titles, are to be set over
 his stall in the chapel of St. George in Windsor castle, as a
 mark of honour, and are to remain during his being of that
 order. And, at all times and places, the arms of a knight-
 companion of the garter are to be encircled by the garter,
 with its motto.

By the statutes of the order it is directed, that “ When
 “ garter shall set up at Windsor the hatchments of any knight
 “ of this order newly chosen into the place of any deceased

“ out of this life without condemnation of any crime, he shall,
 “ before the setting up of the new hatchments, take down in
 “ order, and that reverently, the banner, sword, helmet, and
 “ crest of him that last deceased, in whose place the new doth
 “ succeed, and shall, in the chapel, present the same one after
 “ another to the dean, or in his absence to the subdean, or
 “ other of the principal canons there, with these words: ‘These
 “ were the hatchments of a knight of this noble order, who
 “ deceased his life such a day.’ Adding thereto this sentence,
 “ ‘Blessed be the dead that die in the Lord;’ which done, the
 “ dean, or he to whom these hatchments shall be presented, shall
 “ enter in writing the same to be recorded by the register, and
 “ then shall garter set up the new hatchments.”

“ Every knight, within six months after his appointment to a
 “ stall at Windsor, must cause a metal plate of proper size to be
 “ engraven with his arms, and set up over his stall; and painted
 “ scutcheons are yearly to be provided by garter king of arms,
 “ in readiness for celebration of the feast, whether his majesty
 “ shall be pleased to keep it or not. When any duke, marquis,
 “ earl, viscount, baron, banneret, or bachelor knight, being of
 “ this order, dies, he that succeeds him, of what estate soever
 “ he shall be, shall have only that stall which his predecessor
 “ before had, neither shall he change it without special ap-
 “ pointment of the sovereign, unless he be an emperor or king,
 “ or the prince of some realm, or of the blood royal, who shall
 “ have always the stalls according to their state next to the
 “ sovereign.”

The fees of becoming a knight of the garter are fixed at eight hundred guineas.

The officers belonging to the order are,

The Prelate, a dignity which is inseparably annexed to the bishopric of Winchester.

The Chancellor, an office which has by long custom been annexed to the see of Salisbury, though not by any statute rendered inseparable from it. His duty is thus delineated in the statutes: “It shall be the office of the chancellor, on the
 “ sovereign’s commandment, to summon and give warning of
 “ the chapter to be kept by the sovereign and companions of
 “ the said order, and there to propound and put forth all such
 “ matters as are there to be consulted of; he shall also be pre-
 “ sent yearly at the feast of the order if he be not sick or
 “ otherwise employed in the service of the king’s majesty; and,
 “ at the same time in the chapter-house, shall declare and
 “ rehearse as well the noble acts as the shameful deeds (if any
 “ chance to be) of the companions and fellows of the order, to
 “ the intent the register of the order may, according to the

“ ancient custom, record and register them in the chronicles
 “ of the order. Furthermore, the chancellor, at the time of
 “ the election of knights into the order, shall exhibit to the
 “ sovereign, with such reverence as shall become him, the
 “ names of those that be in election taken in writing afore by
 “ the register. The chancellor shall also keep the great seal
 “ and signet of the order, wherewith he shall also seal the
 “ statutes and decrees of the order, commissions, command-
 “ ments, grants, certificates, and all other instruments pertain-
 “ ing to the order upon the sovereign’s commandment; and if he
 “ chance to depart from the sovereign the space of sixty miles,
 “ of known purpose, he shall deliver the said seals to the sove-
 “ reign, or to any other appointed by the sovereign. The
 “ print and seal of the signet shall be of this sort: the arms of
 “ England and France together with the arms of the order
 “ shall be therein graven, with this brief sentence about it,
 “ *Honi soit qui mal y pense.* The chancellor’s garment, which
 “ he shall wear at the celebration of the feast, and at all other
 “ solemn assemblies of the companions of the said order, shall
 “ be a side gown with sleeves made of blue satin, and, for a
 “ token that he is an officer of the order, he shall wear about
 “ his neck, hanging by a lace or chain, a cross of the order
 “ with a red rose in a white of gold, all compassed with a
 “ garland of red and white roses. Finally the said chancellor
 “ shall have, besides his fee belonging to his office, a house at
 “ Windsor, with allowance of meat and drink after the old
 “ custom.”

The Register. The regulation respecting him is, that “if an
 “ ecclesiastical person, he shall be either a doctor of divinity or
 “ of the civil law, but if a temporal man, he shall be a knight
 “ and a gentleman of blood, of experience, and learning com-
 “ mendable. His office shall be to be present at all assemblies
 “ of the companions of the order, and at every election to write
 “ the names of such persons as are named in elections; and
 “ when he has so done, if the chancellor be absent, to deliver
 “ up the same with due reverence to his sovereign or his lieu-
 “ tenant. In the absence of the register, the dean, or the most
 “ ancient canon or prebendary of Windsor college, shall supply
 “ his place in that point for the time. The register shall write
 “ the day wherein any knight is made of this order, and the
 “ time of his death. Also what statutes are in force and what
 “ repealed. Moreover, he shall chronicle and put in writing
 “ the martial feats and valiant acts of the sovereign and
 “ knights of the order, with credit and memory, which by his
 “ own industry, or by information of the chancellor or king of
 “ arms, he has learned. For which purpose he shall prepare

“ two great books or registers, one of which, always remaining
 “ in the castle of Windsor, there to be kept by such as shall
 “ succeed in the office, shall be called the *register of Windsor*;
 “ the other, which the register shall have always with him, in
 “ readiness in the court to be shewed the sovereign when
 “ he shall call for it, shall be called the *register of the court*.
 “ Furthermore, the register shall yearly, at Whitsuntide, in
 “ the beginning of the council or chapter, before the sovereign
 “ or his lieutenant, and other knights of the order there pre-
 “ sent, rehearse all things done the year past belonging to the
 “ order, noted faithfully by him, to the intent that, if any
 “ thing be therein written amiss or untruly, the same might be
 “ revoked and amended. He shall always use the counsel and
 “ advice of the chancellor in the writing and registering of all
 “ things appertaining to the order. The register and dean of
 “ Windsor shall have the collection and gathering of all such
 “ sums of money as are appointed by the statutes to be paid by
 “ the knights of the order, and shall bestow the same on the
 “ poor, on mending of highways, and on other like charitable
 “ deeds, which the sovereign shall think meet. Of the receipt
 “ and bestowing of which sums of money they shall make
 “ account once yearly to the sovereign, wherein, if they fail,
 “ they shall forfeit twenty shillings to be employed in such
 “ sort as the other money shall be. The register’s gown shall
 “ be like the chancellor’s, and he shall wear about his neck,
 “ hanging by a lace, a red rose, and a white of gold, one within
 “ the other. He shall also have a house in the castle of Wind-
 “ sor, and meat and drink in such sort as has been heretofore
 “ used, and also he shall have his accustomed fee, and of every
 “ knight chosen into this company at the time of his installation
 “ thirty shillings.

The Usher or Provost. Some of the authorities of this officer
 have already been mentioned in treating of him as gentleman
 usher of the black rod. His quality, and those duties which
 more particularly belong to the garter, are thus described in
 the statutes: “ The usher or provost shall also be a gentleman
 “ born and bearing arms, who if he be no knight at the time
 “ of his entry into the office, he shall then be made knight.
 “ Whensoever the sovereign and the residue of the knights of
 “ this order meet together in council to consult of any matter
 “ belonging to the order, he shall keep the outer door. Where-
 “ soever the sovereign or his lieutenant shall celebrate yearly
 “ the feast of the order, the usher or provost shall carry there
 “ before him a black rod, or else, in his necessary absence, some
 “ other, appointed by the provost, being a fit man for the pur-
 “ pose, and allowed by the sovereign. He shall execute his

“ ancient authority in degrading knights from this order in
 “ such sort as is declared in the chapter of deprivation. For
 “ the execution whereof he shall receive, of every one who
 “ shall be so deprived, five pounds according to the accus-
 “ tomed manner. But if he shall admonish any of the order
 “ by the sovereign’s commandment and fellows of some smaller
 “ fault by him committed, he shall then claim of the party so
 “ admonished but thirty shillings. The provost shall wear a
 “ like gown as the chancellor and register do, but he shall wear
 “ about his neck, hanging at a lace, a red rose and a white of
 “ gold like the register. Besides his yearly fee he shall have a
 “ house at Windsor, and meat and drink in like sort as the
 “ register.

Garter King of Arms. The general duties of this officer will necessarily come under consideration in treating of the herald’s office. By the statutes of the order it is declared, that “ garter
 “ the king of arms shall be, for the honour of the order, a
 “ gentleman of blood as the rest of the officers are, and of a
 “ well known name and reputation, the same garter bearing
 “ arms himself, and being born within the realm shall be head
 “ and chief herald of all officers of arms within the said realm.
 “ His office shall be to take the names, surnames, and cogni-
 “ zances of every knight chosen into this order, and to cause
 “ the book wherein the same shall be written to be delivered to
 “ his successors. The said garter shall make diligent inquiry
 “ and search for the noble and valiant acts of the sovereign
 “ and companions of the order, and shall thereof make true
 “ report to the chancellor and register, to the intent they may
 “ be put in writing by the said register as aforesaid. He shall
 “ either convey by himself, or procure to be conveyed, all such
 “ letters as do belong to the order, and also shall signify to the
 “ sovereign, chancellor, or register of the order, the death of
 “ every knight, that there may be appointed a new election at
 “ the sovereign’s pleasure. Furthermore, he shall do, or cause
 “ to be done, whatsoever the sovereign, or chancellor in the
 “ sovereign’s name, shall command him in things appertaining
 “ to the order. Also the said garter, or his deputy, shall mi-
 “ nister the oath to all officers of arms, for the which he shall
 “ receive the accustomed fees. The said garter shall have of
 “ the sovereign his yearly fee accustomed. Also he shall claim
 “ and have as often as any duke, marquis, earl, viscount, baron,
 “ or knight, is made knight of this order, the uppermost gar-
 “ ment that they so elected shall wear upon them. He shall
 “ wear the apparel that he has been accustomed to wear, and
 “ shall have meat, and drink, and house at Windsor, as in times
 “ past has been the use.”

All these officers are to attend the sovereign and knights at the feasts of the order and other meetings; and in processions the provost and the king of arms walk together next before the sovereign, and the chancellor and the register next before them. When the knights of the order sit in their stalls in the choir at Windsor, the said officers of the order sit on two forms set across in the same place; on the one the chancellor and the register, and on the other the provost and garter king of arms. These ministers, discharging their offices well, are, by the statutes, declared always to be under the protection of the sovereign, that is, they are kept and defended by him from all injuries and wrong offered them, and have all their causes of suits determined by the sovereign without vexation in any other courts.

Before entering into their offices, they take an oath to obey the sovereign and knights in all things appertaining to the order; to reveal no secrets mentioned in the chapter; to defend and maintain the dignity of the order, and resist all attempts against it, or against the knights; and, lastly, to do their respective duties without affection, favour, hate, or fear.

KNIGHTS OF THE THISTLE. This order was founded in 1540, by James V. of Scotland, who, being honoured with the order of the Garter by his uncle Henry VIII., with the Golden Fleece by the emperor, and the order of St. Michael from France, made this order for himself and twelve knights, in imitation of Jesus Christ and his apostles. Then celebrating all the festivals of these orders, he set up their arms and badges over the gate of his palace of Linlithgow, joining with them those of St. Andrew.

Some writers, ever fond of antiquity, not satisfied with the novelty of this institution, affect to call it most ancient as to its derivation. But for this they have no better warrant than the dream of king Hanguis the Pict, to whom St. Andrew making a midnight visit, assured him of a victory over his foes the Northumbrians; and the next day, St. Andrew's cross appearing in the air, he verified his promise, and the Northumbrians were defeated. On this story, as they say, king Achaius, about the year 800, framed the order of St. Andrew 700 years before it was revived by James V. But as this narrative, in itself improbable, is unsupported by foreign testimonies or authors, and not vouched for, or even mentioned, by any contemporary, it is generally ranked as a mere fable.

James V. died in 1542, soon after he had founded and established this order, which caused a temporary discontinuance of it; for it being about the time of the reformation, when religious disputes ran to a great height, it was deemed impious to imitate in an order of knighthood our Saviour and his apostles;

nor was this honourable order renewed till the 27th May, 1687, when James the seventh of Scotland, and second of England, created eight knights. But the glorious revolution happening next year, no more knights were added till December 1703, when Queen Anne filled up the vacant stalls, according to the original statutes of the order, to which she added some new rules. In 1714, George I. confirmed the statutes of Queen Anne, and enacted several more, particularly that of making rays of glory to surround the figure of Saint Andrew, which hangs at the collar; and, as elections and installations were wanting, his majesty ordered that chapters of election should thenceforth be held in the royal presence; and that the great wardrobe should provide suitable mantles, and other vestments, for the knights and officers of the order.

The ensigns are, the image of Saint Andrew in a purple robe, irradiated with glory, and vested in cloth of gold, with the white cross of martyrdom on his breast; it is appendant to the collar of the order, as worn by the knights on their feast day, (being the 30th of November,) and on other great occasions.

The collar is made of gold, with thistles and sprigs of rue linked together, enamelled green, being the two ancient symbols of the Scots and Picts; the one not to be handled without being hurt, and the other an antidote against infection. Hence the motto, *Nemo me impune lacesset*. The arms of the knights companions are enriched with the motto.

The common badges worn by the knights are, a cross surmounted by a star of four silver points, and over them a green circle, containing the motto in letters of gold, and in the centre is a thistle proper; the whole being embroidered on the left breast. This badge, and the collar are always worn with the other ensign, which is a green ribband spread over the left shoulder, and brought under the left arm, pending to which is the same motto; but sometimes the knights wear a thistle crowned, encircled after the same manner.

King James appointed the knights to wear the image of Saint Andrew, pendant to a blue ribband; which continued so till Queen Anne changed it for that of green, as it is now worn.

The officers belonging to this order are, a dean, a secretary, Lion king of arms, and gentleman usher of the green rod.

KNIGHTS OF THE BATH. The knighthood of the Bath, that is, the ceremony of bathing combined with other rites at the time of assuming this dignity, is traced to a very remote period; it is said to have been in use among the Franks, who were inhabitants of Lower Germany, and to have been brought by the Saxons into England; but a distinct order of knighthood denominated

denominated *of the Bath*, does not appear to have been established till the reign of Henry IV. During the prevalence of the feudal system, the assumption of knighthood at a particular age was not a favour, but a duty, as the sheriffs were directed by writs to return the names of all persons within their counties who had attained the age of twenty-one years, and possessed land of the annual value of 40*l.* that they might be compelled to receive knighthood; but it is probable that on extraordinary occasions, the sovereign would advance to that rank in an especial manner, and with peculiar, and somewhat expensive, forms and ceremonies, those whom he intended peculiarly to distinguish, or in whose valour and attachment he placed great confidence. Thus it appears that at coronations of kings and queens consort, at the time of conferring knighthood on the princes of the blood, and some other great occasions, a select number of knights bathed, and performed some other previous ceremonies together, wore a peculiar habit, made certain offerings, and were created under more imposing auspices than other knights, yet they are not distinctly classed as a separate order till the coronation of Henry IV., a period which seemed almost to demand at the hands of that monarch the establishment of a new fraternity. The deposed king, Richard II. was grandson and immediate successor of the founder of the garter, and the sovereign whose reign commenced on the assassination of that unfortunate prince, needed every support which splendid appearance and powerful combination could bestow. From this period then, the year 1399, the order of the Bath is regularly recorded, though it does appear in ancient times to have been limited as to numbers, regulated by an express code of statutes, or dignified by the accession to its honours of any foreign potentate.

The general intent of this order is said to be “the exaltation of the holy Christian religion; the support of the rights of our sovereigns; the defence of their realms; the advancement of justice; the protection of virgins, widows, and orphans; the relief of the oppressed; and for demonstrating the affection of our monarchs towards the state of chivalry; to the end, both their subjects, and foreigners may be rewarded for heroic military actions, and towards exciting other persons to imitate such examples.” In these points, however, nothing more is contained than the duties of a knight errant; and the forms of creation bear, in many points, a resemblance of those observed by those virtuous, though sometimes extravagant, adventurers.

The dress of a knight of the Bath is a red furcoat, lined and edged with white, girded about with a white girdle, without
any

any ornament thereon; the mantle is of the same colour and lining, made fast about the neck with a lace of white silk, having a pair of white gloves tied therein, with tassels of silk and gold at the end; which mantles are adorned upon the left shoulders with the ensign of the order, being three imperial crowns or, surrounded with the ancient motto of this knight-hood, *Tria juncta in uno*, wrought upon a circle *gules*, with a glory or rays issuing from the centre, and under it the lace of white silk, heretofore worn by the knights of the Bath. They have red breeches and stockings, and white hats, with a plume of white feathers. This dress varies in some slight particulars from that anciently used; of the moral or emblematical signification of which, and the various ceremonies previous to, and attendant on creation, the following account is given.

Bathing, whence these knights took their appellation, represents the purgation of the person bathed from sin, and from all kind of moral impurity; as a person, by baptism, is sanctified by a principle of inward and spiritual grace. After bathing, he is put into a new and clean bed, to denote that perfect and sedate composure of mind, with which, after a course of virtuous achievements, in his new military state, he is to be finally rewarded. When he has for some time reposed himself, robes of crimson, or red Tartan are delivered to him; by which significant rite and ornament, he is instructed, that the duty of his new military office requires he should, for the service of the Christian religion, and for the church, be ready to expose himself, whenever there may be just occasion, to the greatest difficulties and dangers; though such as may occasion the shedding of his blood: and these robes are guarded, lined, or edged with white silk, as emblematical of that immaculate honour, which, in virtue of his knight-hood, he is inviolably obliged to preserve and maintain. The *Chausses semellées*, or black stockings soled with leather, are intended, as several other materials of that colour, in the allegorical construction of them, for a document of humility; reminding him of his first extraction, in respect of his mortal and material part, the earth, out of which his body was originally formed, and into which it must some time certainly be resolved. His spurs denote his ardour, forwardness, and activity, in the pursuit of military adventures, and honour; and, particularly, a ready and cheerful obedience to any superior command, such as himself should think reasonable to be obeyed without scruple or regret, by those, over whom he might be placed in any degree of authority; especially where circumstances would not admit dispute or delay. And according to the Heraldic system, spurs are carried, among other trophies, at the funeral of a knight of the Bath; a privilege

were not allowed to any other person, under the degree of a baron, except only to bannerets, and in later times, to colonels of horse. His white girdle or belt represents the virtue of chastity, not in opposition to marriage, but to impure and criminal love, which knights ought particularly to detest, as being the avowed guardians of female virtue and honour.

The ceremonial directs, that the lords, who, by the sovereign's appointment, shall put on the spurs, do likewise make the sign of the cross on each knee of the knight; and several monuments of knights of the bath were lately, if not still remaining, having crosses placed in this manner upon their knees.

The sword is designed as a token of the knight's declaring open defiance to the devil, and of his resolving to defend religion, and the duties of his calling, with all vigour and constancy; particularly to undertake the protection and defence of poor men against the rich, and of weak men against the strong. The coif, white covering, and white hat upon the head, import, in the moral design, that as a knight is under indispensable obligations, in virtue of his character and functions, to perform good and commendable works, so he ought to preserve a pure conscience before God, and should be careful never to do, never to design any thing, for which his mind may inwardly challenge or reproach him. The blow on the neck is intended as a memorial to him, that he ought not to be insensible of any real indignity, or affront; that honour is a tender point; and no impressions are sooner felt, or ought to be longer retained, than those whereby any person suffers in his character, as a man of honour.

This account of the mystic signification, in giving the blow, is agreeable to the opinion which has prevailed in later times. But since learned men have made different conjectures about its origin, it may be fit to mention some of those which have been thought most specious. Some authors have derived this blow from the stroke given by the Romans, *per vindictam*, with the rod, upon any person in his receiving manumission. Others have deduced it from the stroke that the bishops frequently gave to persons confirmed by them. Others contend, that it was given on the creation of a knight, with such violence, that he should, by the sensible impression of it, be more powerfully and permanently reminded of his profession; which opinion appears consonant to an ancient custom of the Romans, transmitted from them to the Germans, of giving a blow to a person, who might be called upon to attest in evidence any thing that happened at the time, when the blow was given, or was for some special reason to be particularly remembered; several instances of which practice are collected by Du Fresnoie; to which may

be added, it was customary in the northern parts of Europe, when the priest put the ring on the bride's finger, for those, who assisted at the marriage, to give to each other such blows, the more effectually to remember the solemnization of it. Some authors assign another reason for this rite of the blow, that it was appointed in memory of our Saviour's being buffeted, and smitten for our offences. This blow was probably given on the back of the shoulder, or neck, that the person who received it should continually remember, that he ought never, by flying from battle, to give an enemy the opportunity of striking him in the same place.

This order fell into disuse from the coronation of Charles II. till the year 1725, when George I. revived it, fixed the number at thirty, besides the sovereign and the grand master, and gave a code of statutes for its regulation.

The ceremony of installation is grand and imposing, and as that which was established by George I. has been ever since adhered to, the description of it is here transcribed.

The king allowed the chapel of Henry VII. to be the chapel of the order, and ordered, that each knight's banner, with plates of his arms and styles, should be placed over the several stalls, in like manner as the knights of the garter in St. George's chapel, Windsor, and he allowed them supporters to their arms.

The knights having apparelled themselves in the habit of the order, in the chambers belonging to the speaker of the House of Commons, and the proxies of the absent knights taking on their right arms the mantle of their principals, from thence repaired to the prince's chamber (their chapter room) about ten o'clock in the forenoon, and the persons who were to attend this ceremony, being arranged according to their degrees, and waiting upon the stairs that lead from that room, a solemn procession was made to the west door of the Abbey church of Westminster, through St. Margaret's church-yard, by a passage railed in, floored with boards, and covered with cloth, in the following order.

The drums of his majesty's household; the drum-major attending.

A kettle-drum, and his majesty's trumpets, the serjeant-trumpeter attending.

Twelve alms-men of the church of Westminster, going two and two in their gowns, having three imperial crowns, embroidered on that part which covered their right shoulders.

The messenger of the order, in a surcoat of white silk, lined and edged with red, having a hood of the same affixed to it, and on his right shoulder the plain escutcheon of the order, *azure*, three imperial crowns *or*.

Esquires

Esquires of the knights companions in the like dress, going three and three, all of them in red stockings; those of the knights in the lowest stalls foremost, according to their courses.

The prebendaries of the church of Westminster, two and two, in white mantles, lined with red, having the badge of the order on their right shoulders.

The pursuivants of arms in their tabards; the heralds in tabards and collars; the provincial kings of arms in tabards, collars, and with their badges.

Then the knights-companions, all habited in their mantles and furcoats, and each carrying in his hand the white hat, adorned with the plume of white feathers; the proxies only carrying the mantle of their principals on their right arms, going by pairs, those in the lowest stalls being first.

Then followed the register of the order, habited in a mantle like the prebendaries, having under it a furcoat like the esquires, and on his breast, hanging to a gold chain, an escutcheon enamelled on a field *azure*, three imperial crowns *or*, the arms of the order, having in the centre the representation of a book bound *gules*, the leaves *or*, and carrying the statutes of the order, covered with red velvet, with the arms of the order embossed thereon with gold, having on his right hand the secretary of the order, habited in like manner, his escutcheon, with the arms of the order, having two pens, enamelled cross ways; and on his left hand, the gentleman usher of the order, habited in like manner, having the arms of the order pendant to a gold chain, and carrying in his right hand the scarlet rod, surmounted with three imperial crowns; all three carrying their red caps or bonnets in their hands.

The garter principal king of arms; on his right hand, the genealogist of the order, habited like the other officers, and wearing the arms of the order pendant to a gold chain, in the centre of which was enamelled in cypher, the letter G; on his left, Bath king of arms, in like habit, having on his breast, hanging to a gold chain about his neck, the escutcheon of the arms of the order empaling those of the sovereign, surmounted with three imperial crowns, and carrying the white rod or sceptre in his right hand. The first with his hat, and the last two with their bonnets in their hands.

The dean of the order, in his mantle and furcoat, like the companions, and with the badge of the order pendant to a red ribband, carrying the forms of the oaths and admonitions to be given to the knights and proxies, fairly engrossed on vellum.

The great master, in his full habit, with the collar, having his hat on his head.

The

The proxy for a prince of the blood, went covered with his hat, in the procession, having his mantle over his right arm.

In this form they proceeded to the chapel of Henry VII. at the east end of Westminster Abbey. The twelve alms men there entered, two and two, and coming to the middle of the choir, altogether in a body, made their joint and low reverences to the altar, and turning about, then made their obeisances to the sovereign's stall, and dividing themselves, stood in a row down from the rails of the altar.

The messenger did the like.

The esquires having made the like reverences, placed themselves, and stood before their respective seats, which were underneath the stalls of their respective knights.

The prebendaries, after making the like reverences, placed themselves behind the altar, in order to assist at divine service.

The pursuivants, heralds, provincial kings of arms, likewise entered, and were permitted to stand before the forms, under the prince's stall. They had commands given them by the great master, to take especial care to show the knights their respective banners, on their entries.

The two knights in the lowest stalls entered, and, on passing up near to their banners, made their reverences together, in the middle of the choir, and then retired under their banners.

In like manner, all the other knights and proxies, according to the method observed in the procession, did the same.

The register, secretary, and gentleman usher, after making their obeisances, stood before their bench, at the foot of the sovereign's stall.

Carter, the genealogist, and Bath king of arms, did the same, and stood before their bench.

The dean, in like manner, stood before his choir.

The great master entered single, and after making the like obeisances, retired under his banner.

The proxy of the prince entered alone, in like manner.

The prince, who, by the statutes, was declared to be first and principal companion of the order, and to be placed next to the sovereign, at this time came into the chapel in person, and the sovereign having been pleased, in regard to the tenderness of his age, to dispense with his observance of all of the rites of this order that might give him any fatigue, he therefore immediately ascended into his stall, being invested in his mantle and collar, and sat down covered.

Bath king of arms then made his reverences in the middle of the choir, and turning himself to the great master, who making his double reverences in the choir, took his stall, and there repeated his obeisances, and sat down, covered with his white hat.

Then the proxy of the Duke of Richmond ascended into the
stall

stall of his principal, in like manner, and stood there uncovered, holding his mantle on his right arm.

Then Bath turned himself to the two knights in the next stalls, who, at the same instant, made the like obeisances below, and repeated them in their stalls, and sat down uncovered.

In like manner all the rest of the knights and proxies did.

This being done, the esquires in a body made their obeisances, and retired to their seats. After them the officers of arms, and the heralds, according to a request made to the great master, were allowed to sit on benches in this present ceremony, placed at the feet of the prince's stall, the pursuivants standing before them.

Bath and the gentleman usher forthwith arose, and having made their reverences in the middle of the choir, proceeded to install the knights in the following manner.

The great master entered into the stall of the knight next in height to his own, and having there given the proxy of the Duke of Richmond the transcript of the statutes, attested under the seal of the order, the dean administered unto him the oath in the name of his principal, Bath holding the book of the gospels; and the great master then seated the proxy down in his stall, and rising, made his double reverences, and continued standing holding his mantle.

The great master, with the like attendants, having made his double obeisance in the middle of the choir, then repaired to the stall of the next knight, delivering to him a copy of the statutes, and administered the oath, which was as follows: "You shall honour God above all things; you shall be stedfast in the faith of Christ; you shall love the king, your sovereign lord, and him and his right defend to your power; you shall defend maidens, widows, and orphans, in their rights, and shall suffer no extortion, as far as you may prevent it; and of as great honour be this order unto you, as it was to your progenitors, or others." Bath then delivered the collar of the order to the great master, who put it about the neck of the knight, and placing the white hat on his head, seated him down in his stall, who, rising, made his double obeisances, and the great master having embraced and congratulated him, he then sat down in his stall, covered with the white hat, adorned with a plume of white feathers.

The great master having performed the like ceremonies to all the other knights and proxies, returned to his stall, the dean to his chair, and Bath and the gentleman usher to their benches; divine service then began, during which time the knights placed their hats upon the cushions laid before them.

Upon the first sentence of the offertory, "Let your light so shine,

shine, &c." the music playing, Bath stepped from his bench, made his double reverences in the middle of the choir, and crouching before the stall of the junior knight, bowed to him, and immediately turned himself to the opposite side, bowing to the knight in that stall, who arose, and making their double obeisances, both at one time in their stalls, descended into the middle of the choir, where they repeated the same, and retired under their banners. Bath then, in like manner, summoned the knights in the next stalls, so throughout the whole course of the stalls, summoning them by pairs, and the proxy of the Duke of Richmond single, then the great master, and then the prince alone, who all of them, after the obeisances, placed themselves under their banners.

Bath returned to his bench, and the provincial kings of arms, making their reverences, waited upon the prince who, on going from under his banner, made his double obeisances; and being thus preceded, made his double obeisances near the rails of the altar, and at the rails, to the altar only, where kneeling down, his highness deposited his offering in the basin held by the dean, assisted by the prebendaries; and he repeated the same reverences in his return, and entered his stall, where he again made his double obeisances, and sat down.

Bath king of arms then arose, and being joined by the eldest herald, in like manner repaired to the great master, who, carrying his white hat in his hand, offered in the same manner, and sat down in his stall, with the like ceremonies; and then the proxy of the Duke of Richmond in the like method, and stood in the stall, holding his mantle. In like manner, the residue of the knights and proxies performed this ceremony by pairs. Divine service being ended, the knights-companions put on their white hats; and, while the music played, Bath king of arms summoned all the knights and proxies to come down from their several stalls, in the former method, who all stood under their banners. Which being done, the prince was conducted to the rails of the altar, with the like ceremonies as in the former offering, where the prince unsheathed his sword, and offered it himself naked to the dean: and having redeemed it, the dean returned it, with the following admonition: "I exhort and
" admonish you, to use your sword to the glory of God, the
" defence of the gospel, the maintenance of your sovereign's
" right and honour, and of all equity and justice, to the utmost
" of your power."

Soon afterwards the prince retired out of the chapel, leaving a proxy to return in the procession to the chapter-house. Then the great master covered, after him the proxy of the Duke of Richmond uncovered, each singly, and all the other knights covered,

vered, and proxies uncovered by pairs, being respectively attended as at the first offering, were conducted to the rails of the altar, with the usual obeisances, where each knight and proxy, standing, unsheathed his sword and offered it naked to the dean, who, upon the redemption of it, restored the same, with the proper admonitions, according to the oaths they had taken this day; and these knights and proxies being all severally reconducted to their places, under their respective banners, the abbas-men began the procession, and were followed by all the others, having first performed their double obeisance in the chapel. And this procession was made in the same form back to the chapel room, as in the first procession to the chapel, except in the following particulars: that, at the outside of the west door of the abbey, the sovereign's maiter-cook, having on a linen apron, and a chopping knife in his hand, severally said to each companion, "Sir, you know what great oath you have taken, which if you keep, it will be great honour to you; but if you break it, I shall be compelled by my office, to hack off your spurs from your heels." And the prebendaries had leave to retire to the Jerusalem chamber, from the west end of the abbey church; the esquires, officers of arms, and of the order, after they came out of the church, were allowed to be covered, and at the door of the chapter room, Bath king of arms took the mantles from the proxies.

Dinner being ready, the great master, being preceded by the officers of the order, and garter king of arms, came into the court of requests, proceeded down to the lower end thereof, and entered into the way at the farther side of the table, and came up to the top of it, being followed by all the knights in court, according to the height of their stalls; and when the grace had been said, they all sat down in that order, in the same row, upon one side of the table, each of them having an escutcheon of his arms and titles fixed to the wall over his seat; the dean was placed next to the junior knight, and the proxies sat uncovered at the bottom of the table.

The officers of the order, covered with their bonnets, sat at a table placed opposite to the knights' table, towards the lower end of the room; the officers of arms dined at a table in the passage from the House of Lords to the House of Commons; and the prebendaries in the Jerusalem chamber.

The esquires, having for some time attended behind their respective knights, had leave given them to retire to their dinner in the painted chamber, who went thither in their courtes, where they dined.

At the second course, Bath king of arms arose, and the music ceasing, made his reverence in the middle of the room, and there

there, according to the command given him, proclaimed the style of the prince, the first and principal companion of this most honourable order, who was always to be placed next the sovereign; and then coming up near to the great master, who stood up uncovered, while Bath proclaimed his styles; and the great master then sitting down, the style of each companion present, in the like manner, was respectively proclaimed, at which some heralds and pursuivants assisted.

The habits of ceremony appropriate to officers of this order have been mentioned in the course of the preceding statements; the dean is always the dean of Westminster, a dignity held *in commendam* with the bishoprick of Rochester, the other officers are a genealogist, and blanc courier herald, Bath king of arms, a Windsor herald, a register, a secretary, a gentleman usher of the scarlet rod and Brunswick herald, and a messenger.

The fees of honour paid by the knights of this order, at the time of their creation and installation, amount to the fixed sum of one thousand guineas.

KNIGHTS OF ST. PATRICK. This institution owes its origin to his present majesty. On the 5th of February, 1783, letters patent passed the great seal of the kingdom of Ireland, for creating a society or brotherhood, to be called knights of the illustrious order of St. Patrick, to consist of the sovereign and fifteen knights companions, his majesty, his heirs, and successors, being perpetual sovereigns, and the lord lieutenant, or the lord deputy, or deputies, or lords justices, or chief governors, or governors of Ireland, for the time being, officiating as grand masters. The patent also directed the appointment of the requisite number of knights-companions, but one of them, the earl of Antrim, having declined the honour, a new patent issued, appointing another in his stead.

On the 11th of March, being the day appointed by the lord lieutenant, for the investiture of these knights, the noblemen named in the letters patent were summoned to attend, in order to be invested with the ensigns of that dignity, previous to their installation; and being assembled in the presence-chamber in the castle of Dublin, a procession was made from thence to the great hall room, composed of the knights and their officers and attendants. They were followed by Ulster king of arms, bearing his majesty's commission, and the badge and ribbon of the grand master on a velvet cushion.

Lord viscount Carhampton, bearing the sword of state.

His excellency the lord lieutenant with ten aids de camp, on each side.

Gold stick and yeomen of the guard.

On their arrival in the great ball room, the different persons who composed the proceſſion advanced to the places allotted them; and the lord lieutenant, being covered and ſeated in the chair of ſtate, the king of arms preſented to him his majeſty's letter, which his excellency delivered to the ſecretary of ſtate, who read it aloud; during which time the lord lieutenant and the aſſembly remained ſtanding and uncovered. His excellency being again ſeated, Uſher preſented to him the blue ribband, and badge of grand maſter, with which he inveſted himſelf.

His excellency then ſignified his majeſty's pleaſure, that the great ball room ſhould be ſtyled the hail of St. Patrick, which was done by proclamation made by the king of arms, at the ſound of the trumpet, and with the uſual formalities; after which his excellency directed the king of arms, and uſher of the black rod, to introduce his grace the lord archbiſhop of Dublin, to whom the ſecretary of ſtate adminiſtered the oath, as chancellor of the order; and his grace, kneeling, was inveſted by the grand maſter with the proper badge, and received from his excellency's hands the purſe containing the ſeals.

The dean of St. Patrick was then introduced, to whom the oath of register was adminiſtered by the chancellor, and he was inveſted in like manner by his excellency, who delivered to him the ſtatutes and the register of the order. Lord Deſlin was next introduced; and having taken the oaths, was inveſted as ſecretary; and, in like manner, the genealogiſt, the uſher, and the king of arms, the oaths being firſt adminiſtered to them by the chancellor, were ſeverally inveſted by the grand maſter.

In conſideration of the tender years of prince Edward, his majeſty's fourth ſon, and one of the knights nominated in the patent, his perſonal inveſtiture was diſpenſed with, and a nobleman being knighted for the purpoſe, was declared his proxy. His excellency then directed, that the duke of Leinſter ſhould be called in; and as by the ſtatutes of the order, none but a knight can be elected or inveſted, his grace, being introduced by the uſher and king of arms, was knighted by the lord lieutenant with the ſword of ſtate, and immediately delivered to the genealogiſt the proofs of blood required by the ſtatutes; whereupon the oaths were adminiſtered by the chancellor, and his grace, kneeling, was inveſted by the grand maſter with the ribband and badge. His grace then joined the proceſſion, to introduce the earl of Clarrickarde, who being ſworn, was inveſted in like manner, and both knights joined the proceſſion, to bring in the earl of Weſtmeath; after which
the

the two junior knights performed this duty, and the senior knight took his seat as companion of the order, and the remaining knights were in like manner introduced, sworn, and seated. The ceremony of investiture being ended, his majesty's pleasure was declared and registered, for appointing his grace the lord archbishop of Armagh, primate and metropolitan of all Ireland, to be prelate of the order.

The 1st of March, being the anniversary of St. Patrick, the tutelar saint of Ireland, and patron of the order, was fixed for the ceremony of installation. The lord lieutenant, preceded by the officers of his household, and esquires of the sovereign, in his excellency's coaches, and attended by a squadron of cavalry, set forward from the castle, followed by the knight-companions, each in his coach, attended by his three esquires, the lord lieutenant only being in his full mantle, habit, and collar of the order, the knights in their surcoats only, with their caps in their hands, and the esquires in their full dress.

His excellency was received at the cathedral of St. Patrick by the members of the chapter, and by the officers of the church, and of the order, who all attended him to the chapter-room.

A procession was soon after made to the choir, led by the vergers, choristers, prebendaries, music, officers, esquires, and heralds; the knights, the great officers of the order, and the guards.

On entering the choir, the several officers attending the procession occupied the places assigned them. The esquires, making their reverences to the altar, when they came to the stall of their knight, took their respective places. The knights, after the like reverences, proceeded to their stalls, where they remained standing till his excellency was seated, when they all bowed together, and seated themselves. A grand band of musicians, vocal and instrumental, then performed Handel's coronation anthem. After which Ulster king of arms, the heralds and pursuivants, attended by the sovereign's esquires, brought in the sovereign's banner, which was by the senior esquire carried to the steps of the altar, and being delivered to Ulster, was by him presented to the register, and placed within the rails of the altar. The officers of the order, and the esquires of his royal highness's prince Edward, then went, with the usual reverences, for the insignia of the order, with which they returned in manner following: viz.

The principal esquire, bearing his royal highness's banner surmounted.

The two other esquires, bearing the mantle and sword.

Ulster, carrying the great collar of the order upon a blue velvet cushion.

When they reached the centre of the choir, they remained, while the four great officers of the order proceeded to his royal highness's stall; and after the usual reverences to the sovereign's stall, the proxy of his royal highness descended into the middle of the choir, where the sword, the mantle, and the collar were delivered to him, by the chancellor and register, the chancellor reading the admonitions prescribed. His lordship was not invested, but bore the insignia on his arm. They then conducted his lordship to the prince's stall, with the usual reverences to the sovereign; and his lordship being seated, but not with the cap on his head, the esquires immediately unfurled the banner, and then his lordship and the knights standing up uncovered, Ulster proclaimed his royal highness's style in English, and a procession was made to the altar, of the register, and officers of arms, attended by the esquires with the banner, which was delivered to Ulster, who presented it to the register to be placed by him within the rails of the altar, the principal esquire making the offering, which was delivered to the dean, and by him placed on the altar. After which, with the usual reverences, the esquires proceeded to their places.

The officers at arms, with the esquires of his grace the duke of Leinster, proceeded in like manner to bring in the insignia; and his grace having descended into the choir, was invested with the sword, the mantle, and the collar, by the chancellor and register, the following admonitions being read by the chancellor:

On putting on the sword; "Take this sword to the increase of your honour; and in token and sign of the most illustrious order, which you have received, wherewith you being defended, may be bold, strongly to fight in the defence of those rights and ordinances to which you be engaged, and to the just and necessary defence of those who be oppressed and needy."

On putting on the mantle; "Receive this robe and livery of this most illustrious order, in augmentation of thine honour, and wear it with the firm and steady resolution, that by your character, conduct, and demeanour, you may approve yourself a true servant of the Almighty God; and a worthy brother and knight-companion of this most illustrious order."

On putting on the collar; "Sir, the loving company of the order of St. Patrick has received you their brother, lover, and fellow, and in token and knowledge of this, they give you and present you this badge, the which God will

“ that you receive and wear from henceforth, to his praise
 “ and pleasure, and to the exaltation and honour of the said
 “ illustrious order and yourself.” The knight was then con-
 ducted to his stall, and standing up with his cap on his head,
 his banner was unfurled, Ulster proclaimed his style; and his
 grace bowing to the grand master, by whom he was at that
 time saluted, took his seat. The banner and offering were
 afterward presented at the altar, with the ceremonies before
 described, which were repeated with every succeeding knight.

When the ceremonies of the installation were finished, the
 band performed Handel's *Dettingen Te Deum*, after which a pro-
 cession was made in the former order to the chapter room, the
 knights, esquires, and officers of the order, wearing their caps;
 and the procession returned from the chapter room to the
 castle. A sumptuous banquet being prepared in St. Patrick's
 hall, the grand master, with the knights and their esquires,
 the officers of state, the officers of the order, and the officers
 of his excellency's household, in procession as before, went
 from the presence chamber to St. Patrick's hall, where the
 grand master and knights took their seats at table, covered;
 the grand master in a chair of state in the centre, the prince's
 proxy in a chair covered with crimson velvet, on his left hand,
 the prelate's chair being placed at the end of the sovereign's
 stall on the right, and the chancellor seated at the other end on
 the left, and the knights on each side. The esquires remained
 standing till after grace was said by the chancellor, when they
 retired to the seats prepared for them.

Toward the end of the first course, his excellency stood up
 uncovered, the knights also rose uncovered, and the king of
 arms proclaimed by sound of trumpet, that the grand master,
 and knights-companions of the most illustrious order of St.
 Patrick, drank the sovereign's health. The second course was
 then brought in by the yomen of the guard, with the usual
 ceremony; after which his excellency stood uncovered, and
 the knights again standing up uncovered, Ulster proclaimed,
 that the grand master, in the name of the sovereign, drank the
 healths of the knights-companions. At the end of the second
 course, all rising again, uncovered, drank the queen's health,
 which was proclaimed in the same manner. The dessert being
 brought in, the officers at arms with the usual reverence
 cried *largesse* twice, and proclaimed the style of the sovereign,
 and afterward of each knight-companion, who successively
 stood up during the proclamation, and sat down again,
 having bowed to the sovereign. After which the knights,
 esquires, and officers attended the grand master to the presence
 chamber,

chamber, where the ceremony finished; and the esquires and officers retired to the dinner prepared for them.

The badge of the order is a saltire red on a blue field, surmounted with a shamrock, (or trefoil) green, charged with three imperial crowns of gold, within a garter, on which is the motto, *Qui separabit*. MDCCLXXXIII; the whole surrounded by a star of silver with eight points; all which is embroidered and worn on the outer garments of the knights of the order. The collar is of fine gold, composed of four harps and five roses, alternately joined or linked together, by ten knots enamelled white; the rose red, surrounded by a border of gold, and blue enamel. In the centre before, is an imperial crown, to which is pendant an harp, and thereto the jewel of the order, being a cross saltire enamelled red, charged with a sky blue enamelled trefoil, surmounted with three imperial crowns of gold, the whole surrounded with a bordure of gold, whereon is the motto enamelled blue. Which jewel except on public days, is worn pendant to a sky blue ribbon, and ornamented with jewellery, according to the taste of the possessor.

The officers of the order of St. Patrick are; the *primate*, who is the primate of Ireland; the *chancellor*, who is the archbishop of Dublin; a *register*, *secretary*, *gentleman*, *usher of the black rod*, and *Usher king of arms*.

BARONETS. Baronets are the first among the gentry, and the only knighthood that is hereditary, being limited by the creation to the individual, and the heirs male of his body. They have precedence before all knights except knights of the garter, knights who are privy counsellors, or knights bannerets, made under the king's banner or standard. This honour was first instituted by James I. in 1611, who limited the number to two hundred; but his successors have not adhered to this rule, as their number is now indefinite. The rebellion of the Irish in the province of Ulster seems to have given rise to this order, as a baronet on his creation must pay into the exchequer as much as will maintain thirty soldiers three years, at eight pence a day, in the province of Ulster in Ireland, which amounts to near 1100*l.* sterling; and baronets have the privilege to bear in a canton in their coat of arms, or in a whole escutcheon, the arms of Ulster, viz. *in a field, argent, a sinister band, gules*. The qualification required is, to be a gentleman born, and have a clear estate of 100*l.* per annum, and the fees are calculated at 1200*l.* The title *sir*, is granted to baronets by a particular clause in their patents; and their wives are Ladies. The first baronet created was sir Nicholas Bacon of Redgrave in Suffolk, whose successor is therefore styled, *primus baronettorum Angliæ*.

KNIGHT BANNERET. This title is not hereditary, but was, while in use, considered highly honourable, and allowed precedence before all persons under the rank of baron, both by statutes and by royal edicts. A knight, to gain this precedence, must have been created by the king in person in the field, under the royal banners, in time of open war. Late years have not furnished occasion for this mode of creation.

KNIGHT BACHELOR. By this description is distinguished the lowest though most ancient order of knights, the etymology of the term bachelor, *bacchellus*, clearly demonstrating that the person who had received that dignity had only attained the first step in the gradations of honour. This title is not only of high antiquity in England, but derived from a military order among the Romans, and the duty annexed to it of serving armed and on horseback in defence of the sovereign and realm, was so agreeable to the spirit, and accommodating to the wants of government during the prevalence of the feudal system, that it was the duty of every one who held the portion of land called a knight's fee, anciently four hundred and sixty acres cultivated, or of the value, according to a rate fixed in the reign of Edward II., of 20*l.* per annum, to be knighted, and to attend the king in his wars, or pay certain fines as the penalty of his non-compliance. If the possessor of land refused or neglected to be knighted, a writ was issued by order of the crown, directing the sheriff to levy on his land the fine due on the occasion. This right was freely exercised during the reigns of Edward VI. and queen Elizabeth, but when Charles I. resorted to it as a mean of supply, it encountered much opposition, and was abolished by statute. The order of knighthood has since been conferred on various persons and occasions, but is no longer considered as having any direct reference to military duty or service.

The modes of creating knights have varied at different periods, but that now used is ancient and has been most general. He who is to receive the dignity kneels, and the sovereign, striking him lightly on the shoulder with a drawn sword, pronounces, "Rise a knight in the name of God." From the form thus used, knights bachelors have also been called knights of the sword, and knights of the carpet.

ESQUIRES. The titles esquire and gentleman are frequently confounded, though there are shades of difference in their definition. Both are titles of worship, mere addition, and not of dignity inseparably annexed to the name; and every esquire is a gentleman, but a person may be well entitled to the addition of gentleman who could not by any possibility justly be assuming that of esquire, though, by the courtesy of many times, the term esquire is almost as extensively applied to

gentleman. An esquire is said to be one who bears in his scutcheon the ensign of honour. Persons entitled to this addition are,—1. The eldest sons of knights, and their eldest sons in perpetual succession. 2. The eldest sons of younger sons of peers, and their eldest sons in like perpetual succession: both which species of esquires Sir Henry Spelman entitles *armigeri natalitii*. 3. Esquires created by the king's letters patent, or other investiture, and their eldest sons. This was formerly a matter of solemnity and importance, though now disused; it was performed by investing the individual with a collar of S. S. and silver spurs; such was the investiture with which Henry V. rewarded his brave followers at the battle of Agincourt: it was sometimes done by letters patent. 4. Esquires by virtue of their offices; as justices of peace, and others who bear any post of trust and consideration under the crown; attending at the coronation in some employment, or being chosen esquire to the body of the prince. To these may be added esquires of the knights of the bath, each of whom constitutes three at his installation: and all foreign, nay Irish peers; for not only these, but the eldest sons of peers of Great Britain, though frequently titular lords, are only esquires in the law, and must be so named in all legal proceedings.

GENTLEMAN. A gentleman is said to be one who may have ensigns of gentility or armorial bearings; but it does not appear necessary that he actually should have them, since he may be a gentleman by ancestry, though the stock from which he is derived never acquired a right to a coat of arms by serving in any military expedition. The distinction between gentlemen was that the first to whom the title was granted was supposed to be qualified to bear coat armour, and his third descendant was called a gentleman of blood. A gentleman, according to Mr. Selden, denotes one "that either from the blood of his ancestors, or the favour of his sovereign, or from his own virtue, employment, or otherwise, according to the laws of custom and honour in his country, is ennobled, made gentle, or so raised to eminency among the multitude, perpetually inherent in his person." From this inherent, inseparable quality of gentry, it follows that poverty, the exercise of a trade, or any humble, or even servile, calling, does not extinguish it; for, say the civilians, gentry cannot be separated from the person, being appendant thereto as rays are to the sun, and, consequently, though this gentry should, during an apprenticeship, or the exercise of a trade, suffer some sort of eclipse, or as others with more caution express it, that the effects and privileges of gentry are, during such interval, only suspended, yet the gentry will return to its former splendor by the assistance

from the exercise of the trade, and that even without the aid of letters of rehabilitation. Probably the case of wives may add some illustration to this matter. The husband and wife are in the law considered to be one and the same person, and for this reason, a woman born out of wedlock is ennobled by her marriage with a gentleman, and she shall retain that honour during her widowhood, because, by a presumption or a fiction in law, the matrimony is thought to be still subsisting; but if she should remarry with a yeoman, the adventitious gentility would, for the same reason, be extinguished; thus, on the reverse, when a woman, descended from a race of gentile ancestors, marries a yeoman, yet she, being one with her husband, must follow his condition, and if she should survive him, cannot resume her native gentility during her widowhood.

ARMS. The right, derived from birth or achievements, of exhibiting certain pointed or sculptured devices in various forms, is of high antiquity, and the science connected with this subject is termed heraldry. This science has been pursued with a great degree of accuracy by many learned and ingenious persons; and if the enthusiasm which frequently results from the successful pursuit of knowledge, has led some of them to the use of expressions in praise of their art, which have exposed them and it to some share of ridicule, still the excellent effects of their diligence in identifying persons doubtfully or slightly mentioned in history, developing latent claims to alliance and title, and rectifying errors considered current by a too easy belief, have entitled them to eminent consideration in the republic of letters. The claims which are the subject of their illustrations have been treated with affected contempt by those who are rather fluent than profound; but the man who decries while he wants the advantage of gentility, shews a mean, envious, or illiberal spirit; and he who possesses that honour, and yet undervalues or disgraces it, is conspicuously base in proportion as his ancestors have been eminently honourable. In ancient times the thought of acquiring the distinction implied in a coat of arms, or of enlarging that which a valiant ancestor had procured, was a strong motive to heroic enterprise; and, in modern days, he must be considered rather sordid than judicious, who contemns a reward which has been cherished by the most honoured and illustrious among the wise and the brave.

The origin of armorial bearings is uncertain, and wherever this circumstance attends a system in which the honour of many persons is concerned, and the developement of which engages a considerable portion of attention, fancy, rather than judgment, is often used in the deduction of analogies to supply the place of authentic facts, and in deriving supposed circumstances
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of elucidation from sources too remote to be credible, or making applications too whimsical to bear the toll either of reason or ridicule. In the course of these investigations, religion and mythology, history and fable, the Egyptians and the Hebrews, the Greeks and the Romans, have been laid under contribution, and the facts or the fancies supplied by the records or fictions of all these nations have been no less distorted by the pens of those who have composed dissertations on heraldry, than the forms of animals, and other objects, have been by the pencils of those who formed armorial bearings. The origin of coat-armour is, with more appearance of reason, assigned to the stipendiary bands of German soldiers in some early ages of Christianity; the clergy who have not confined themselves not solely with respect to national distinctions, but as of personal appendage. When the Saxons, after the invasion of this kingdom, ratified the partition of the whole territory, and established the heptarchy, to each principality its own peculiar badge was assigned, and borne upon its banners; and it appears, that whenever any of the powerful Anglo-Saxon monarchs of the island, they retained the original badge as personal, not adopting any new device. The distribution of armorial bearings is allowed to the Normans, the opinion being that heraldry receives from them all its laws; unquestionably the property of the French alone. It holds the arrangement and combination of tincture and metal, the variety of figures collected by the geometrical patterns and lines, the attitudes of animals, and the grotesque and almost incredible delineation of monsters. The use of these shields, even by the French is claimed as early as the eighth century, before the Merovingian race of kings became extinct; though others remove the period to the close of the ninth, or beginning of the tenth century; or, with more probability, to the latter part of the tenth, when magnificent tournaments, held under the auspices of Hugh Capet, introduced the more general use and assumption of arms.

William the Conqueror, a polite and accomplished prince, educated in the courts of Robert and Philip I. successors of Hugh Capet, introduced into England, though not without many cautious restrictions, the individual bearing of arms, by persons inferior to himself. For some time after this period, armorial ensigns were exhibited in painted or embroidered pennons, enamelled escutcheons, suspended in buildings, or worn about the person, or similar devices sculptured in various parts of churches; a practice which the clergy were very likely to permit, in order to furnish another motive to the generosity of founders. They were also used on seals of monarchs, as they

had been long before the conquest, and on those of the superior order of subjects. This right was not, however, to be rashly invaded; Richard de Lucy, chief justice of England, during the reign of Henry II. is reported to have taken severe cognizance of a private man, who, by using a seal, interfered with the sole privilege of nobles and knights.

Under the auspices of the gallant *Coeur de Lion*, armorial bearings assumed a high consideration, a more extensive use, and a more ornamental illustration. The splendid and chivalric enterprise of rescuing from the hands of infidels the tomb of our blessed Saviour, was before this time recommended by a great ecclesiastical council, and being enforced by the eloquent persuasions of enthusiastic preachers, drew together immense armies from all parts of civilized Europe, to fight under the consecrated banner. To preserve such a mixed host from inextricable confusion, peculiar banners were necessary to each national division; and subsequently, particular bearings to each leader, and to each knight. The red cross was the general badge, which every private soldier wore, sewed to his surcoat, and the same sign was displayed on every banner throughout the army and fleet. The peculiar distinctions were such as the rude state of heraldry at that period would allow; but they were much improved, both in variety and taste, by the spoils which the Christian adventurers acquired from the splendid and luxurious Asiatics, to whom they were opposed. The trophies thus obtained were ostentatiously worn by the warriors in perpetual commemoration of their prowess; and the allowance and authentication of these appropriations of ornament were among the few amusements to be obtained in such an army, and such campaigns. In the delineation of these objects, which was intended to transmit them as honours to the contemplation of posterity, all the fictions of credulity, and all the irregularities of wild fancy, unbridled by instruction were introduced, and repetition and redundancy were used as substitutes for invention and diversity. The introduction of gryphons, mermaids, wyverns, and hippocri, was adopted to the esteem, the service, and the daily narratives which astonished the credulous adventurers; the cross, the distinguishing emblem of their profession, relapsed from its proper form into endless varieties, and the general rudiments of the heraldic science were laid, though the materials were rude, and the invention denoted neither taste nor judgment. Arms in the form which they assumed in Palestine were introduced into England in the twelfth century, those sculptured on the shield of the effigy of Count de Magnaville, Earl of Essex, in the Temple church, being the earliest which have been discovered. He died in 1144, but the adoption

of arms in England is fixed to the year 1147, when the second crusade was undertaken. These dates, it is to be observed, are by no means incongruous, since the effigy of Geoffry must have been erected by his heir, and the arms, tho' so recent, but acquired by the ancestor, would not be omitted in his funeral ornament. A tax being levied in 1159 by Henry II., it is considered extremely probable that many who were compelled to pay that contribution, and to furnish arms in the royal cause, claimed as a privilege naturally appendant, the right of assuming the new distinction of emblazoned shields.

Such was the state of heraldry at the accession of Richard I. At that period the chiefs who had returned from the holy war to their own country were indoltrious to call forth the highest admiration of their martial exploits in the middle ranks. Ambitious of displaying the banners they had borne in the sacred field, they procured every external embellishment that could render them, either more beautiful as to the execution of the armorial designs, or more venerable as objects of such perilous attainment. These inclinations were encouraged by the warlike monarch, as tending to divert the dissatisfactions of his people, from whom he was estranged, to employ the martial spirit of his nobility, and to increase that love of romantic enterprize, to which he sacrificed both his crown and life. The bannerets of this era were usually of silk stuff, upon which was embroidered the device; and the shields of metal, enamelled in colours, and diapered or diversified with flourishes of gold and silver. Both the arts of encaustic painting and embroidery were then well known and practised, yet, of so great cost as to be procured only by the most noble and wealthy knights. Amongst other pageantries, was the dedication of these trophies to some propitiatory saint, over whose shrine they were suspended; and which introduced armorial bearings in the decoration of churches, frequently carved in stone, painted in fresco against the walls, or stained in glass on the windows. The avarice of the ecclesiastics, in thus adding to their treasures, conduced almost as much as the military genius of the age, to the more general introduction of arms. So sanctioned, the use of them became indispensable; as they were then personal only, and the assumption of them by hereditary claim, was considered as reflecting no honour on the bearer. Nor did this love of pageantry terminate in the mere vanity of momentary exhibition; it produced a corresponding effect on all the ornamental arts, and painting, sculpture, carving, and embroidery were cultivated and encouraged, by the industry which was necessary to gratify these heroes while living, and commemorate them when dead.

When the crusades were at an end, and the adventurers had returned

returned to their own country, the same unextinguished military ardour diffused itself amongst the youth of all the nations of Christendom, and feats of chivalry were their characteristic employment. Orders of knighthood, each sanctioned by a peculiar code of vows and observances, united in one common pursuit the higher ranks in society; whilst, by the general establishment of the feudal system, their numerous vassals were bound to contribute to their magnificence, by constant personal attendance, and even by their property and their lives. When the contentions of the barons with their sovereign frequently called both into the field, their followers were distinguished by the armorial bearing or cognizance of their leader. The same original utility of arms recurring on these occasions, extended the adoption of them still farther; as about this period (the reign of Henry III.) they became hereditary, sometimes bequeathed or given by voluntary cession of the chief to his favorite esquire, sometimes acquired by marriages with an heir special, and often conferred at solemnities. The custom then became so general, that regulations were necessary for their arrangement, so that no interference might occur. Before this period, and perhaps, occasionally for some time after, the paternal coat did not regularly descend to the son, but sometimes he assumed the maternal, sometimes an adopted coat. The jousts and tournaments* so much encouraged in those days tended much to reform this abuse, as it was not only a matter of pride to every knight to keep his own arms, with all their additions, in conspicuous renown; but the usurpation of armorial ensigns was a good and not unfrequent cause of judicial combat. The claim to arms was also a subject of inquiry by a jury, composed of twenty-four knights, and impanelled by the earl marshal.

The tenacious disposition so generally displayed on this point fixed on a sure footing the rights and claims of heraldry, and while the privilege of bearing arms involved in it every honorable pretension, the laws of chivalry, which had ever the redress of injuries, and the establishment of just rights, as their invariable object, appointed several disgraceful figures to be borne on the escutcheon, as a punishment for delinquency against the military code, or the common good of society. But abatements were usually confined to military offences, such as killing prisoners during capitulation, revoking a challenge, or flying colours; and even for slighter faults, as intemperate boasting, or criminal neglect of discipline. In cases of treason,

* The invention and arrangement of those magnificent exhibitions is ascribed to the French.

the escutcheon was totally reversed, as in that of Andrew de Harclay, Earl of Carlisle, in the reign of Edward II. and of other rebellious barons, who were led to execution, in their tabards painted with their coat armour in reverse. Hugh de Spencer was brought from Lantriffent Castle to Hereford, with equal ignominy, and on a lean horse. It would be repugnant to that justice which was the characteristic of chivalry, to suppose that this stigma was ever transmitted to posterity. The punishment was merely personal, on which account, we hardly know at this time that such emblems were ever used. It is also to be observed, that those who were sentenced to wear their arms reversed, for any offence short of treason, such as discourteously treating either maid or widow against her will, or flying from the sovereign's banner, might be re-admitted to their pristine honours, on the report of the heralds that they had done some act worthy of note; but this restitution could not be effected in a less public place than a camp, or at a muster.

In several instances, the nobility claimed the privilege of granting arms to their esquires, which were afterwards confirmed by the earl marshal. Arms appear likewise to have been conceded by one knight to another, provided the person making the concession had two escutcheons by hereditary descent; and they might be assigned by a female, who was an heir general, to her own husband, or the husband of her daughter, who inherited her lands; but this was before the college of heralds was formed, and their exclusive privileges confirmed.

The use of armorial bearings being thus established, the conservation of their purity became the care, not only of families interested, but of the earl marshal, the official heralds, and subsequently of a college, of all which an account will be given below; but first it may be proper to notice some general circumstances incident to the subject.

The reign of Edward III. was on all accounts favourable to that spirit which is shewn in the acquirement and preservation of coat armour, the personal character of the monarch, and his son the Black Prince, the splendour of the court, the success of the nation in foreign wars, and the high estimation in which chivalry and its honours were held, gave the fairest and most splendid colouring to the military passion, and all its ornaments.

In the reign of Richard II., armorial bearings were more widely, though less honourably, debased. That monarch, effeminate and luxurious, indulged himself more particularly in the fopperies of dress. The armorial device was no longer confined to the gorgeous array of warriors completely armed, but embossed and embroidered on the common habits of those who attended

attended his sumptuous court. Upon the mantle, the surcoat, and the *just au corps*, or bodice, the charge and cognizance of the wearer were profusely scattered, and thence resplendent in silk and beaten gold. The wardrobe of a nobleman became no small part of his wealth, the articles of which were subjects of testamentary bequest; a fashion which, in the succeeding century, prevailed to a still greater excess. Crests and cognizances in his time were multiplied, and supporters, analogous to the bearing or cognizance generally introduced. This great variety of devices was, in this reign, and those of the monarchs immediately succeeding, employed in every habit of magnificence in dress, extending even to purses; in household furniture, canopies of state, compartments on wainscots, and stained glass on windows, both of houses and churches. They were emblazoned on vellum rolls, and used in compliment to the patrons of literature in illuminated copies of books, and were eminently conspicuous in canopies of state, and all public processions. On seals they had long been used; Richard Cœur de Lion first bore them on his shield; Edward I. on the caparison of his horses; and Richard II. introduced the custom of embroidering arms on the *just au corps*, and has his cognizance, a white hart couchant beneath a tree, which supports his escutcheons. Henry V. added divers other shields, disposed in different parts of the tabernacle work of his seal, as those of St. George, and Edward the Confessor. His son Henry VI. adopted his mode of emblazoning the arms of France, with three fleurs de lys only.

Henry V. the gallant conqueror of France, was liberal in the distribution of honours to those who distinguished themselves in the field, particularly at the battle of Agincourt; but he was proportionately jealous in guarding that distinction, which he destined to be the reward of valour, from degradation by the usurpation of unworthy pretenders. During the contentions of the houses of York and Lancaster, arms were universally used, and most religiously and pertinaciously maintained. The great families, from the period of their being first ennobled, had branched out into many collateral houses, who were distinguished by the usual marks of filiation, and by differences. In many instances, however, these were found insufficient to denote a separation; and, as it frequently happened that some branches were engaged in opposite parties, they were the more willingly led to relinquish their paternal, and to introduce a new device.

To bear arms had now been for several centuries the indispensable indication of acquired or hereditary honour. In the field of battle, or the lists, the escutcheon gave unequivocal

information of the bearer, not only with respect of his paternal descent; but to his lineal agnation. Soon after hereditary coat armour became so generally adopted, an imperfection presented itself, to remedy which, further inventions were necessary; for it was allowed in the court of chivalry, that all the sons of an esquire might appropriate their father's device. Confusion of persons was the result of this indulgence, which could be avoided only by the application of specific marks, incorporated with the patrimonial bearings. Descendants of illustrious families began therefore to make a variation from the simple ordinary which they at first bore, by adding several different charges. In process of time, these collateral branches often relinquished their patronymic, and assumed the name of an acquired feignory, yet, in some instances, the affinity is still to be discovered by the armorial bearing, after it had ceased to be known by identity of surname. The science now began to be understood and subjected to intelligible rules, and its permanency was secured by Richard III. who founded the College of Heralds.

In the reign of Henry VIII., especially in the early part, the pomp of chivalry was assiduously cultivated, and armorial ornaments used on all occasions with unexampled profusion, but the progress of heraldic knowledge rendering the fiction and fabrication of arms which appeared honourable without interfering with the rights of others, easy, the respect paid to them was gradually, but irrecoverably impaired, and this effect was augmented, if not principally occasioned, by those changes in the character and manners of the kingdom which were produced by the weakening of the feudal feignories; the spirit of commercial adventure, which was invigorated by the discovery of the new world; and the reformation, which occasioned so many important alterations in the domestic manners of the nation.

In the reign of Elizabeth, heraldic information was much extended, and the queen gave every encouragement to rits and habiliments; but these exhibitions were altered, and, in the opinion of many, degraded by the introduction of several variations from the ancient manner of celebrating tournaments, particularly in the armour and decorations of the combatants. These were said to be derived from Italy, and consisted principally in changing the escutcheon and cognizance for the imprese and motto, the former consisting of an emblem characteristic of the bearer, and its meaning explained by a sentence, which to render it still more mysterious, was sometimes imperfect. The old assault by man against man was also changed occasionally, for the attack and defence of a castle; but still there was

in them a great portion of prowess and enterprise, and they were conducted with great ceremony and magnificence. The queen herself supported and encouraged the domestic splendour of the nation by the most gorgeous pageantries. Her person was never exposed to the sight of her admiring subjects, but the poetic regions were unpeopled to hail her approach, and every foppery was exhibited which the combined force of classical and gothic imagery could supply. These should yet be considered as additions to the flock of public amusement, originating in that love of rade splendour which characterised the age, and not as tending to the exclusion of heraldic ceremonies, which still retained their station on occasions of ancient establishment. More particularly were they observed at solemn interments of the nobility; which were conducted with pompous solemnity, and under the immediate auspices of the herald's college.

In the ensuing reign, Henry, Prince of Wales, revived the dormant spirit which first animated the exercises of chivalry; but with its illustrious and too short-lived patron, the spirit fled to return no more.

During the times of James I., the custom began of drawing out the pedigrees of families on vellum rolls, with illuminations and emblazoned escutcheons, authenticated by the office seal and signature of the king of arms of the province. In tapestry also the armorial bearings of families were emblazoned, and superseded the old fashion of suspending shields from hooks, or painting the arms on wainscots.

From this period the history of arms belongs rather to the heralds office than to any sphere of more general extent; the right to coat armour being ascertained or little contended, and the modes of exhibiting it rarely affected by the will of the sovereign, or the changes of fashion. It may however be worthy of remark, that the Republican revolution in this country which terminated the unhappy reign of the first Charles, was not attended with any circumstance prejudicial to the records of ancestry, or the original maces of worth and valour. How different from the revolution in France, where the malice of an insubordinate populace was first directed against the records and archives of nobility, which were uniformly obliterated and destroyed. But Cromwell, though an usurper of supreme authority, was a gentleman, and many officers in the Republican army were not the mere upstarts of the day, but derived from honourable ancestry. These, as well as the protector, although ready to deny royalty, and those claims of superiority in point of blood, which made their opponents regard them with so much contempt, were somewhat ostentatious

tious in the display of those emblems of gentility which had been conferred on their ancestors under the system which they had overthrown. No sooner had Cromwell gained the supreme command of the army, than his bannerols exhibited his paternal bearings, amplified with numerous quarterings; and when he obtained the protectorate, the national ensigns were substituted for those of royalty; but the inescutcheon of Cromwell was invariably placed in the centre, both upon his standards and coins. Many commanders in the Republican army retained the bearings of their families, and bore them upon pennons; they had likewise a large square banner, upon which was painted a device and motto, both which described or alluded to the principles of the cause they had undertaken to defend, and were expressive of the fanatic spirit by which they were actuated. Those who were intitled to bear coat armour did not fail to exhibit it, but the typical banner was in more general use.

It will not be expected that in a work like this, even an outline shall be given of the varieties and significations of armorial distinctions; they are the subject of many copious and learned treatises, which no abridgment could enable the reader to comprehend, and which derive from the illustrations of the pencil a more complete intelligibility than could be furnished by the most laboured verbal details. In general, it may suffice to say, that the desire to preserve and publicly to indicate the ancestry from which individuals are derived has been the great cause of all the labour and skill displayed by the herald. Many nations, antecedent to the modern inhabitants of Europe, preserved with scrupulous exactness evidences of genealogy. In England, written narratives, originally compiled by the monks, in compliment to their founders, or other noble families, to whom they were obliged, furnished the first information on this point; the increasing diligence and sagacity of succeeding times amplified and methodized their mode of giving information, and tables of pedigree were formed with an accurate detail of all the collateral and incidental connexions of families. The forms of coat armour, as the science of heraldry advanced towards perfection, were a pictured description of the history of descent, not less legible by the adept, than the written document was by the ordinary scholar. The arms, quarterings, cognizances, crests and supporters, all speak to the herald a distinct language, denoting the original family of the bearer; his descent from the male or female branch; his connexion by marriage, and his peculiar addition.

Not are armorial bearings confined to individuals or families, they are given to bodies corporate, whether civil or religious, to towns, churches, colleges, halls, and chartered companies.

The

The custom of assigning to ecclesiastical persons and communities a proper seal of arms is very ancient, and it probably arose from the necessity of giving authenticity to public acts of the body, by an indisputable voucher. These arms were generally, though not always, those of the founder; for as men of good family, in process of time, made themselves monks, it was most natural that they should introduce the devices of their own relatives, wherever an opportunity occurred, and these frequently were sculptured and painted on the stone, the wood, and the glass work of churches and convents. At the reformation, monastic corporations being suppressed, the escutcheons of arms which belonged to them were given to the few remaining ecclesiastical bodies, to cities, and corporate towns, and to guilds and companies of merchants and mechanics.

Necessarily connected with the inquiry concerning the use of arms and family distinctions, is the subject of surnames; but the origin and derivation of these are widely various, and frequently doubtful. The use of surnames was common among the Romans and Saxons, but no successful effort can be made to trace those of England higher than the Norman conquest. Copies, varying indeed considerably, both in orthography and numbers, are preserved of the muster rolls of William's army, and they are sufficient to support the opinion that the original surnames most known among the superior families in this country were derived from the officers who shared in the toils and benefits of that exploit. Some of these were taken from places in Normandy or other parts with the French article, *de, du, des, or de la* prefixed; some were the appellatives of saints, some the name of an office, and others the christian name of a parent or other ancestor, and with the introductory adjunct, *fitz*. In succeeding reigns the influx of foreigners was very considerable, not from Normandy alone, but various other provinces. The Norman surnames were observed to begin with the articles already mentioned, and the syllables, *bast, saint, and fitz*, having their termination frequently in *-ville*, and among their component syllables *champs, mant, and mont*; the names of persons from Anjou terminated in *iere*, those of Guienne in *ois*, and of Picardy in *court*. These persons obtaining possessions in England, and the Anglo-Saxon gentry who could retain or acquire any, began soon to assume English names taken from the situation or nature of their property. Hence the adage:

In forest, in ham, in ley and town,
The most of English surnames run.

But beside these, many names derived from places have terminations in other syllables, as *by, bury, borough, den, dozen, field, hill, burst, ing, land, low, sted, ter, try, thorp, well, worth,* and *wick*. In process of time, when surnames were more generally assumed, those taken from places were more numerous, and sometimes originated in circumstances so common, that many families not in the remotest degree related, had the same name: thus, Weston, Easton, Sutton and Norton, would be found in all parts of the kingdom, and frequently in various parts of the same county, where the fancy of individuals led them to connect the points of the compass with the word town. Several counties have names predominant, as in Kent, those which terminate in *wood*, and *hurst*, which in the old language are synonymous; and in Cornwall those which are composed with the syllables *tre, pol,* and *po,* signifying respectively, in the dialect of the county, *town, head,* and *top*.

When the progress of commerce diffused wealth and its concomitant feelings more widely, surnames descended to the lower orders, but these were very distinct from those assumed by the proprietors of lands. The names, emperor, king, duke, earl, baron, bishop, abbot, priest, deacon, esquire and gentleman, adopted to distinguish families, Camden thinks, were borrowed from the first users of them having acted or personated such characters in the ancient Christmas games, especially the secular names. Some clerical names might have been assumed by persons whose parents, when widowers, became members of the church, and gained a particular office in it, giving that as a surname to their children, in remembrance of the circumstance; or perhaps, such who took these names held under those who bore the titles. But as the names of trades, or of offices, could not suit all, every thing else that even fancy could dictate was adopted for surnames, as the names of quadrupeds, birds, fishes, insects, trees, shrubs, flowers, rivers, colours, metals, minerals, and whatever else presented itself, as hedge, wall, house, wood, highway; implements of household furniture, or agriculture, properties of body or mind, the baptismal name of the father, whether British, Saxon, Danish, or Norman, or its abbreviation with the word *son* added to it. Sometimes that of their mother; even cant or nickname. Some, in remembrance of their origin, took the names of French, Scot, Welch, Briton, Pickard, &c. generally with the article *le*, if of continental descent. Warlike instruments, parts of dress, divisions of time, divisions of money, and almost every thing else that could be adopted; nay even what seemed to mark their posterity with disgrace, such as gallows, bad, and others too indelicate and gross to mention. Names derived from

from that of the parent, by adding the termination *son*, are common, and, according to the genius of the English language, susceptible of much variety; thus from William with its various diminutives may be derived Williamson, Wilson, Bilson, Willison, Wilkins, and Wilkinson.

Names of trades and offices were naturally assumed as patronymics, and the ensigns of these occasionally formed the armorial bearings of the parties, when they were sufficiently elevated to bear coat armour. This bad taste, pardonable only in a few instances, prevailed at one period in so great a degree, that every coat of arms or heraldic cognizance was expected to contain a sort of punning explanation of the wearer's name. Thus Bolton was delineated by an arrow, (*bolle*) in a tun, and Sir Peter de Vele, in 1350, bore calves as his ensign. This disgraceful frivolity yielded in time to the force of ridicule, but punning mottoes, though often exposed by ancient and modern satyrists, are not unusual.

THE COLLEGE OF HERALDS, to which the care and decision of all matters relating to family distinction are now consigned, originated, as its name denotes, in an incorporation of the heralds and other officers of arms who had existed long before, but in a detached and unconnected state.

The custom of retaining heralds and pursuivants at arms, in the service, not only of crowned heads, but of noble and illustrious families, prevailed in England, as in other countries of Europe, from an uncertain period. There was however this distinction; the pursuivant could be appointed at the option of his patron, and might be created by any prince, duke, earl, baron or military leader; but the herald at arms could not be made, without the assent of the king, and it was understood that this assent could not be obtained unless at the suit of a nobleman of such great antiquity, that memory could hardly trace the origin of his dignity; and for this difficulty the reason assigned was, that if the herald by any misdemeanour occasioned prejudice or injury to the king or country, his patron might be able to afford amends, and for this cause too it was not unusual to find sureties or plédges for those who were proposed for that office.

How far the office of heralds in England was analogous to, or distinct from, that of the *Signes* and *Becheues* of the ancients, remains a matter of inquiry. The origin of both may have been the same. For the purpose of declaring war or peace, and of proposing a federal connexion between nations, some of the most aged and venerable of the army were selected, whose peculiar function it was to superintend these affairs, and whose stations were esteemed of the highest respectability.

The title herald of arms does not imply that these officers fought or directed the battle; on the contrary, they were expressly restrained from using, or even wearing, arms fit for offence. They were a sort of military ambassadors; they proclaimed the war, carried despatches, and were bearers of the messages of the generals; they summoned towns, and, in case of capitulation, marched before the vanquished governor, to protect him from violence. The heralds appointed the times and places of pitched battles, but they, together with the clergy, retired to a remote part of the field during the engagement, and neither party offered them any injury. After the battle, the heralds belonging to the vanquished were not made prisoners, but allowed liberty to view the field, in order to ascertain the names and ranks of the slain, which they alone could do who understood their armorial bearings, and afterwards to depart, without restraint on their freedom. The herald was essential at coronations, royal marriages, baptisms, and funerals, at the interviews of sovereigns and princes, displaying banners in the field, public banquets, and processions, during the royal progresses, and at the annual festivals of the church. He assisted at jousts, tilts, tournaments, and combats; and in every thing else in which the English monarchs were personally concerned, upon whom he constantly attended, whether they were in the court or in the camp, in Britain or on the continent; proclaimed the titles of the royal visitants, princes, and nobility, illustrious ladies, great officers of state, who dined in the courts of the sovereign, which at stated times all such were accustomed to do; each of whom, according to his rank and office, gave a fee or reward, but the amount was optional, being regulated chiefly by the wealth and liberality of the donor. Fees were also paid to the herald, for attending at the enthronization of bishops; and of all these largesses a register was kept. To the herald belonged the ordering of every thing relative to the genealogies and armorial bearings of the nobility and gentry, he being empowered to enforce the production of every thing necessary for grounding proper decisions in all doubtful cases. Heralds presided at, and marshalled the solemn and magnificent funerals, which were general in the fifteenth and sixteenth centuries, and so sumptuous, that they materially injured the families whose honour they were intended to promote. The exact form of these obsequies was prescribed in the reign of Edward IV. Noblemen's funerals were attended by their own heralds in a tabard of his arms reversed. The royal officers at arms also were there, not in tabards bearing the arms of the sovereign, but those of the deceased. These ceremonials were so long and pompous, that they afforded ample employment for

for many of the heraldic body who assisted. So fond of funeral rites were our ancestors, that the obsequies of princes were observed by the sovereigns in alliance with them, in the same state as if the royal corpse had been conveyed from one christian kingdom to another; and exalted individuals below the rank of sovereigns had their obsequies kept in various places, where they had particular connexions from residence. The heralds are said by a profound and classical antiquary to have contributed in no small proportion to the literature of this era, by their compositions both in prose and rhyme; "As it was their
 " duty to attend their masters in battle, they were enabled to
 " record the most important transactions of the field with
 " fidelity. It was customary to appoint none to this office
 " but persons of address, discernment, experience, and some
 " degree of education. At solemn tournaments, they made
 " an essential part of the ceremony. Here they had an oppor-
 " tunity of observing accoutrements, armorial distinctions,
 " the number and appearance of the spectators, to the best
 " advantage; and they were afterwards obliged to compile a
 " register of this strange mixture of foppery and ferocity.
 " They travelled into different countries, and saw the fashions
 " of foreign tournaments." The institution both of ancient and modern heralds tended to the same end; but in the feudal times a distinct province was committed to the latter, that of being the guardians and legislators of armorial rights. This power was delegated to them, according to tradition, as early as the reign of Edward I., and with certainty about this period, as records are extant of immunities and salaries given to kings and officers of arms, which afterward were more accurately settled, and received the royal confirmation. To ascertain and arrange bearings already used by different families, was not their sole employment, as they had obtained a privilege of inventing devices for those who had newly been advanced to consequence. As the heralds were the inventors and masters of all ceremonies, they applied to their own admission into office many of a peculiar kind, with oaths to be respectively taken by each, pledging himself to the sacred observance of his function. In these, chivalry breathed a moral and mild spirit, in injunctions of the simplest construction and of the most solemn obligation. The character of herald was not only considered respectable, but indelible; the title was one of worship, granted for life; and if the person who possessed it was guilty of any crime deserving death or infamous exposure, he was, before the infliction of sentence, degraded from his character which might otherwise suffer disgrace in his person.

The character of purfuivant has sometimes been confounded with that of herald, but it is in many respects different; it varied as that of efquire does from knight, or novice from monk; it was not equally high in refpect, nor was it indelible: a herald once duly fworn could by no means ceafe to be a herald, not even, it is faid, by becoming a knight; but a purfuivant might at pleafure renounce his deftination if his attachment to it ceafed.

Heralds were in ancient times, drefsed without arms or offensive weapons of any kind, and in war were bare headed, except a fillet of azure silk worn for the fake of diftinction, or according to the fauciful genius of thofe days, in token that with them refided perpetual and firm truth, with a white ftielt or chaplet, indicating humility and love. Their drefs was the tabard, or coat of arms, properly fo called, which at an early period was, as already has been faid, the drefs of courtiers; it was a fhort coat with open fleeves, in the form of efcutcheons joined together, in which heralds had the arms of their country properly emblazoned: fuch is their drefs of ceremony to this day, but in old times, they were allowed in the field of battle to wear a coat of mail under it, as a protection againft un-defigned injuries. Thefe tabards the heralds wore, as their mantles were ufed, in battle and at tournaments; but the purfuivants, being novices, wore theirs tranfverfely, that the parts representing fleeves lay on the back and breaft of the wearer; a diftinction which made them conspicuous, even at a great diftance. There were feveral other differences between their drefs and that of heralds; and even at prefent, although the tranfpofition of the tabard is difcontinued, heralds have collars of S. S. which purfuivants have not. The tabard was confidered, in ancient times, a fufficient guaranty to the perfon of the wearer, however acrimonious the fovereigns between whom they were employed might be againft each other, or whatever matter of irritation might be contained in the meffage they were charged to deliver; and a herald to whom a fafe conduct in writing, or an efkort has been given, has been known to proteft againft *either, as feeming to imply a doubt or the fufficiency of his official protection.*

In the glorious reign of Edward III., the heralds firft acquired, as a body, the right to decide, officially, refpecting rights of arms and claims of defcent; but although their character was highly refpected, and their miniftry implicitly functioned, and there are reafons to believe that they were known as a corporation, they had not the advantages of a regular local eftablifhment, till the time of Richard III. With whatever juftice this fhort-lived ufurper may be vilified for the means

by which he obtained the crown, he shewed, in many instances, a clear discernment of the true interests of his country; and heraldry owes more to him than to any other monarch. Possessed of the greatest personal bravery, he was from his infancy nurtured in war, and attached to military pursuits; and was, more especially, ambitious of preserving the hereditary dignity and superior claims of the "White Rose." He supported at his own charge Richard Campneys, falcon-herald, whom, on his accession, he created Gloucester king of arms, and at whose instance he was further induced to grant to the body of heralds immunities of great importance.

By his letters patent dated March 2, 1483, the first of his reign, he directed the incorporation of heralds, assigning for their habitation a mansion which had belonged to Henry Holland, Duke of Exeter, called Pultney's Inn, in Cold Harbour, and situate in the parish of All Saints, London; and it is called by Stowe, in his Survey, "a right fair and stately house." Of this abode they were dispossessed by Henry VII. and obliged to take shelter in the hospital of Renciville, near Charing-cross; nor did they obtain a more eligible dwelling, till Philip and Mary, perfecting an intention which death had prevented Edward VI. from accomplishing, incorporated them anew, and assigned to them a capital messuage, called Derby Place, purchased from the earl, its proprietor, in exchange for certain lands in the county of Lancaster, and situated in the parishes of St. Bennet and St. Peter, London, being the place where the college of arms now stands. The original edifice was a prey to the conflagration in 1666, but the records were saved, and the house re-established, partly by public subscription, partly by a reservation from the fees of the office, or the contribution of the members, and some portions were erected at the cost of the individuals, who were for their lives to inhabit them.

Before the heralds were incorporated and assembled in a collegiate capacity, they were constantly attendant on the court, as the king's household servants, and exercised a special jurisdiction in all matters of chivalrous concern. The college consisted of three classes or degrees, king of arms, heralds, and pursuivants. The number of each of these classes was occasionally increased by many sovereigns; so that from the reign of Edward III. to that of Elizabeth, many kings of arms, heralds, and pursuivants were at different times created or restored, and subsequently abolished or discontinued. The number of the present college is thirteen, namely,

Three *Kings*,—Garter principal, Clarenceux, and Norroy.

Six *Heralds*,—Windsor, Chester, York, Somerset, Richmond, and Lancaster; and

Four

Four *Pursuivants*,—Rouge croix, blue mantle, rouge dragon, and port-cullis.

They are all appointed to their places by nomination of the earl marshal; by him they are considered as ministers subordinate to him; but they hold by patent, during good behaviour, and being the king's servants in ordinary, although not merely so, for they are likewise officers of the crown, they may, in the vacancy of the office of earl marshal, be sworn by the lord chamberlain. It was held, in old times, that no one could attain the higher ranks of this fraternity without regular graduation through the lower; but the contrary was decided in Westminster Hall.

Since the establishment of the Herald's College, the authorities and functions of their body have become more fixed and determinate, and were for some time exercised with great vigour; but long before the days of Richard III. they held a regular chapter, in their collegiate capacity, at the siege of Rouen, in January 1420, when the outline of a code of constitution for regulating their jurisdiction was formed and approved.

EARL MARSHAL. In times antecedent, as well as subsequent, to the establishment of the college, writs or edicts were issued to try the titles of persons pretending to armorial distinction. By one of these, in 1416, 7 Henry IV. the sheriff of every county was ordered to summon all persons bearing arms to prove and establish their rights, to the intent that none, of whatever degree, might assume names or coat armour, without being entitled to those distinctions by ancestry, or by the donation of some one in that behalf sufficiently qualified; and many contested claims were referred to the heralds. But the best and most effectual mode of trying these claims was in the court of chivalry, or by commissions issuing from it; which court was first held under the lord high constable and earl marshal jointly, and, subsequently, under the latter officer alone. The court of chivalry was formed by impannelling twenty-four knights as a jury, over whom the earl marshal presided as judge, and before whom the heralds occasionally pleaded as advocates. Sometimes the decision was made by judicial duel; sometimes a verdict, or judgment was delivered on the examination of evidence, parol and written, and hearing of the arguments; and the decision was, in old times, final, though subsequent appeals to the court of King's Bench undetermined, and, in time, suspended, though they have not formally destroyed, the authority of the earl marshal's court. During the plenitude of his authority, the earl marshal had power to summon the heralds to assist him in conducting causes, and to give orders for their making visitations of counties, to inquire into the legal claimants, both

of estates and honours, and to ascertain and settle genealogy. Such visitations were made in the reigns of Henry IV. Edward IV. Henry VII.; and in 1528 a commission was issued for the visitation of certain counties by one of the kings of arms, which was renewed every twenty-five or thirty years, to the great satisfaction of the gentry, who encouraged the plan by liberal communications. The heralds were, at that time, invested with authorities commensurate to their task; the commission under which they proceeded was full and explicit, empowering them to correct all false crests, arms, and cognizances; to take notice of descents, and to reform all such as were disobedient to the orders for funerals set forth by Henry VII. They were empowered to employ the constables, and other civil officers, in distributing notices, and citing the gentry to establish their claims to arms; those who refused to obey these citations were to answer for it, on lawful monition, before the earl marshal; the heralds were to levy fines on delinquents at pleasure; and the other courts acknowledged them so far as to renounce jurisdiction over their persons on the claim of the earl marshal. Their efforts were useful in recording the establishment and separation of junior branches of families, and assigning to them such bearings as their circumstances required; and if any doubts arose, or parties, through neglect or contumacy, refused to attend their summons, the pedigree was inserted in the report of the heralds, but the arms omitted, till further proofs, or till the party neglecting thought fit to appear; but in some cases, contumacy was deemed a renunciation of the right to arms, binding not only the individual, but his descendants, for ever. As the suppression of monasteries, and the relaxation of the feudal system, facilitated the acquisition of landed property, the new possessors, becoming anxious for the honours usually annexed to land, made application to the heralds, who had authority, and were accustomed, for fees, to grant them such bearings as they considered appropriate. To this practice there could be reason be no objection, since all such rights must have some origin, and an authentic donation is much more creditable, as well as certain, than an usurpation, of whatever continuance; but yet, so dangerous is contest or doubt in a matter relating merely to public opinion, that perhaps this circumstance, more than any other, tended to render the people in general indifferent to the proceedings of the heralds. The facility with which arms were purchased, induced many to assume them without even that sanction; and impostors, pretending to be delegated from the heralds, obtained money from the ambitious and credulous, under pretence of consigning to them these distinctions. In some cases, the impostors were punished with

the pillory and loss of ears, but against those who assumed arms without warrant, the authority of the court of chivalry was too feeble to afford such redress as would operate as an example; nor did the court of King's Bench lend ready or vigorous aid, to repress a species of offence which was not easily reducible to any known definition of crime. The very existence of the court of chivalry was deemed as a public grievance, in the reign of Charles I. by Mr. Hyde, afterward Lord Chancellor Clarendon, who related some striking instances of its tyranny and absurdity; an attempt was made at the restoration to re-establish its jurisdiction, but no considerable effect was produced, and it remains at this time, in a state of recorded existence, though of virtual abolition.

The earl marshal is the eighth great officer of state. This office, till it was made hereditary, always passed by grant from the king, and never was held by tenure or feoffment by any subject, as the offices of lord high steward and lord high constable were sometimes held. The title is personal; the office honorary and officinary. They were formerly styled lord marshal only, until Richard II. June 20, 1397, granted letters patent to Thomas Mowbray, Earl of Nottingham, and to the heirs male of his body, by the name and style of earl marshal; and further, gave them power to bear in their hand a gold trancheon, enamelled with black at each end, having at the upper end the king's arms engraven, and at the lower end their own arms. James I. by letters patent, dated August 29, 1622, constituted Thomas Howard, Earl of Arundel and Surrey, earl marshal for life; and, the next year, the same king granted (with the advice of the privy council) letters patent, wherein it was declared, that during the vacancy of the office of lord high constable of England, the earl marshal had the like jurisdiction in the court of chivalry, as both constable and marshal jointly ever exercised. On the 19th of October 1672, Charles II. granted to Henry Lord Howard, and the heirs male of his body, the office and dignity of earl marshal of England, with power to execute the same by deputy, with a salary of 20*l.* *per annum*; and in case of default of heirs male, the descent was limited to collateral branches; consequently one of the titles of the Duke of Norfolk is that of hereditary earl marshal.

KINGS OF ARMS. The provincial kings of arms were anciently styled *reges heraldorum*, but in the reign of Henry IV. they began to change it to *reges armorum*. The title assumed by these officers was used by classical authors in a sense somewhat equivalent, as *rex sacrificum*, *rex sacerdotum*, among the Athenians; and *rex aratorum*, *rex civium*, *rex populorum*, among the Romans. To this origin might reasonably be referred the title of king of arms.

arms; but it is thought probable that its application to the superior heralds was borrowed from the word *roy*, which was, in the times when they received the denomination, ascribed to the chief or principal in many offices and situations. The French used the word *roy* and *royal*, as referring to the principal, the governor, the judge, the visitor, the supreme, the president, or chief of many professions, arts, or communities; as well on a serious as a jocular account. Minstrels, poets, and jugglers received the title, and even those to whom the powers of visiting and superintending certain trades were given, and those who excelled in certain arts or mysteries, were termed kings, as king of the mercers, king of the cross-bow-men, and king of all trades. To these the author, from whom the above opinion is quoted, adds a great variety of other instances, including even the kings of cards and chess, and the momentary monarch of twelfth-day, and then proceeds: "Whoever has the patience
 " to read over this tedious catalogue of kings, the geography of
 " whose names cannot easily be found out, will not be fur-
 " prized, that, answerable to this custom, the principal, or
 " chiefs of the heralds should be denominated by this epithet,
 " especially when they recollect that their creation is by pompous
 " ceremonies somewhat allusive to coronations of foreign
 " reign princes; receiving at that time crowns, and the chief
 " of them a sceptre, being anointed (if it may be said) by pour-
 " ing wine on their heads, and robed with the royal military
 " habit, or surcoat of arms of the king, and the titles of their
 " kingdoms, provinces, or territories given them, or rather of the
 " persons living within them, being (as a learned author ob-
 " serves) the statue of the king, or, in the words of another, the
 " shadow of royalty, and representative of majesty."

The institution of provincial kings of arms is as ancient as the time of Edward III. who divided the kingdom into two provinces; all on the east, west, and south sides of the river Trent he gave to one king of arms, who was thence called *Sarroy*, or *Southroy*, and all on the north of that river was put under *Nourroy*, or *Northroy*, king of arms; this latter name is still retained, the former is lost. But long before then, as far back as the reign of Edward I. it is supposed there was a *Southroy*, king of arms, who perhaps had the province of *Southroy*, or *Sarroy*.

The creation of the kings of arms is in fact performed with much ceremony. It takes place at the college, before the usual method, who is seated at the upper end of the hall with his staff of office in his hand, a little table placed toward his left, on which are a velvet cushion and an open Bible, and cushions at his feet for the persons to be created and their supporters to
 knol

kneel on. The officers, having habited themselves in the library, form a procession, making their obeisances to the earl marshal, who causes the patent for the creation to be read. At the words of creation, the coat of arms and collar of S. S. are put on, and at that part of the patent which assigns to the king his name, wine is poured by the earl marshal on his head. The oath administered is long and explicit, binding the individual to aim at promoting the honour of his sovereign, to acquire knowledge and experience in his office, and to communicate it freely to pursuivants and heralds, and to avoid disgraceful places of resort. The person swearing kisses the Bible and the cross of the hilt of a sword belonging to the college, and which, in the reign of Henry VIII., was taken by the earl of Surry, afterwards duke of Norfolk, from James V. king of Scotland, at the battle of Flodden Field. The ceremonies vary but slightly in the creation of all the three kings; they all have tabards, wear crowns, carry sceptres, and have round their necks chains and medals, all of gold, and have seals bearing the arms peculiar to their office impaled with their own. Heralds have silver collars of S. S. The great wardrobe has always supplied all the insignia of their office. Anciently the kings put neither their baptismal nor surnames, but only that of their office, in their grants or public instruments; and, like sovereigns, used the plural *we*, concluding their patents, "We, the said — king of arms, to these present letters have put our seal of arms and sign manual." In the reign of Edward IV. the names as well as office, are mentioned, and the singular was adopted: in that of Henry VIII. they substituted for the above conclusion "my seal of office and the seal of my arms." It is to be observed, that the patent, without the ceremony of creation, is sufficient to entitle these officers to the exercise of their authorities, and receipt of their emoluments.

GARTER. The office of garter, principal king of arms, was instituted by Henry V. He was placed by that great monarch over the whole body of heralds. He may be said to have two distinct capacities united in his person; one relative to the order of the garter, the other as head of the college of heralds; and, on this account, he not only takes an oath in a chapter of the garter before the sovereign and knights, but, as king of arms, another oath before the earl marshal, and thence he is styled both principal officer of arms of the most noble order of the garter, and principal king of English arms. He has power to appoint an herald for his deputy: he must be a native of England, and a gentleman of blood. His duties with respect to the order are expressed in the statutes of Edward VI. c. 12; they are principally to enter in a book the names, surnames, and cognizances

cognizances of every knight, to search out and report to the chancellor and register the valiant and noble deeds of the sovereign and knights companions, to convey letters, report the death of knights, and obey all orders of the sovereign and knights pertaining to the order. It was anciently held, that he was neither to be a knight nor a clergyman; but there has been one instance of garter having been a foreigner, and since the reign of Henry VII. many of them have received knighthood: one was created a knight of the bath. His office entitles him to correct errors or usurpations in all armorial bearings, to grant arms to those who deserve them, to present to the house of Lords a genealogy of every new peer, to assign his place in the chamber of parliament, and to give him one the knights of the bath, supporters. He ranks in the order of procession next before the sword; except the constable or marshal attend, and then they precede him. The officers of arms receive their oath from him. On the tabard, robes, and other articles of dress belonging to this officer, much learning and ingenuity have been employed, and it appears that both in their habits, and those of other heralds, great varieties have prevailed according to the taste or munificence of their sovereigns. Garter has a rod delivered from the jewel office, which is in length about two feet, gilt at both ends, the middle being of silver highly burnished; at the upper end is a banner of gold composed of four sides of equal height, but unequal breadth, on each of the two largest sides, being somewhat more than an inch wide, is St. George's cross impaling the sovereign's arms; on each of the lesser sides, somewhat more than half an inch wide, the cross of St. George surrounded with the garter, which is inscribed with its motto. All these are curiously enamelled, and the top of the whole ensigned with an imperial crown. There is also delivered to garter from the jewel office, a collar of S.S., which is also allowed to each provincial king and herald with some distinctions in the form and materials, but the pursuivants have no such ensign. It is supposed, these collars were not originally given to these officers with relation singly to their functions in the capacity of kings or heralds of arms, but as the liveries of the crown to be worn by them in testimony of their administration in the royal household, as servants in that degree of worship, which actually conferred gentility upon them. Garter has the honourable office of carrying the ensigns of the order to foreign potentates on their being elected. He is entitled to baron's service in the court, has apartments in Windsor Castle, 100*l.* paid out of the revenue of the garter, and 100*l.* as principal king of arms, out of the exchequer. His fees from both these offices are very considerable. He may at all times wear his

badge of office, either pendant to a gold chain or blue ribbon. It is of enamel, shewing St. George's cross, impaling the royal arms within the garter, under the imperial crown of Great Britain; the same on both sides. The arms of his office are, argent, St. George's cross, upon a chief gules, a coronet or open crown, within the garter of the order, between a lion of England, and a fleur de lis or.

CLARENCEUX. This king of arms derives his origin, according to some, from Edward III., or, as others insist, from Henry V. In either case, it is formed from the title of the duke of Clarence, third son of Edward, or brother of Henry. He is styled in his patent, Clarenceux king of arms and principal herald of the south, east, and west parts of that part of Great Britain called England. His particular duty is to visit his province as expressed in the commissions granted for that purpose; "To take knowledge, survey, and view of all arms, cognizances, crests, and other devices of arms; of all persons, with the names of their descents, pedigrees, and marriages; and to register the same according to such order as is prescribed and set forth in the charge and oath taken by him at his creation and coronation." Likewise to marshal the funerals of all persons in his province who are not under the direction of garter; and to grant arms, in his province, with the consent of the earl marshal. Before the institution of garter, Clarenceux was the principal officer of arms; and, in the vacancy of garter, executes his office. By his patent he has a salary of 40*l.* per annum from the exchequer, *bride fees.* The arms of Clarenceux are, argent, St. George's cross on a chief, gules, a lion of England crowned with an open crown. The badge is the same, in an escutcheon, crowned with the crown of a king of arms, upon a green ground, on one side; and, on the other, the royal arms crowned on a white ground, pendant to a gold chain or simple ribbon.

NORROY. This office is traced back as far as the 16 Edward II. He is styled in his patent Norroy king of arms, and principal herald of the north parts of that part of Great Britain called England. His duty and office are the same on the north of Trent as those of Clarenceux on the south, and he has a like salary and fees. The arms of his office are, argent, St. George's cross, on a chief per pale, azure and gules, a lion of England crowned with an open crown, between a fleur de lis in pale, and a key or, which is also the badge of his office. In other respects this provincial king is like Clarenceux. All the kings of arms bear their arms in pale with their own paternal ones, crowned with a crown of a king of arms, which was formerly like those used by dukes; but since the restoration, in commemoration

tion of Charles II. having been saved in an oak tree, they have been formed of oak leaves, with this motto on the outward rim, taken from scripture, *Miserere mei, Deus, secundum magnam misericordiam tuam.* The crowns anciently were of gold, or silver, or copper gilt; but they were not to be adorned with jewels, except rubies, expressive, as it was thought, of faithfulness. The kings of arms wear their crowns at all times when the peers put on their coronets. They bear their arms, so crowned, surrounded with the collar of S.S. with two portcullises.

HERALDS. Of the ancient state of these officers mention has been made in a preceding page. They were termed of old *herchaughts*, derived, it is said, from the Anglo-Saxon words *her* and *holt* or *held*, i. e. a champion to denounce war or proclaim peace. They were anciently called dukes at arms, probably because they were attendants on the *dux*, or general; their office being to carry his messages to the enemy, representing him as his ambassadors. They are now assistants to the kings of arms, and are created with much the same ceremonial, only the coronet and jewel are omitted. The individual to be created is introduced by two heralds, as the kings are by two kings of arms. It is now customary to give them names from places; but, formerly, they received them from some animal, which the sovereign used as a crest, supporter, or cognizance. They were, in ancient times, indefinite as to number; they are now confined to six only. They are esquires by creation, if not so before their admission into office. Anciently their character was indelible, and they could only cease to be heralds when promoted kings of arms; and they always take precedency according to seniority, even though a junior should be knighted, because they are a body corporate.

WINDSOR, was founded by Edward III., and the title was always a favourite with his successors.

CHYSTER, is a title of very ancient standing, being referred to as already in existence in the reign of Richard II. It was whether herald who, in 1415, demanded the kingdom of France.

YORK, was instituted, according to the most probable accounts, by Edward IV., though some ascribe it to Richard III. The title owed its origin undoubtedly to a prince of the white rose.

SOMERSET, was erected into a royal office in the ninth year of Henry VII., in honour of the house of Somerset, from which he descended.

RICHMOND, was appointed by the same monarch in honour of his original euldern; at first he was a king of arms, but afterwards declined into a herald.

LANCASTER, was established by Henry IV., and suppressed by Edward IV., but revived by the Lancastrian Henry VII.

PURSUIVANTS. This name is derived from the French *poursuivre*, to pursue. They who had this office were formerly public messengers, to attend on the sovereign in his wars, at the council table, and in the exchequer, as well as to be sent on civil commissions, or to apprehend criminals of state. The pursuivants in France were generally distinguished by their *noms de guerre* or *sobriquets*, as, *jellicour*, *corbusant*, *senjivalir*; and this was sometimes done in England, but, in general, they are named from the badge or cognizance which they used to wear upon their tabards. They were formerly divided into pursuivants ordinary and extraordinary: the latter were generally called after some town or castle in our transmarine dominions, but sometimes from places in England, and others from the cognizances of our kings. They had used to rise gradually, from extraordinary to ordinary pursuivants; and they were to be seven years pursuivants before they could become heralds. The office of pursuivant makes them gentlemen, and, consequently, intitles them to armorial bearings if they have no family coat. Their tabards are less ornamented than those of heralds, and, instead of sceptres, they bear staves.

ROUGE CROIX. derives his name from the chivalric emblem, displayed in the holy war, and was created by Henry V.

BLUE MANTLE, takes his title from the colour of the garter worn by the knights of that order. It appears to have been instituted about the reign of Edward IV.

ROUGE DRAGON. Henry VII., on the vigil of his coronation, erected this office in memory of the banner, bearing this device on it, which he displayed at Bosworth field, painted on white and green silk. This he had offered, with other trophies of his victory, in St. Paul's church, and it is represented on his magnificent tomb in Westminster Abbey. Henry had such a fondness for this ensign, as the supposed bearing of Cadwallader, king of Wales, from whom he flattered himself he derived his descent, that he made it one of the royal supporters; but it gave place, at the accession of the Stuarts, to the unicorn of Scotland.

PORTCULLIS. The portcullis was a badge derived from the Somersets: Henry VII. was peculiarly fond of it. On the out as well as the inside of his chapel at Westminster Abbey, it constantly occurs, and on his tomb it is seen with the motto *Altera securitas*, supposed to signify, that as the portcullis was an additional security to the gate, so his descent from his mother strengthened his other titles to the throne.

CHAPTERS. Chapters of the college are held once in every

month; a herald and purfuivant constantly attend at the office to tranfact bufinefs; and the indifpenfable rule of the college enjoins, that whenever a pedigree, hitherto unentered, or to be compiled, is offered for their fuction, the herald, retained for that purpofe, is obliged to fubmit it to the whole fociety in chapter, and all objections muft be refolved before it be inferted in the public regifter, and duly confirmed.

All the officers above mentioned have apartments in the college annexed to their refpective offices. They have likewife a public hall, in which is a court for the earl marfhal, where the courts of chivalry are occasionally held, and the officers of arms attend in their tabards, his lordfhip being prefent. Alfo a public library or office, containing a large and valuable collection of original vifitations and records of the pedigrees and arms of families, funeral certificates of the nobility and gentry, public ceremonials, and other branches of heraldry and antiquity.

OFFICERS. There are, likewife, belonging to this college, a regifter, a treafurer, and a melfenger; alfo two watermen having badges.

ARMS. The arms of this college and corporation are, argent, St. George's crofs between four doves azure, one wing open to fly, the other clofe with a fuitable motto, *diligent and fervet*; creft, on a ducal coronet a like dove rifing; fupported on either fide by a lion guardant argent, gorged with a ducal coronet. Thefe arms, creft, and fupporters, are on the common feal, circumfcribed *Sigillum commune corporationis officii armorum*.

FEES. Occafional mention has been made of the falaries affixed to fome of the offices, but, on this fubject in general, the following ftatement is added from an author whole work has been of great ufe in the preceding account: "Having f"poken at large," fays Mr. Noble, "of the public duties of "the officers of arms, it may not be improper to ftate concifely "fome particulars of the falaries, and refpective proportions of "their official emoluments. Thefe may be divided into two "claffes; the firft, arifing from falaries and fees of honour, the "fecond, from what is called private bufinefs.

"The falaries, which are of very ancient eftablifhment, have "become, as money has decreased in value, very inconfiderable. "That of a king of arms is 100*l.* per annum, of an herald "forty marks, and of a purfuivant 20*l.* Each is liable to land "tax and other deductions. The fees of honour are paid on "creations of peers, advancements to all orders of knight-hood, "and on inftitutions and tranflations to bifhoprics; on certain "attendances on the royal perfon; inftallations of the order "of the garter, thefe are very confiderable; alfo on proclama-

"tions

“ tions of war and peace, and royal funerals. In the divisions
 “ of these fees the heralds receive twice as much as the pur-
 “ suivants, and the kings of arms twice as much as the heralds; in
 “ addition to which, garter has, on almost every occasion here
 “ specified, a very considerable separate fee, which, together
 “ with his immense profits on installations of the garter, and
 “ his peculiar fees on the investiture of foreign princes with
 “ that order, &c., produce that noble income which he enjoys;
 “ an income most properly assigned to so dignified an office.

“ The second class of heraldic emoluments, accruing from
 “ what is denominated private business, is, in its nature and
 “ mode of distribution, totally foreign from the other. It arises
 “ from the applications of private individuals on all occasions
 “ of heraldic business, such as for the proving the pedigrees of
 “ peers under the standing orders of the house of lords; for
 “ grants or exemplifications of arms; changes of surname by
 “ the king's licence; patents of supporters to peers, knights of
 “ the garter, and bath, &c.; copies of pedigrees, or other do-
 “ cuments from the records of the college; collecting or
 “ recording family pedigrees which have not been already
 “ entered there; tracing genealogies to establish proofs of the
 “ inheritance or acceding to peerages, or other hereditary titles
 “ or high offices, or of the descent of property; and a variety
 “ of other objects. Upon all these occasions every individual
 “ officer of the college, from garter down to the junior pur-
 “ suivants, has an equal right to accept commissions, and to
 “ transact business for his own separate and peculiar profit.
 “ It may, however, be remarked, that the exercise of this right
 “ has generally been waved by the gentlemen who have held
 “ the office of garter, as somewhat unworthy of his high and
 “ lucrative situation, not to mention that he receives a large fee
 “ by virtue of his office on almost every occasion here men-
 “ tioned; but the provincial kings of arms, whose places are
 “ less lucrative, have always, and very properly, availed them-
 “ selves of it.

“ The application on such private business is made in one or
 “ the other of two modes. A perfect stranger to the college pre-
 “ sents himself in court to its public office, where he finds the
 “ herald and pursuivant who happens to have, in rotation, the
 “ turn of waiting for that month; and the fact of his applica-
 “ tions to them gives them the sole right to the transaction of
 “ the business, and to the property of the profit attending it.
 “ A person, on the other hand, who has a knowledge of an
 “ individual officer of the college, either on the score of per-
 “ sonal acquaintance, or through the recommendation of a
 “ common friend, making his application to that officer, gives
 “ him,

him, in like manner, the sole right of transacting the business on which he applies, and the sole property in the profits attending it; and thus every individual officer of arms has, like the professors of the law, his own peculiar clients, with whom any interference by a brother officer would be deemed highly improper, as it is directly contrary to the law of the college in such cases.

It will appear, from what has been stated, that the official emoluments of the officers of arms vary very widely in their amount, according to their respective knowledge of their official duties, to the degrees of their professional assiduity, and to the extent and respectability of their private connexions: yet all of them, at least from garter, have too little for their elegant, respectable, ancient posts, their salaries being inadequate to their merit, their acquirements, their sacrifices, to their personal services upon one of the greatest monarchs in the world. The richest nation in Europe by its representatives will, there can be little doubt, soon make their emoluments equal at least to what they were when their salaries were settled at a great distance of time, when a very small sum of money was able to procure what now requires a great one."

PRECEDENCE. It may be proper to close this division of the present work with a general table of precedence established in this kingdom, in which those marked (*) are entitled to the rank allotted them by statute 31 Hen. VIII. c. 10.; those marked (†), by statute 1 W. & M. c. 21.; those marked (§), by letters patent 9, 10, and 14 Jas. I.; and those marked (‡), by ancient usage and established custom.

* The King's children and grandchildren.	* Marquises.
* ———— brethren.	† Dukes' eldest sons.
* ———— uncles.	* Earls.
* ———— nephews.	† Marquises' eldest sons.
* Archbishop of Canterbury.	† Dukes' younger sons.
* Lord Chancellor or Keeper, if a baron.	* Viscounts.
* Archbishop of York.	† Earls' eldest sons.
* Lord Treasurer,	†† Marquises' younger sons.
* Lord President of the Council,	* Secretary of State, if a bishop.
* Lord Privy Seal,	* Bishop of London.
	* ———— Durham.
* Lord Great Chamberlain. But (see private statute 1 G. I. c. 3).	* ———— Winchester.
* Lord High Constable,	* Bishops.
* Lord Marshal,	* Secretary of State, if a baron.
* Lord Admiral,	* Barons.
* Lord Steward of the House- hold,	† Speaker of the House of Commons.
* Lord Chamberlain of the House- hold,	† Lord Commissioners of the Great Seal.
* Dukes,	†† Viscounts' eldest sons.
	†† Earls' younger sons.
	†† Barons' eldest sons.
	‡ Knights of the Garter.

§ Privy Counsellors.	† Knights Bachelors.
§ Chancellor of the Exchequer.	§ Barons' eldest sons.
§ Chancellor of the Duchy.	§ Knights' eldest sons.
§ Chief Justice of the King's Bench.	§ Barons' younger sons.
§ Master of the Rolls.	§ Knights' younger sons.
§ Chief Justice of the Common Pleas.	† Colonels.
§ Chief Baron of the Exchequer.	† Serjeants at Law.
§ Judges and Barons of the Court.	† Doctors.
§ Knights Bachelors Royal.	† Esquires.
§ Viccounts' younger sons.	† Gentlemen.
§ Barons' younger sons.	† Yeomen.
§ Baronets.	† Tradesmen.
§ Knights Bachelors.	† Artificers.
† Knights of the Bath.	† Labourers.

Married women and widows are entitled to the same rank among each other, as their husbands would respectively have borne between themselves, except such rank is merely professional or official;—and unmarried women to the same rank as their eldest brothers would bear among men during the lives of their fathers.

END OF THE FIRST VOLUME.





The King

Where an act is made for the public good,
the advancement of religion & justice, and
to prevent injury & wrong, he shall be
bound, though not particularly named
in it - - - - -

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