

service, the course pursued by the Committee of Council, in establishing official relations with individual Clergymen and School Committees, independently of the Educational Church authority, was manifestly irregular and inadmissible. Who ever heard of the Treasury, or any other Government Board, entertaining applications from a naval or military officer on matters connected with the public service, except through the Horse Guards or the Admiralty? If every subordinate officer were at liberty to put himself in direct and independent communication with every department of the Government, the most endless confusion would be introduced into the administration of public affairs. It is manifest unreason, therefore, that the Church should be subjected to such an irregular proceeding, even if she were no more than a mere State Establishment. But the injustice, as well as injury, resulting from such a violation, appears in a yet more serious light, when it is remembered that the legitimate authority for the government of the Church is a Hierarchy which the State had no hand in creating, which derives its origin and its commission from a higher source than the authority of Temporal Rulers, and which endures, with its powers unimpaired, when Temporal Rulers withdraw their countenance from it, or when their own authority crumbles in the dust.

We have no hesitation in saying that it is to the keen hatred of Sir P. KAY SUTTLEWORTH, and of his patrons and abettors, the Whigs, against the principle of a Divine authority in the Church, that the extraordinary course taken by the Committee of Council, in establishing official relations with individual Clergymen, irrespective of the Episcopate,—representing the Church conjointly in matters of education, in the National Society's Committee,—is to be attributed. To the spirit of unbelief in the Divine commission of the Church, transmitted from the Apostles through her Episcopate, nothing could be more grateful than the opportunity of setting up within the Church an authority over her officers, distinct from her legitimate Hierarchy, and in spirit altogether alien to her own spirit and system. It was an opportunity not to be lost; and how well it has been used, emphatically with serpent's wisdom, the conflict which has been provoked between Church and State on the subject of education, and the divisions which have been caused by that conflict within the Church herself, sufficiently attest. The extent to which the principle of ignoring all Church authority has been carried by the Committee of Council, in its communications with the Clergy, and with the managers of Church schools generally, and the subtle and insidious manner in which an anti-Church system has been gradually introduced into the very heart of the Church, furnish matter for grave reflection, not on the subject of Church education alone, but generally of the relations between Church and State. But more of this hereafter. The subject is a wide one, and before we have done with the discussion of it, we hope to show abundant reason, why, for its own sake, as well as for the sake of the Church, the State cannot too soon retrace the steps which it has taken under the baneful influence of anti-Church principles and of Whig-Radical counsels.

PRINCE SCHWARZENBERG AND THE ENGLISH PRESS.

Unfavourable as our judgment has ever been to the system pursued by the Austrian Government, both before and after the lamentable events of 1848, we cannot but deprecate the tone which several of our contemporaries have taken on the occasion of the sudden decease of the Austrian Premier. It is no mere application of the trite common-place, *De mortuis nil nisi bonum*, that precludes us from joining in the severe judgment pronounced in more than one quarter upon the late Prince SCHWARZENBERG. We cannot blind ourselves to the fact that the state of social disorganization with which he had to deal, was of the most fearful character, and in forming an opinion of the measures to which he had recourse, we cannot help thinking, the maxim that "desperate ills require desperate remedies" ought to be borne in mind.

Admitting, however, that the policy of the late Minister was really open to serious exceptions, there is, even in merited censure upon a Statesman whose eyes have but just closed in death, a propriety and a moderation to be observed, which, for the credit of the English press, ought never to be lost sight of. It is for the purpose of entering our protest against such infringements of this salutary rule, as are now lying before us, that we have drawn attention to this subject, and propose to place into the pillory of their own language two of our contemporaries whose tone has been more than ordinarily offensive. "The kind of death,"—says a Liberal weekly journal, not famed for the reverence of its tone, any more than for the principles on which it is conducted,—"by which it has pleased Providence to summon from this world the Prime Minister of Austria, in what may be considered for a statesman the flower of his age (he was but fifty-two or three), does not surprise us, however awful and sad the visitation. Prince SCHWARZENBERG appears to have been from the beginning to the end of his administration in one prolonged and towering passion."

In still worse taste, if possible, is the following piece of ribaldry which we transcribe, we blush to say it, from the columns of a journal professing Conservative principles. "His conduct was distasteful to the proper pride of England, and many of his own countrymen accused him of being deficient in patriotism. The latter, at all events, must, however, ever, be silent now; for whatever they may say of his life, there can be no doubt that his death was eminently German—he expired while preparing for dinner." Anything more paltry, more discreditable, than this sorry joke on such an occasion, it is impossible to conceive. In mercy to our contemporary we permit him to remain nameless.

INSANITY AND CRIME.

Among the social follies into which the age has been betrayed by the whinings of a morbid philanthropy, is the suspension of the ordinary operation of legal consequences, in a variety of cases, on the plea of insanity. The most frequent instance of this departure from the strict truth and integrity which ought to preside over the administration of the law, is that of Coroner's inquests sitting on the bodies of suicides. The proper verdict of *felo de se* is hardly ever heard of now, being almost invariably superseded by that of "Temporary insanity." And what is the result? We say nothing now of the burden thrown upon the conscience of the Clergyman, who, with the fullest knowledge of facts proving a deliberate purpose of suicide, and perfect consciousness in the execution of it,—with the addition, perhaps, of antecedent guilt which supplied the motive for the fatal act,—is called upon to minister at the grave upon the fictitious assumption that

the death was, through a deprivation of reason, the act of the ALMIGHTY,—and thus, by speaking "feigned words" upon the most solemn occasion, to veil, instead of proclaiming, "the terror of the Lord." Apart from this collateral evil consequence of what must in strictness be termed a false verdict, what is its effect upon general morality, upon the tone of public feeling in regard to the particular crime in question? Notoriously, as experience but too clearly proves, to multiply the commission of the crime, by divesting it in the public eye of its character of enormous wickedness, and of those attendant circumstances of public reprobation, which are calculated to keep up a salutary feeling of horror in the minds of men. Viewed in this light, a fearful responsibility rests on those who, under a mistaken notion of "charity," palliate the crime of a man throwing up the gift of life in rebellion against his MAKER, and, by their verdict on one self-murderer, encourage many others in the commission of the same fearful and irretrievable sin.

It is not, however, in the case of suicide alone, that the plea of insanity is too often improperly admitted. The same defence is occasionally resorted to at the criminal bar, with a view to exempt the individual arraigned for some guilty deed from the responsibility, and, with it, from the punishment, of his iniquity. Here too, as experience has shown, the result is the encouragement of crime. To place before a mind full of dark and malignant passions a prospect of indulging them with comparative impunity, by putting on an eccentric behaviour sufficient to raise a suspicion of madness, is to put a temptation in the way of the evil-disposed, and to increase tenfold the danger to which the peace of society is exposed from characters of this description. The practice of shamming madness, either with a view to some prospective misdeed, or—as is strongly suspected at this moment, in the case of a public personage of unenviable notoriety—for the purpose of escaping from the responsibility of the past, is a sort of deception against which the law ought to guard society with the utmost vigilance.

Not content, however, with the mischief done by the fictitious plea of madness in cases where there is no adequate ground for assuming the individual to be irresponsible for his acts, our silly philanthropists must needs meddle with the actually insane, and advocate the withdrawal of the necessary restraints from persons who cannot with safety to themselves and others be left at liberty. No less than three cases, illustrative of this dangerous practice, have happened within the short space of a week. In one case an unhappy lunatic was, under the very eye of his keeper, allowed sufficient liberty of action to enable him to throw himself upon the railroad on the approach of a train, and so to put an end to his existence. In another case a woman discharged some time ago from St Luke's Hospital was taken up in front of Buckingham Palace, whither she had gone with the avowed intention of attempting the life of Her MAJESTY, and a large knife found concealed in her bosom furnished terrible evidence that hers was no idle bravado, and that consequences of which we shudder to think might have ensued, if an opportunity had presented itself for the execution of her design. Lastly, an act of parricide, committed under circumstances of unparalleled atrocity, has horrified the town, and on inquiry it appears that the wretched murderer has been twice under confinement for insanity, and was looked upon by those who knew him as a dangerous lunatic after his liberation, improperly assented to by the authorities of the Asylum, against their own better judgment, on the entreaties, it appears, of the ill-fated victim of his crime.

In all these cases it is clear that a great laxity of practice in regard to the custody of lunatics was admitted, the too natural result of the false sentiment with which the pseudo-philanthropists of the day have surrounded the whole subject. In cases of the kind last mentioned a sound view of public policy plainly demands the application of a more rigid system of vigilance and restraint to those who, if not altogether unconscious or irresponsible, have fallen into a state of dangerous absence of self-control. And on the other hand it is no less evident, that in the cases before alluded to, the stern requirements of justice demand that the severity of the law should not be mitigated upon a pretence or affectation of madness. "But," we fancy we hear the philanthropists exclaim, "would you, then, deny the benefit of a doubt to the poor wretches whose condition is oscillating between crime and insanity? Would you run the risk of punishing a madman for a crime which but for his madness he would not have committed, or of applying to a lunatic who, for aught you know, may be very harmless, the restraints which the danger of a criminal attempt under the influence of madness can alone justify?"

To both these questions we unhesitatingly reply in the affirmative, and that for the best of all possible reasons,—because we believe that the cases are extremely rare in which there would be the slightest chance of a real injustice being committed through the wholesome rigour which we recommend. In order to form a correct judgment on the subject, it should be borne in mind that as no criminal is, strictly speaking, in a sane state of mind, so the state of confirmed insanity is in a vast majority of cases the result of a criminal indulgence of evil passions and propensities. The lunatic who has actually committed a crime, although he may be scarcely accountable for the deed itself, is yet, in all probability, responsible for the state in which he no longer possesses the power of refraining from its commission; and, in like manner, the lunatic who, to prevent the commission of crime, is subjected to a degree of personal restraint and coercion which no overt act of his may justify, receives in that treatment no more than a just reward of that absence of self-control by which he has gradually sunk into his present lamentable state.

That there are instances in which physical causes, wholly beyond the control of the individual himself, may induce insanity, and insanity of a dangerous character, we are not prepared to deny; nor do we wish our remarks to apply to such cases further than the safety of the individuals themselves, and the safety of society, may absolutely require. But making all due allowance for cases of this description, we must still express our firm conviction that, in the great majority of cases, there is a vast deal of moral guilt connected with insanity, both temporary and permanent, real as well as affected; and that the limits of just retribution would not be transgressed, either by the punishment of criminal acts, or by the rigorous coercion of dangerous lunatics, where a long career of moral delinquency or perverseness, conscious but unchecked, has at last produced either criminal excesses, or a state of mind unable to contend successfully against criminal, albeit insane, impulses. And further we must express our conviction that mercy is altogether misplaced, which, while it

exempts the individual from the just and necessary punishment of his own evil ways, withdraws from society at large that protection which it is the first object of law and government to secure to all.

NATURAL AND ARTIFICIAL PLENTY.

Sir FITZROY KELLY, in his address to the electors of Harwich, has placed the question of Free Trade and Agriculture in a new and startling light, by exposing the fallacy of the Free Traders' boast, that the repeal of the Corn Laws has increased the consumption of corn in the country, or, in other words, that the people are better fed under the new commercial system than they were under the old. The truth of this representation the SOLICITOR-GENERAL utterly denies. Here are his own words:—

Is it the fact that the people of this country buy more bread and eat more bread, now that the Corn Laws are repealed, than they did when those laws existed in 1846? Is it true or untrue that, looking to the increase in the number of the population, there is a smaller amount of bread actually made and eaten in this country than before? I can prove that there is—I can prove it to demonstration. It was but a few days ago that we heard the question discussed, whether there was not an increase in the importation of corn, to the amount of 3,000,000 or 4,000,000 of quarters per annum? It is quite true, though the amount has been often and often exaggerated, that in the year 1850 we imported fully 3,000,000 quarters of corn more than we did in 1846; but does it necessarily follow that the people—the great bulk of the community—have eaten a quantity of bread the produce of those 3,000,000 quarters of corn over and above the quantity they had to eat before? I deny that such is the fact, and I will prove it in one moment, by reference to undoubted returns, forming a part of the statistical literature of the country. It is true that 3,000,000 quarters of corn have been imported more than were imported in 1846; but it is equally true that the growth of corn in this country has fallen off by more than a corresponding amount as compared with 1846, and that the quantity grown and sold for the benefit of the agriculturists of this country in 1846 exceeded by more than 3,000,000 quarters the quantity grown in 1850. I again say, without entering into details, that I can prove this by reference to undoubted returns made to both Houses of Parliament. What, then, is the result? Not that the people of this country have actually consumed and eaten more bread than they did before the repeal of the Corn Laws to the extent of 3,000,000 quarters of corn annually, but that instead of 3,000,000 quarters more being produced and sold by the agriculturists of this country for their own profit and advantage, the amount of their produce has been less by that quantity, while the 3,000,000 quarters' increase upon the imports have been purchased with British gold in foreign countries. Foreigners, then, have reaped all the benefit which had arisen from the augmented importations, while not one additional ounce of bread has reached the lips of the Englishman.

Of the fact so stated no one who knows Sir FITZROY KELLY's powers of sifting evidence can entertain the slightest doubt. And if the fact is so, what becomes of the alleged advantages of Free Trade? what of the plenty in which, according to the Free Traders, the people have been luxuriating? And, above all, what becomes of the prospect of the cheap loaf, if failure of crops, or war, or any other contingency, should, if not wholly cut off, at least greatly curtail, the foreign supply? Whether it answers the purpose of the labouring man better, out of low wages to purchase a cheap loaf, while the foreigner gives him the opportunity of doing so, with the chance of no loaf at all whenever the foreigner sees fit to "stop the supplies,"—or, out of high wages to buy a somewhat more expensive loaf of his own countrymen, whose supply can be depended upon as long as the blessing of HEAVEN causes the fruits of the earth to increase,—which of these two be the safer plan in the long run, and the cheaper in the end,—this is the real question which ought to govern the decision of the country at the next election. It is a question which was certainly better understood in the days of QUEEN BESS, if we may judge by the following preamble of an Act of Parliament passed under the reign of the Virgin Queen, and recently disinterred by the industry of another gentleman learned in the law:—

Whereas the strength and flourishing estate of this kingdom hath been always, and is, greatly upheld and advanced by the maintenance of the plough and tillage, being the occasion of the increase and multiplying of people, both for service in the wars, and in times of peace, being also a principal means that people are set on work, and thereby withdrawn from idleness, drunkenness, and unlawful games, and all other lewd practices and conditions of life; And whereas, by the same means of tillage and husbandry, the greater part of the subjects are preserved from extreme poverty, in a competent state of maintenance and means to live, and the wealth of the realm is kept dispersed and distributed in many hands, where it is more ready to answer all necessary charges for the service of the realm: And whereas, also, the said husbandry and tillage is a cause that the realm doth more stand upon itself, without depending on foreign countries, either for bringing in of corn in time of scarcity, or for vent or utterance of our own commodities being in over great abundance.—

Here is the preamble ready made for any measure which, after taking the sense of the country upon the subject, the Earl of DERBY's Cabinet may see fit to introduce for the reversal of the Free Trade policy. A Bill so headed would be entitled even to the support of the Knight of NETHERBY, whose great postulate in politics is that he shall "know the reason why."

THE DUTY ON ADVERTISEMENTS.

THE CHANCELLOR of the EXCHEQUER is proverbially a target for the shafts of suggestion. The Budget is a pie in which everybody wants to have a finger. On the hypothesis that everybody pays taxes, it is taken for granted that everybody has a right to give his opinion as to what taxes should be paid. As the time when Mr. DISRAELI is expected to make his financial statement, is not far distant, we desire to avail ourselves of the general license accorded to taxpayers of all kinds, to contribute our mite to the sum total of the financial wisdom of the nation. In doing this, we trust we shall at once secure a favourable hearing from the keeper of the country's purse, by assuring the Right Honourable Gentleman that it is not our intention to ask for the abolition of any tax, but that, on the contrary, our proposal is for the extension of one already in existence.

A certain clique of politicians, and a certain class of journalists, are at this moment raising a clamour for the abolition of "taxes on knowledge." They would do away, at one sweep, with the paper duty, the stamp duty on newspapers, and the advertisement duty. With the cant on this subject, which fills the columns of some of our contemporaries, we feel no sympathy. The preservation of the freedom of the press which this country happily enjoys, and which is one of the chief guarantees of its civil liberties, depends in no small degree upon the respectability of the general body of the press. Fiscal regulations, therefore, which act as a check upon the intrusion into the ranks of public journalism of every needy and unprincipled scribbler who can find a printer to put his trash in type, on the system of quick returns, may be considered in the light of indirect guarantees for the continuance of that freedom of public discussion, the advantage of which cannot be overrated. And as regards the extent to which the tax falls upon the consumer, it amounts, in the case of each individual reader, to a mere fractional sum, a sum

"INSANITY AND CRIME." John Bull, vol. XXXII, no. 1,636, 19 Apr. 1852, p. 249. Nineteenth Century UK Periodicals, link.gale.com/apps/doc/DX1900666919/GDCS?u=warwick&sid=bookmark-GDCS. Accessed 12 Apr. 2023.