

VARIOUS

NOTES AND QUERIES,
NUMBER 197, AUGUST
6, 1853

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Notes and Queries, Number 197, August 6, 1853 / A Medium of Inter-communication for Literary Men, Artists, Antiquaries, Genealogists, etc.:

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Notes

HIGH CHURCH AND LOW CHURCH

A Universal History of Party; with the Origin of Party Names

¹ would form an acceptable addition to literary history: "N. & Q." has contributed towards such a work some disquisitions on

¹ There is a book called *History of Party, from the Rise of the Whig and Tory Factions Chas. II. to the Passing of the Reform Bill*, by G. W. Cooke: Lond. 1836-37, 3 vols. 8vo.; but, as the title shows, it is limited in scope.

our party names *Whig* and *Tory*, and *The Good Old Cause*. Such names as *Puritan*, *Malignant*, *Evangelical*², can be traced up to their first commencement, but some obscurity hangs on the mintage-date of the names we are about to consider.

As a matter of fact, the distinction of *High Church* and *Low Church* always existed in the Reformed English Church, and the history of these parties would be her history. But the *names* were not coined till the close of the seventeenth century, and were not stamped in full relief as party-names till the first year of Queen Anne's reign.

In October, 1702, Anne's first Parliament and Convocation assembled:

"From the deputies in Convocation at this period, the appellations *High Church* and *Low Church* originated, and they were afterwards used to distinguish the clergy. It is singular that the bishops³ were ranked among the Low

² See Haweis's *Sermons on Evangelical Principles and Practice*: Lond. 1763, 8vo.; *The True Churchmen ascertained; or, An Apology for those of the Regular Clergy of the Establishment, who are sometimes called Evangelical Ministers: occasioned by the Publications of Drs. Paley, Hey, Croft; Messrs. Daubeny, Ludlam, Polwhele, Fellowes; the Reviewers, &c.*: by John Overton, A. B., York, 1802, 8vo., 2nd edit. See also the various memoirs of Whitfield, Wesley, &c.; and Sir J. Stephens *Essays on "The Clapham Sect" and "The Evangelical Succession."*

³ It is not so very "singular," when we remember that the bishops were what Lord Campbell and Mr. Macauley call "*judiciously* chosen" by William. On this point a cotemporary remarks, "Some steps have been made, and large ones too, towards a *Scotch* reformation, by suspending and ejecting the chief and most zealous of our bishops, and others of the higher clergy; and by advancing, upon all vacancies of sees and dignities, ecclesiastical *men of notoriously Presbyterian, or, which is worse,*

Churchmen (see Burnet, v. 138.; Calamy, i. 643.; Tindal's *Cont.*, iv. 591.)"—Lathbury's *Hist. of the Convocation*, Lond. 1842, p. 319.

Mr. Lathbury is a very respectable authority in matters of this kind, but if he use "originated" in its strict sense, I am inclined to think he is mistaken; as I am tolerably certain that I have met with the words several years before 1702. At the moment, however, I cannot lay my hands on a passage to support this assertion.

The disputes in Convocation gave rise to a number of pamphlets, such as *A Caveat against High Church*, Lond. 1702, and *The Low Churchmen vindicated from the unjust Imputation of being No Churchmen, in Answer to a Pamphlet called "The Distinction of High and Low Church considered:"* Lond. 1706, 8vo. Dr. Sacheverell's trial gave additional zest to the *dudgeon ecclesiastick*, and produced a shower of pamphlets. I give the title of one of them: *Pulpit War, or Dr. S-l, the High Church Trumpet, and Mr. H-ly, the Low Church Drum, engaged by way of Dialogue*, Lond. 1710, 8vo.

To understand the cause of the exceeding bitterness and virulence which animated the parties denominated *High Church*

of Erastian principles. These are the ministerial ways of undermining Episcopacy; and when to the *seven notorious* ones shall be added more, upon the approaching deprivation, they will make a majority; and then we may expect the new model of a church to be perfected." (Somers' *Tracts*, vol. x. p. 368.) Until Atterbury, there were few High Church Bishops in Queen Anne's reign in 1710. Burnet singles out the Bishop of Chester: "for he seemed resolved to distinguish himself as a zealot for that which is called *High Church*."—*Hist. Own Time*, vol. iv. p. 260.

and *Low Church*, we must remember that until the time of William of Orange, the Church of England, *as a body*—her sovereigns and bishops, her clergy and laity—comes under the *former* designation; while those who sympathised with the Dissenters were comparatively few and weak. As soon as William was head of the Church, he opened the floodgates of Puritanism, and admitted into the church what previously had been more or less external to it. This element, thus made part and parcel of the Anglican Church, was denominated *Low Church*. William supplanted the bishops and clergy who refused to take oaths of allegiance to him as king *de jure*; and by putting Puritans in their place, made the latter the dominant party. Add to this the feelings of exasperation produced by the murder of Charles I., and the expulsion of the Stuarts, and we have sufficient grounds, political and religious, for an irreconcilable feud. Add, again, the reaction resulting from the overthrow of the tyrannous hot-bed and forcing-system, where a sham conformity was maintained by coercion; and the *Church-Papist*, as well as the *Church-Puritans*, with ill-concealed hankering after the mass and the preaching-house, by penal statutes were forced to do what their souls abhorred, and play the painful farce of attending the services of "The Establishment."

A writer in a *High Church* periodical of 1717 (prefacing his article with the passage from Proverbs vi. 27.) proceeds:

"The old way of attacking the Church of England was by mobs and bullies, and hard sounds; by calling *Whore*, and

Babylon, upon our worship and liturgy, and kicking out our clergy as *dumb dogs*: but now they have other irons in the fire; a new engine is set up under the cloak and disguise of *temper, unity, comprehension, and the Protestant religion*. Their business now is not to storm the Church, but to *lull it to sleep*: to make us relax our care, quit our defences, and neglect our safety.... These are the politics of their Popish fathers: when *they* had tried all other artifices, they at last resolved to sow schism and division in the Church: and from thence sprang up this very generation, who by a fine stratagem endeavoured to set us one against the other, and they gather up the stakes. *Hence the distinction of High and Low Church.*"—*The Scourge*, p. 251.

In another periodical of the same date, in the Dedication "To the most famous University of Oxford," the writer says:

"These enemies of our religious and civil establishment have represented you as instillers of *slavish doctrines and principles* ... if to give to God and Cæsar his due be such tow'ring, and *High Church* principles, I am sure St. Peter and St. Paul will scarce escape being censured for *Tories* and *Highflyers*."—*The Entertainer*, Lond. 1717.

"If those who have kept their first love, and whose robes have not been defiled, endeavour to stop these innovations and corruptions that their enemies would introduce, they are blackened for *High Church Papists*, favourers of I know not who, and fall under the public resentment."—*Ib.* p. 301.

I shall now give a few extracts from *Low Church* writers (quoted in *The Scourge*), who thus designate their opponents:

"A pack or party of scandalous, wicked, and profane men, who appropriate to themselves the name of *High Church* (but may more properly be said to be Jesuits or Papists in masquerade), do take liberty to teach, preach, and print, publickly and privately, sedition, contentions, and divisions among the Protestants of this kingdom."—*Motives to Union*, p. 1.

"These men glory in their being members of the *High Church* (Popish appellation, and therefore they are the more fond of that); but these pretended sons are become her persecutors, and they exercise their spite and lies both on the living and the dead."—*The Snake in the Grass brought to Light*, p. 8.

"Our common people of the *High Church* are as ignorant in matters of religion as the bigotted Papists, which gives great advantage to our Jacobite and Tory priests to lead them where they please, or to mould them into what shapes they please."—*Reasons for an Union*, p. 39.

"The minds of the populace are too much debauched already from their loyalty by seditious arts of the *High Church faction*."—*Convocation Craft*, p. 34.

"We may see how closely our present *Highflyers* pursue the steps of their Popish predecessors, in reckoning those who dispute the usurped power of the Church to be hereticks, schismatics, or what else they please."—*Ib.* p. 30.

"All the blood that has been spilt in the late unnatural rebellion, may be very justly laid at the doors of the *High Church clergy*."—*Christianity no Creature of the State*, p. 16.

"We see what the *Tory Priesthood* were made of in Queen Elizabeth's time, that they were ignorant, lewd, and seditious: and it must be said of 'em that they are true to the stuff still."—*Toryism the Worst of the Two*, p. 21.

"*The Tories and High Church*, notwithstanding their pretences to loyalty, will be found by their actions to be the greatest rebels in nature."—*Reasons for an Union*, p. 20.

Sir W. Scott, in his *Life of Dryden*, Lond. 1808, observes that

"Towards the end of Charles the Second's reign, the *High-Church-men* and the Catholics regarded themselves as on the same side in political questions, and not greatly divided in their temporal interests. Both were sufferers in the plot, both were enemies of the sectaries, both were adherents of the Stuarts. Alternate conversion had been common between them, so early as since Milton made a reproach to the English Universities of the converts to the Roman faith daily made within their colleges: of those sheep

'Whom the *grim wolf* with privy paw
Daily devours apace, and nothing said.'"

Life, 3rd edit. 1834, p. 272.

I quote this passage partly because it gives Sir Walter's interpretation of that obscure passage in *Lycidas*, respecting which I made a Query (Vol. ii., p. 246.), but chiefly as a preface

to the remark that in James II.'s reign, and at the time these party names originated, the Roman Catholics were in league with the Puritans or *Low Church* party against the High Churchmen, which increased the acrimony of both parties.

In those days religion was politics, and politics religion, with most of the belligerents. Swift, however, as if he wished to be thought an exception to the general rule, chose one party for its politics and the other for its religion.

"Swift carried into the ranks of the Whigs the opinions and scruples of a *High Church* clergyman... Such a distinction between opinions in Church and State has not frequently existed: the *High Churchmen* being usually *Tories*, and the *Low Church* divines universally *Whigs*."—*Scott's Life*, 2nd edit.: Edin. 1824, p. 76.

See Swift's *Discourse of the Contests and Dissensions between the Nobles and Commons of Athens and Rome*: Lond. 1701.

In his quaint *Argument against abolishing Christianity*, Lond. 1708, the following passage occurs:

"There is one advantage, greater than any of the foregoing, proposed by the abolishing of Christianity: that it will utterly extinguish parties among us by removing those factious distinctions of *High* and *Low Church*, of *Whig* and *Tory*, Presbyterian and Church of England."

Scott says of the *Tale of a Tub*:

"The main purpose is to trace the gradual corruptions of the Church of Rome, and to exalt the English Reformed

Church at the expense both of the Roman Catholic and Presbyterian establishments. It was written with a view to the interests of the *High Church* party."—*Life*, p. 84.

Most men will concur with Jeffrey, who observes:

"It is plain, indeed, that Swift's *High Church* principles were all along but a part of his selfishness and ambition; and meant nothing else, than a desire to raise the consequence of the order to which he happened to belong. If he had been a layman, we have no doubt he would have treated the pretensions of the priesthood as he treated the persons of all priests who were opposed to him, with the most bitter and irreverent disdain."—*Ed. Rev.*, Sept. 1846.

The following lines are from a squib of eight stanzas which occurs in the works of Jonathan Smedley, and are said to have been fixed on the door of St. Patrick's Cathedral on the day of Swift's instalment (see Scott, p. 174.):

"For *High Churchmen* and policy,
He swears he prays most hearty;
But would pray back again to be
A Dean of any party."

This reminds us of the Vicar of Bray, of famous memory, who, if I recollect aright, commenced his career thus:

"In good King Charles's golden days,
When loyalty no harm meant,

A zealous *High Churchman* I was,
And so I got preferment."

How widely different are the men we see classed under the title *High Churchmen!* Evelyn and Walton⁴, the gentle, the Christian; the arrogant Swift, and the restless Atterbury.

It is difficult to prevent my note running beyond the limits of "N. & Q.," with the ample materials I have to select from; but I cannot wind up without a *definition*; so here are two:

"Mr. Thelwall says that he told a pious old lady, who asked him the difference between *High Church* and *Low Church*, 'The High Church place the Church above Christ, the Low Church place Christ above the Church.' About a hundred years ago, that very same question was asked of the famous South:—'Why,' said he, 'the High Church are those who think highly of the Church, and lowly of themselves; the Low Church are those who think highly of themselves, and lowly of the Church.'"—Rev. H. Newland's *Lecture on Tractarianism*, Lond. 1852, p. 68.

The most celebrated High Churchmen who lived in the last century, are Dr. South, Dr. Samuel Johnson, Rev. Wm. Jones of Nayland, Bp. Horne, Bp. Wilson, and Bp. Horsley. See a long passage on "High Churchmen" in a charge of the latter to the clergy of St. David's in the year 1799, pp. 34. 37. See also a charge of Bp. Atterbury (then Archdeacon of Totnes) to his

⁴ Of Izaak Walton his biographer, Sir John Hawkins, writing in 1760, says, "he was a friend to a hierarchy, or, as we should now call such a one, a *High Churchman*."

clergy in 1703.

Jarltzberg.

CONCLUDING NOTES ON SEVERAL MISUNDERSTOOD WORDS

(Continued from Vol. vii., p. 568.)

Not being minded to broach any fresh matter in "N. & Q.," I shall now only crave room to clear off an old score, lest I should leave myself open to the imputation of having cast that in the teeth of a numerous body of men which might, for aught they would know to the contrary, be as truly laid in my own dish. In No. 189., p. 567., I affirmed that the handling of a passage in *Cymbeline*, there quoted, had betrayed an amount of obtuseness in the commentators which would be discreditable in a third-form schoolboy. To substantiate that assertion, and rescue the disputed word "Britaine" henceforth for ever from the rash tampering of the meddling sciolist, I beg to advertise the ingenuous reader that the clause,—

"For being now a favourer to the Britaine,"

is in apposition with *Death*, not with Posthumus Leonatus. In a note appended to this censure, referring to another passage from L. L. L., I averred that Mr. Collier had corrupted it by chancing the singular verb *dies* into the plural *die* (this too done, under plea of editorial licence, without warning to the reader), and that such

corruption had abstracted the true key to the right construction. To make good this last position, two things I must do first, cite the whole passage, without change of letter or tittle, as it stands in the Folios '23 and '32; next, show the trivial and vulgar use of "contents" as a singular noun. In Folio '23, thus:

"*Qu.* Nay my good Lord, let me ore-rule you now;
That sport best pleases that doth least know how.
Where Zeale striues to content, and the contents
Dies in the Zeale of that which it presents:
Their forme confounded, makes most forme in mirth
When great things labouring perish in their birth."

Act IV. p. 141.

With this the Folio '32 exactly corresponds, save that the speaker is *Prin.*, not *Qu.*; *ore-rules* is written as two words without the hyphen, and *strives* for *striues*. I have been thus precise, because criticism is to me not "a game," nor admmissive of cogging and falsification.

I must now show the hackneyed use of *contents* as a singular noun. An anonymous correspondent of "N. & Q." has already pointed out one in *Measure for Measure*, Act IV. Sc. 2.:

"*Duke.* The *contents* of this is the returne of the Duke."

Another:

"This is the *contents* thereof."—Calvin's 82nd *Sermon upon Job*, p. 419., Golding's translation.

Another:

"After this were articles of peace propounded, y^e *contents* wherof was, that he should departe out of Asia."—The 31st *Booke of Justine*, fol. 139., Golding's translation of Justin's *Trogus Pompeius*.

Another:

"Plinie writeth hereof an excellent letter, the *contents* whereof is, that this ladie, mistrusting her husband, was condemned to die," &c.—*Historicall Meditations*, lib. iii. chap. xi. p. 178. Written in Latin by P. Camerarius, and done into English by John Molle, Esq.: London, 1621.

Another:

"The *contents* whereof is this."—*Id.*, lib. v. chap. vi. p. 342.

Another:

"Therefore George, being led with an heroicall disdain, and nevertheless giuing the bridle beyond moderation to his anger, vnderstanding that Albert was come to Newstad, resolued with himselfe (without acquainting any bodie) to write a letter vnto him, the *contents* whereof was," &c.—*Id.*, lib. v. chap. xii. p. 366.

If the reader wants more examples, let him give himself the trouble to open the first book that comes to hand, and I dare say the perusal of a dozen pages will supply some; yet have we two editors of Shakspeare, Johnson and Collier, so unacquainted

with the usage of their own tongue, and the universal logic of thought, as not to know that a word like *contents*, according as it is understood collectively or distributively, may be, and, as we have just seen, in fact is, treated as a singular or plural; that, I say, *contents* taken severally, every *content*, or in gross, the whole mass, is respectively plural or singular. It was therefore optional with Shakspeare to employ the word either as a singular or plural, but not in the same sentence to do both: here, however, he was tied to the singular, for, wanting a rhyme to *contents*, the nominative to *presents* must be singular, and that nominative was the pronoun of *contents*. Since, therefore, the plural *die* and the singular *it* could not both be referable to the same noun *contents*, by silently substituting *die* for *dies*, Mr. Collier has blinded his reader and wronged his author. The purport of the passage amounts to this: the *contents*, or structure (to wit, of the show to be exhibited), breaks down in the performer's zeal to the subject which it presents. Johnson very properly adduces a much happier expression of the same thought from *A Midsummer Night's Dreame*:

"*Hip*. I love not to see wretchedness o'ercharged;
And duty in his service perishing."

The reader cannot fail to have observed the faultless punctuation of the Folios in the forecited passage, and I think concur with me, that like many, ay, most others, all it craves at the

hands of editors and commentators is, to be left alone. The last two lines ask for no explanation even to the blindest mind. Words like *contents* are by no means rare in English. We have *tidings* and *news*, both singular and plural. Mr. Collier himself rebukes Malone for his ignorance of such usage of the latter word. If it be said that these two examples have no singular form, whereas *contents* has, there is *means*, at any rate precisely analogous. On the other hand, so capricious is language, in defiance of the logic of thought, we have, if I may so term it, a merely auricular plural, in the word *corpse* referred to a single carcase.

I should here close my account with "N. & Q." were it not that I have an act of justice to perform. When I first lighted upon the two examples of *chaumbre* in Udall, I thought, as we say in this country, it was a good "fundlas," and regarded it as my own property. It now appears to be but a waif or stray; therefore, *suum cuique*, I cheerfully resign the credit of it to Mr. Singer, the rightful proprietary. Proffering them for the inspection of learned and unlearned, I of course foresaw that speedy sentence would be pronounced by that division, whose judgment, lying ebb and close to the surface, must needs first reach the light. I know no more appropriate mode of requiting the handsome manner in which Mr. Singer has been pleased to speak of my trifling contributions to "N. & Q.," than by asking him, with all the modesty of which I am master, to reconsider the passage in *Romeo and Juliet*; for though his substitution (*rumourers vice runawayes*) may, I think, clearly take the wall of any of its rivals,

yet, believing that Juliet invokes a darkness to shroud her lover, under cover of which even the fugitive from justice might snatch a wink of sleep, I must for my own part, as usual, still adhere to the authentic text.

W. R. Arrowsmith.

P. S.—In answer to a Bloomsbury Querist (Vol. viii., p. 44.), I crave leave to say that I never have met with the verb *perceyuer* except in Hawes, *loc. cit.*; and I gave the latest use that I could call to mind of the noun in my paper on that word. Unhappily I never make notes, but rely entirely on a somewhat retentive memory; therefore the instances that occur on the spur of the moment are not always the most apposite that might be selected for the purpose of illustration. If, however, he will take the trouble to refer to a little book, consisting of no more than 448 pages, published in 1576, and entitled *A Panoplie of Epistles, or a Looking-glasse for the Unlearned*, by Abraham Flemming, he will find no fewer than nine examples, namely, at pp. 25. 144. 178. 253. 277. 285. (twice in the same page) 333. 382. It excites surprise that the word never, as far as I am aware, occurs in any of the voluminous works of Sir Thomas More, nor in any of the theological productions of the Reformers.

With respect to *speare*, the orthography varies, as *spere*, *sperr*, *sparr*, *unspar*; but in the Prologue to *Troilus and Cressida*, *sperre* is Theobald's correction of *stirre*, in Folios '23 and '32. Let me add, what I had forgotten at the time, that another instance of *budde* intransitive, to bend, occurs at p. 105. of *The Life of Faith*

in Death, by Samuel Ward, preacher of Ipswich, London, 1622. Also another, and a very significant one, of the phrase to *have on the hip*, in Fuller's *Historie of the Holy Warre*, Cambridge, 1647:

"Arnulphus was as quiet as a lambe, and durst never challenge his interest in Jerusalem from Godfrey's donation; as fearing to *wrestle* with the king, who *had him on the hip*, and could out him at pleasure for his bad manners."—Book ii. chap. viii. p. 55.

In my note on the word *trash*, I said (somewhat too peremptorily) that *overtop* was not even a hunting term (Vol. vii., p. 567.). At the moment I had forgotten the following passage:

"Therefore I would perswade all lovers of hunting to get two or three couple of tryed hounds, and once or twice a week to follow after them a train-scent; and when he is able to *top* them on all sorts of earth, and to endure heats and colds stoutly, then he may the better relie on his speed and toughness."—*The Hunting-horse*, chap. vii. p. 71., Oxford, 1685.

SNEEZING AN OMEN AND A DEITY

In the *Odyssey*, xvii. 541-7., we have, imitating the hexameters, the following passage:

"Thus Penelope spake. Then quickly Telemachus *sneez'd* loud,

Sounding around all the building: his mother, with smiles at her son, said,

Swiftly addressing her rapid and high-toned words to Eumæus,

'Go then directly, Eumæus, and call to my presence the strange guest.

See'st thou not that my son, *ev'ry word I have spoken hath sneez'd at?*⁵

Thus portentous, betok'ning the fate of my hateful suitors,
All whom death and destruction await by a doom irreversible."

Dionysius Halicarnassus, on Homer's poetry (s. 24.), says, sneezing was considered by that poet as a good sign (σύμβολον ἀγαθόν); and from the Anthology (lib. ii.) the words οὐδὲ λέγει, Ζεῦ σῶσον, ἐὰν παρῆ, show that it was proper to exclaim "God bless you!" when any one sneezed.

⁵ The practice of snuff-taking has made the *sneezing* at anything a mark of contempt, in these degenerate days.

Aristotle, in the Problems (xxxiii. 7.), inquires why sneezing is reckoned a God (διὰ τί τὸν μὲν παρμὸν, θεὸν ἡγούμεθα εἶναι); to which he suggests, that it may be because it comes from the head, the most divine part about us (θειοτάτου τῶν περὶ ἡμᾶς). Persons having the inclination, but not the power to sneeze, should look at the sun, for reasons he assigns in Problems (xxxiii. 4.).

Plutarch, on the Dæmon of Socrates (s. 11.), states the opinion which some persons had formed, that Socrates' dæmon was nothing else than the sneezing either of himself or others. Thus, if any one sneezed at his right hand, either before or behind him, he pursued any step he had begun; but sneezing at his left hand caused him to desist from his formed purpose. He adds something as to different kinds of sneezing. To sneeze twice was usual in Aristotle's time; but once, or more than twice, was uncommon (Prob. xxxiii. 3.).

Petronius (*Satyr.* c. 98.) notices the "blessing" in the following passage:

"Giton collectione spiritus plenus, *ter* continuo ita sternutavit, ut grabatum concuteret. Ad quem motum Eumolpus conversus, *salvere* Gitona *jubet*."

T. J. Buckton.

Birmingham.

ABUSES OF HACKNEY COACHES

[The following proclamation on this subject is of interest at the present moment.]

By the King

A Proclamation to restrain the Abuses of Hackney Coaches in the Cities of London and Westminster, and the Suburbs thereof.

Charles R.

Whereas the excessive number of Hackney Coaches, and Coach Horses, in and about the Cities of London and Westminster, and the Suburbs thereof, are found to be a common nuisance to the Publique Damage of Our People by reason of their rude and disorderly standing and passing to and fro, in and about our said Cities and Suburbs, the Streets and Highways being thereby pestred and made impassable, the Pavements broken up, and the Common Passages obstructed and become dangerous, Our Peace violated, and sundry other mischiefs and evils occasioned:

We, taking into Our Princely consideration these apparent Inconveniences, and resolving that a speedy remedy be applied to meet with, and redress them for the future, do, by and with the advice of our Privy Council, publish Our Royal Will and Pleasure

to be, and we do by this Our Proclamation expressly charge and command, That no Person or Persons, of what Estate, Degree, or Quality whatsoever, keeping or using any Hackney Coaches, or Coach Horses, do, from and after the Sixth day of November next, permit or suffer the said Coaches and Horses, or any of them, to stand or remain in any the Streets or Passages in or about Our said Cities either of London or Westminster, or the Suburbs belonging to either of them, to be there hired; but that they and every of them keep their said Coaches and Horses within their respective Coach-houses, Stables, and Yards (whither such Persons as desire to hire the same may resort for that purpose), upon pain of Our high displeasure, and such Forfeitures, Pains, and Penalties as may be inflicted for the Contempt of Our Royal Commands in the Premises, whereof we shall expect a strict Accompt.

And for the due execution of Our Pleasure herein, We do further charge and command the Lord Mayor and Aldermen of Our City of London, That they in their several Wards, and Our Justices of Peace within Our said Cities of London and Westminster, and the Liberties and Suburbs thereof, and all other Our Officers and Ministers of Justice, to whom it appertaineth, do take especial care in their respective Limits that this Our Command be duly observed, and that they from time to time return the names of all those who shall wilfully offend in the Premises, to Our Privy Council, and to the end they may be proceeded against by Indictments and Presentments for the

Nuisance, and otherwise according to the severity of the Law and Demerits of the Offenders.

Given at Our Court at Whitehall the 18th day of October in the 12th year of Our Reign.

God save the King

London: Printed by John Bell and Christopher Barker, Printers to the King's most Excellent Majesty, 1660.

Pepys, in his *Diary*, vol. i. p. 152., under date 8th November, 1660, says:

"To Mr. Fox, who was very civil to me. Notwithstanding this was the first day of the King's proclamation against hackney coaches coming into the streets to stand to be hired, yet I got one to carry me home."

T. D.

SHAKSPEARE CORRESPONDENCE

Passage in "The Tempest," Act I. Sc. 2.—

"The sky, it seems, would pour down stinking pitch,
But that the sea, mounting to the welkin's cheek,
Dashes the fire out."

"The manuscript corrector of the folio 1632," Mr. Collier informs us, "has substituted *heat* for 'cheek,' which is not an unlikely corruption, a person writing only by the ear."

I should say very unlikely: but if *heat* had been actually printed in the folios, without speculating as to the probability that the press-copy was written from dictation, I should have had no hesitation in altering it to *cheek*. To this I should have been directed by a parallel passage in *Richard II.*, Act III. Sc. 3., which has been overlooked by Mr. Collier:

"Methinks, King Richard and myself should meet
With no less terror *than the elements*
Of fire and water, when their thundering shock
At meeting tears the cloudy cheeks of heaven."

Commentary here is almost useless. Every one who has any capacity for Shakspearian criticism must feel assured that Shakspeare wrote *cheek*, and not *heat*.

The passage I have cited from *Richard II.* strongly reminds me of an old lady whom I met last autumn on a tour through the Lakes of Cumberland, &c.; and who, during a severe thunderstorm, expressed to me her surprise at the pertinacity of the lightning, adding, "I should think, Sir, that so much water in the heavens would have put all the fire out."

C. Mansfield Ingleby.

Birmingham.

The Case referred to by Shakspeare in Hamlet (Vol. vii., p. 550.).—

"If the water come to the man."—*Shakspeare.*

The argument Shakspeare referred to was that contained in Plowden's Report of the case of *Hales v. Petit*, heard in the Court of Common Pleas in the fifth year of the reign of Queen Elizabeth. It was held that though the wife of Sir James Hale, whose husband was *felo-de-se*, became by survivorship the holder of a joint term for years, yet, on office found, it should be forfeited on account of the act of the deceased husband. The learned serjeants who were counsel for the defendant, alleged that the forfeiture should have relation to the act done in the party's lifetime, which was the cause of his death. "And upon this," they said, "the parts of the act are to be considered." And Serjeant Walsh said:

"The act consists of three parts. The first is the

imagination, which is a reflection or meditation of the mind, whether or no it is convenient for him to destroy himself, and what way it can be done. The second is the resolution, which is the determination of the mind to destroy himself, and to do it in this or that particular way. The third is the perfection, which is the execution of what the mind has resolved to do. And this perfection consists of two parts, viz. the beginning and the end. The beginning is the doing of the act which causes the death; and the end is the death, which is only the sequel to the act. And of all the parts, the doing of the act is the greatest in the judgment of our law, and it is, in effect, the whole and the only part the law looks upon to be material. For the imagination of the mind to do wrong, without an act done, is not punishable in our law; neither is the resolution to do that wrong which he does not, punishable; but the doing of the act is the only point the law regards, for until the act is done it cannot be an offence to the world, and when the act is done it is punishable. Then, here, the act done by Sir James Hale, which is evil and the cause of his death, is the throwing of himself into the water, and death is but a sequel thereof, and this evil act ought some way to be punished. And if the forfeiture shall not have relation to the doing of the act, then the act shall not be punished at all, for inasmuch as the person who did the act is dead, his person cannot be punished, and therefore there is no way else to punish him but by the forfeiture of those things which were his own at the time of the act done; and the act was done in his lifetime, and therefore the forfeiture shall have relation to his lifetime, namely, to that time of his

life in which he did the act which took away his life."

And the judges, viz. Weston, Anthony Brown, and Lord Dyer, said:

"That the forfeiture shall have relation to the time of the original offence committed, which was the cause of the death, and that was, the throwing himself into the water, which was done in his lifetime, and this act was felony."—"So that the felony is attributed to the act, which act is always done by a living man and in his lifetime," as Brown said; for he said, "Sir James Hale was dead, and how came he to his death? It may be answered, By drowning. And who drowned him? Sir James Hale. And when did he drown him? In his lifetime. So that Sir James Hale being alive, caused Sir James Hale to die; and the act of the living man was the death of the dead man. And then for this offence it is reasonable to punish the living man who committed the offence, and not the dead man. But how can he be said to be punished alive when the punishment comes after his death? Sir, this can be done no other way but by divesting out of him, from the time of the act done in his life, which was the cause of his death, the title and property of those things which he had in his lifetime."

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