

other rule but, 1st. Divine laws or the law of God; 2nd. Civil laws, or the laws of the magistrate; 3rd. The law of fashion or reputation, whereby men judge of the goodness of their actions, I have then failed in giving a full account whence men get their moral ideas: but that is all I can be accused to have failed in here; for I did not design to treat of the grounds of true morality, which is necessary to true and perfect happiness; it had been impertinent if I had so designed; my business was only to show whence men had moral ideas, and what they were, and that, I suppose, is sufficiently done in the chapter.

“ I am,

J. LOCKE.”

The occupations which now engaged the attention of this great man were of the most varied and opposite description. He was at the same time a practical politician, and a profound speculative philosopher: a man of the world, engaged in the business of the world, yet combining with all those avocations the purity and simplicity of a primitive Christian. He pursued every subject with incredible activity and diligence; always regulating his numerous inqui-

ries by the love of truth, and directing them to the improvement and benefit of his country and of mankind.

His literary employments at this period were the *Treatises on Government*, written in defence of the Revolution against the Tory enemy. And in the following year, 1690, he published a *Second Letter for Toleration*, (without the name of its author,) in vindication of the principles of religious liberty, which had as naturally been attacked by a Churchman.

Perhaps the most deadly blow which the Court and Church had ever directed against the liberty of the country, was the act of 1662, for preventing abuses in Printing. It established a censorship in England, and under the specious pretence of prohibiting the printing of books contrary to the Christian faith, or of seditious works, the number of printing-presses was limited by law within the narrowest bounds, and all works were subjected to the previous licence of the governors of the Church and State.

This act was at first passed for two years in 1662, and was afterwards continued in force by several re-enactments till 1679, when it expired, and the country was exempt from that tyranny (though from no other) for six years, till 1685, when it was again revived for seven years more,

and at the expiration of these seven years was continued for a year longer, when at last by the refusal of the House of Commons it was suffered finally to expire. The following copy of the objectionable clauses of the act, with Locke's observations upon each separate clause, will be found very interesting, as a record of the existence of a censorship in England, accompanied by the comments of so competent a judge, who had witnessed both the beginning and the end of that most arbitrary measure. These notes were probably written at the time when the Printing Act was last under consideration in Parliament, in 1694. If the unanswerable objections which Locke stated against every part of that act contributed in any degree to prevent its farther re-enactment, his exertions may be regarded as no small service rendered to the cause of liberty and truth.

“ANNO 14^o CAR. 2. CAP. XXXIII.

“An Act for preventing abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating Printing and Printing-presses.”

“§ 2. Heretical, seditious, schismatical, or offensive books, wherein any thing contrary to Christian faith, or the doctrine or discipline of

the Church of England, is asserted ; or which may tend to the scandal of religion, or the church, or the government, or governors of the church, state, or of any corporation, or particular person, are prohibited to be printed, imported, published, or sold.”

Some of these terms are so general and comprehensive, or at least so submitted to the sense and interpretation of the governors of Church and State for the time being, that it is impossible any book should pass but just what suits their humours. And who knows but that the motion of the earth may be found to be heretical, as asserting Antipodes once was ?

I know not why a man should not have liberty to print whatever he would speak ; and to be answerable for the one, just as he is for the other, if he transgresses the law in either. But gagging a man, for fear he should talk heresy or sedition, has no other ground than such as will make gyves necessary, for fear a man should use violence if his hands were free, and must at last end in the imprisonment of all who you will suspect may be guilty of treason or misdemeanour. To prevent men being undiscovered for what they print, you may prohibit any book to be printed, published, or sold,

without the printer's or bookseller's name, under great penalties, whatever be in it. And then let the printer or bookseller, whose name is to it, be answerable* for whatever is against law in it, as if he were the author, unless he can produce the person he had it from, which is all the restraint ought to be upon printing.

“ § 3. All books prohibited to be printed that are not first entered in the register of the Company of Stationers, and licensed.”

Whereby it comes to pass, that sometimes, when a book is brought to be entered in the register of the Company of Stationers, if they think it may turn to account, they enter it there as theirs, whereby the other person is hindered from printing and publishing it; an example whereof can be given by Mr. Awnsham Churchill.

“ § 6. No books to be printed or imported, which any person or persons by force or virtue of any letters patent, have the right, privilege, authority, or allowance, solely to print, upon pain of forfeiture, and being proceeded against as an offender against this present act, and upon the further penalty and forfeiture of six shillings

* This is now the law.

and eight-pence for every such book or books, or part of such book or books imported, bound, stitched, or put to sale, a moiety to the King, and a moiety to the informer.”

By this clause, the Company of Stationers have a monopoly of all the classical authors; and scholars cannot, but at excessive rates, have the fair and correct edition of those books printed beyond seas. For the Company of Stationers have obtained from the Crown a patent to print all, or at least the greatest part, of the classic authors, upon pretence, as I hear, that they should be well and truly printed; whereas they are by them scandalously ill printed, both for letter, paper, and correctness, and scarce one tolerable edition is made by them of any one of them. Whenever any of these books of better editions are imported from beyond seas, the Company seizes them, and makes the importers pay 6s. 8d. for each book so imported, or else they confiscate them, unless they are so bountiful as to let the importer compound with them at a lower rate. There are daily examples of this; I shall mention one, which I had from the sufferer's own mouth. Mr. Samuel Smith, two or three years since, imported from Holland Tully's Works, of a very fine edition, with

new corrections made by Gronovius, who had taken the pains to compare that which was thought the best edition before with several ancient MSS., and to correct his by them. These Tully's Works, upon pretence of their patent for their alone printing Tully's Works, or any part thereof, and by virtue of this clause of this act, the Company of Stationers seized and kept a good while in their custody, demanding 6s. 8d. per book : how at last he compounded with them I know not, but by this act scholars are subjected to the power of these dull wretches, who do not so much as understand Latin, whether they shall have any true or good copies of the best ancient Latin authors, unless they pay them 6s. 8d. a book for that leave.

Another thing observable is, that whatever money, by virtue of this clause, they have levied upon the subject, either as forfeiture or composition, I am apt to believe not one farthing of it has ever been accounted for to the King, and it is probable considerable sums have been raised.

Upon occasion of this instance of the classic authors, I demand whether, if another act for printing should be made, it be not reasonable that nobody should have any peculiar right in

any book which has been in print fifty years, but any one as well as another might have the liberty to print it; for by such titles as these, which lie dormant, and hinder others, many good books come quite to be lost. But be that determined as it will, in regard of those authors who now write and sell their copies to booksellers, this certainly is very absurd at first sight, that any person or company should now have a title to the printing of the works of Tully, Cæsar, or Livy, who lived so many ages since, in exclusion of any other; nor can there be any reason in nature why I might not print them as well as the Company of Stationers, if I thought fit. This liberty, to any one, of printing them, is certainly the way to have them the cheaper and the better; and it is this which, in Holland, has produced so many fair and excellent editions of them, whilst the printers all strive to out-do one another, which has also brought in great sums to the trade of Holland. Whilst our Company of Stationers, having the monopoly here by this act, and their patents, slobber them over as they can cheapest, so that there is not a book of them vended beyond seas, both for their badness and dearness; nor will the scholars beyond seas look upon a book of

them now printed at London, so ill and false are they; besides, it would be hard to find how a restraint of printing the classic authors does any way prevent printing seditious and treasonable pamphlets, which is the title and pretence of this act.

“§ 9. No English book may be imprinted or imported from beyond the sea. No foreigner, or other, unless a stationer of London, may import or sell any books of any language whatsoever.”

This clause serves only to confirm and enlarge the Stationers' monopoly.

“§ 10. In this §, besides a great many other clauses to secure the Stationers' monopoly of printing, which are very hard upon the subject, the Stationers' interest is so far preferred to all others, that a landlord, who lets a house, forfeits five pounds if he know that his tenant has a printing-press in it, and does not give notice of it to the masters and wardens of the Stationers' Company. Nor must a joiner, carpenter, or smith, &c. work about a printing-press, without giving the like notice, under the like penalty.”

Which is greater caution than I think is used about the presses for coinage to secure the people from false money.

“By § 11. the number of master-printers were reduced from a greater number to twenty, and the number of master-founders of letters reduced to fewer; and upon vacancy, the number to be filled by the Archbishop of Canterbury and the Bishop of London, and to give security not to print any unlicensed books.”

This hinders a man who has served out his time the benefit of setting up his trade, which, whether it be not against the right of the subject, as well as contrary to common equity, deserves to be considered.

“§ 12. The number of presses that every one of the twenty master-printers shall have are reduced to two. Only those who have been masters, or upper-wardens of the Company may have three, and as many more as the Archbishop of Canterbury or Bishop of London will allow.

“§ 13. Every one who has been master, or upper-warden of the Company, may have three; every one of the livery two; and every master-printer of the yeomanry but one apprentice at a time.”

By which restraint of presses, and taking of apprentices, and the prohibition in § 14, of taking or using any journeymen except Englishmen and freemen of the trade, is the reason why

our printing is so very bad, and yet so very dear in England: they who are hereby privileged to the exclusion of others, working and setting the price as they please, whereby any advantage that might be made to the realm by this manufacture is wholly lost to England, and thrown into the hands of our neighbours; the sole manufacture of printing bringing into the Low Countries great sums every year. But our Ecclesiastical laws seldom favour trade, and he that reads this act with attention will find it upse* ecclesiastical. The nation loses by this act, for our books are so dear, and ill printed, that they have very little vent among foreigners, unless now and then by truck for theirs, which yet shows how much those who buy the books printed here are imposed on, since a book printed at London may be bought cheaper at Amsterdam than in Paul's Church-yard, notwithstanding all the charge and hazard of transportation: for their printing being free and unrestrained, they sell their books at so much a cheaper rate than our booksellers do ours, that in truck, valuing ours proportionably to their own, or their own equally to ours, which is the

* A low word, derived from the Dutch *upzee*, signifying highly.

same thing, they can afford books received from London upon such exchanges cheaper in Holland than our stationers sell them in England. By this act England loses in general, scholars in particular are ground, and nobody gets, but a lazy, ignorant Company of Stationers, to say no worse of them; *but any thing, rather than let Mother Church be disturbed in her opinions or impositions by any bold inquirer from the press.*

“ § 15. One or more of the messengers of his Majesty's chamber, by warrant under his Majesty's sign-manual, or under the hand of one of his Majesty's principal secretaries of state, or the master and wardens of the Company of Stationers, taking with them a constable and such assistance as they shall think needful, has an unlimited power to search *all houses*, and to seize upon all books which they shall but think fit to suspect.”

How the gentry, much more how the peers of England came thus to prostitute their houses to the suspicion of any body, much less a messenger upon pretence of searching for books, I cannot imagine. Indeed, the House of Peers, and others not of the trades mentioned in this act, are pretended to be exempted from this search, § 18, where it is provided they shall not

be searched but by special warrant under the King's sign-manual, or under the hands of one of the Secretaries of State. But this is but the shadow of an exemption, for they are still subject to be searched, every corner and coffer in them, under pretence of unlicensed books, a mark of slavery which, I think, their ancestors would never have submitted to. They so lay their houses, which are their castles, open, not to the pursuit of the law against a malefactor convicted of misdemeanour, or accused upon oath, but to the suspicion of having unlicensed books, which is, whenever it is thought fit to search his house to see what is in it.

“ § 16. All printers offending any way against this act are incapacitated to exercise their trade for three years. And for the second offence, perpetual incapacity, with any other punishment not reaching to life or limb.”

And thus a man is to be undone and starved for printing *Dr. Bury's Case*, or the *History of Tom Thumb*, unlicensed.

“ § 17. Three copies of every book printed are to be reserved, whereof two to be sent to the two Universities by the master of the Stationers' Company.”

This clause, upon examination, I suppose,

will be found to be mightily, if not wholly neglected, as all things that are good in this act, the Company of Stationers minding nothing in it but what makes for their monopoly. I believe that if the public libraries of both Universities be looked into, (which this will give a fit occasion to do,) there will not be found in them half, perhaps not one in ten of the copies of books printed since this act.

§ Last. This act, though made in a time when every one strove to be forwardest to make court to the Church and Court, by giving whatever was asked, yet this was so manifest an invasion of the trade, liberty, and property of the subject, that it was made to be in force only for two years. From which, 14 Car. 2, it has, by the *joint endeavour of Church and Court*, been, from time to time, received, and so continued to this day. Every one being answerable for books he publishes, prints, or sells, containing any thing seditious or against law, makes this or any other act for the restraint of printing very needless in that part, and so it may be left free in that part as it was before 14 Car. 2. That any person or company should have patents for the sole printing of ancient authors is very unreasonable and injurious to learning; and for those who purchase copies from authors

that now live and write, it may be reasonable to limit their property to a certain number of years after the death of the author, or the first printing of the book, as, suppose, fifty or seventy years. This I am sure, it is very absurd and ridiculous that any one now living should pretend to have a propriety in, or a power to dispose of the propriety of any copy or writings of authors who lived before printing was known or used in Europe.

This act, which had been renewed once since the Revolution, was suffered finally to expire in 1694. It may appear extraordinary that the same Parliament which passed the Act of Settlement, and embodied the Declaration of Rights in our statutes, should also have subjected the press to the fetters imposed upon it by the former printing acts of Charles and James II. But as the Revolution was effected by the assistance of the Church, the new government might perhaps wish to avoid giving offence to that powerful party by too sudden a repeal of this their favourite act.

It was probably at this period, during Locke's residence in London, which continued about two years after the Revolution of 1688, that he