

# The Grub-street Journal.

Thursday, MARCH, 12. 1730.

—*Little Villains must submit to Fate,  
That Great Ones may enjoy the world in state.* Garth's Dispensary, Cant. I.



**T**HAT Persons of considerable fortune, or qualify, tho' liable to the same capital penalties with those in a Lower station, yet should not have those penalties inflicted on them, has been thought seasonable in all nations; as is evident from their practice, the best interpreter of public, as well as of private, opinions. And tho' this is looked upon by their Inferiors as too great a privilege yet, unless the Laws were to be righteously executed upon all, without respect of Persons, I cannot think but it would be much better on all accounts, that the Rich and Great should be exempted, not only from punishment, for some certain crimes, but even from prosecution.

For, besides that such prosecutions are generally ineffectual to the purpose for which they are carried on, which is the bringing of a great Criminal to Justice, it being more difficult to get a rich man hanged, than to save a poor fellow from the gallows, these prosecutions are the causes of occasions of many and great inconveniences and evils.

They occasion the squandering away abundance of money among the inferior Officers (more properly called (be Knaves) of Justice, such as Jailors, Turnkeys, &c. who not only extort exorbitant sums from their illustrious prisoners, for the privileges of the goal, and other accounts, but likewise sometimes expose them to contempt, by shewing them at a certain price, like wild beasts and monsters, to the populace. Thus Villains are enriched by the wealth of Gentlemen in confinement; which they would otherwise have spent in a generous manner, to the advantage of honest and industrious people and the Gentlemen themselves are rendered ridiculous to the rabble.

The prosecution of rich or great men are frequently the occasion of much bribery, forgery, and perjury. For if they are really guilty of the crime of which they are accused, they will certainly employ their money in such a manner, as may be most likely to secure them from punishment; and it is ten to one, that it will be successful. And even if they are innocent, they may think it proper to make use of the same method. For it sometimes happens, that profligate persons (especially in cases where a single oath is of any validity) in order to extort money from those who have a great quantity, will charge them with some capital crime: which, upon being disappointed in their expectations, they will not scruple, out

of revenge, to swear against them in a Court of Judicature. In this case the Person accused may think it necessary to hire some Irish Evidences on his side, to invalidate the falsehood of one testimony, by the falsehood of another. Sometimes to make the counter proof more strong, it may seem necessary to counterfeit Letters, &c. under the hand of the Accuser. And if this is not likely to be sufficient, as in some cases it is not, a majority of the Jury must be bribed even to do justice.

Another ill consequence occasioned by such Prosecutions is, that they fix a lasting mark of infamy upon Gentlemen, in the opinion of the undiscerning Vulgar; who make little distinction between persons accused and convicted; and none at all between the poor and the wealthy Convicts unless to the disadvantage of the latter. For whenever a man has been publicly accused of any action which is accounted a great crime, unless his innocence appears very plainly (which in the general and willful blindness of the world seldom happens) the imputation upon his honour, like that upon a lady's never forgotten, but always remembered to his disgrace. This has a very ill effect upon the minds of the common People; and lessens very much that deference and respect which is due from Inferiors to Superiors.

All these mischievous consequences attend the bare Prosecution of Great men, even, if through either their innocence, or prudent management, they escape conviction. But if through the malice or obstinacy of a Jury, they are brought in guilty, the ill consequences are much more numerous, and more grievous.

A degradation from their high station immediately follows; and a man of honour is delivered into the hands of a common Jailor, to be loaded with irons at his discretion, and is soon after brought to the Bar, and placed among common Felons, with his thumbs tied in a most scandalous manner, to receive the sentence of condemnation. This is a mark of infamy upon an honourable Criminal, as indelible, as if he were stigmatized, and exposes him, not only for the present, but even as long as he lives, to the contempt and obloquy of the Populace.

To condemnation succeeds an application for a pardon; which can seldom be obtained, without false representations of the character of the person convicted, and of the circumstances of his conviction. For the supreme Magistrature, who has the sole power of pardoning, supposes all persons guilty, who have been convicted according to law: and tho' out of his gracious disposition, he may be willing to give frequent instances of his mercy; yet he cannot be supposed willing to extend it to any, but to proper objects. Who are such, in the vast number of his Subjects, he can seldom know any otherwise, than by the representations of others; upon whose veracity and honour he must depend. But since it seldom happens, that any Great man is capitally convicted, who has not before been guilty of the like, or of some other crime of equal magnitude) how can such a Person be represented to a Prince, at a proper object of his mercy, but by a complicity of falsities These cannot possibly be supposed to proceed originally from Persons of honour about the Court; and therefore they themselves must be first imposed on by the information they receive from others, who have been induced to give such favourable and false accounts by the prevalence of money. This opens a large scene of bribery and corruption, to the enrichment of vile and profligate persons; who instead of being in any capacity of being instrumental in procuring mercy for others, ought to be made severe examples of justice themselves.

But by whatever means, and upon whatever considerations, tho' never so justifiable and reasonable, a wealthy, but notorious Criminal is pardoned; the common People, who know nothing of the true motives and inducements to the exercise of mercy, and if they did, are not, perhaps, proper judges of them, generally exclaim against it. They think it great partiality, that quality or riches (for they see no other difference) should secure a man from the punishment of a crime which would expose one of themselves to certain death. Hence they infer, that, when the Law is rigorously executed upon a man in mean circumstances, he is not hanged for having broken the laws, and done any thing that is really criminal and wicked, but for being poor. Affluent fortune

they are so far from thinking a circumstance which can any way render a Criminal a more proper object of mercy that they look upon it as an aggravation of his guilt, since his example has a more extensive and fatal influence, the contagion of which they think ought consequently to be prevented by the severest punishment.

And therefore their clamours will run much higher, if ever it should happen that such a Person should obtain a pardon for a crime of which he has been capitally convicted, after having commuted the like several times, and by means or his wealth saved himself from former convictions: one who, perhaps from the meanest circumstances shall have raised himself to immense wealth by the vilest and basest methods: who by his flight of hand shall have conveyed to himself the estates, and by his debaucheries corrupted the minds of great numbers of Gentlemen: in short, one whose whole life shall have not only been one continued scene of intemperance, profaneness, lewdness, and villany. but who shall have continually boasted and gloried in the most flagrant instances of his wickedness. If ever such a case as this should happen, the People, who will look upon such a wretch as a common nuisance, will be apt to censure the compassion shewed towards him, as cruelty to the Public.

And yet, even in a case like this, there may be such wise, and just, and good reasons for the exercise of mercy, as the Vulgar are not able to comprehend, and therefore will certainly repine, and murmur, at such a signal instance of Clemency. That there may be such reasons will appear from this one Observation, That Great men, who have often the greatest personal failings, may be of such consequence, either in a Civil, or military capacity, that the taking them off for any of them, may be an unspeakable detriment to a nation. It may deprive it of persons of the most consummate abilities to administer justice, and to manage the whole Scheme of affairs at home, or to lead Armies, and negotiate Treaties abroad.

After employing my thoughts, among other Statemenders, to find out a remedy for the great inconveniencies above-mentioned, I cannot think of any more proper, than humbly to propose, That a Law may be made exempting all Persons of such a particular dignity or fortune from all prosecutions for Murder, Sodomy, and Rape, committed upon those who have not an estate of such a particular value. I fix upon these three sorts of Crimes, because it is in respect of these chiefly, that Persons of fortune are exposed to most danger from those who have little or none, on account of the admission of one direct single witness in these cases, together with

concurrent circumstances. This matter may be regulated after the manner of the Game-Act; and secure the property of such crimes which are committed for diversion to Gentlemen, who are duly qualified. This privilege would be a good mark of distinction; and more effectually preserve a due subordination betwixt the superior and inferior ranks of men. And tho' the latter might, perhaps, at first raise a clamour against such a law, yet when they came to consider the matter calmly, they would be perfectly easy, being convinced of the advantages arising from it even to themselves. For it would oblige them to sit down quietly under the first injury, and thereby secure them from the trouble and charge of vain prosecutions, to which they now so frequently expose themselves.

These sentiments are confirmed by those of the ingenious Dr. Croxall, who in *Fab. xcviij.* has these words. *One who is already great and opulent, is by those very means privileg'd to commit almost any enormities. But it is necessary, that a Shew and Form of Justice should be kept up [among inferior persons]: otherwise, wile People to be ever so great, and so successfull Rogues, they would not be able to keep possession of, and enjoy their plunder.*

BAVIUS.

Verbes occasioned by a late famous Sermon, on *Jan. 30.*

Where PETERS, CALAMY, and MANTON stood, Calling in Scripture phrase for STRAFFORD'S blood:

Where *To your Tents, O Israel* was cry'd, And Proverbs oft, and Prophecies apply'd: Where *Curse ye Meroz*, twang'd through nose aloud, With rage inflam'd the long ear'd rebel Crowd;

There late a gay Divine, in sacred tone The Court arraigning, all those types out-shone

Thus some high Tory Poetafter cries.

To whom a Whiggish Rhymers thus replies. No types of him, the Zanies of that age, Who tir'd their audience with fanatic rage. False were their notions of the public Weal; Too warm and furious, but sincere their zeal. No private grandeur charms allur'd their eyes; Their sole ambition with the Kirk to rise. With sable cloak, and broad-brimm'd hat adorn'd They laugh'd at Lawn-fleaves, and a Mitre icorn'd.

Not so Doctor, who had waited long, And lowly bow'd amidst the Courtly throng: But disappointed, found affairs of State Ill-manag'd all; but found it out too late. As bound in conference this bold truth to spread,

He calls for vengeance on the Pairniers head. But why should Drum ecclesiastic found To arms at home, when Peace abroad is found?

What can this noise 'gainst wicked Courtiers mean?—

The learned Doctor is not made a Dean.

POPPY.

LONDON.

THURSDAY, *March 5.*

On tuesday the house of Commons waited on his Majesty at St. James's with their Address; to which his Majesty was pleased to return the following most gracious answer:

Gentlemen,

"I Thank you for this Address; which is very pleasing and acceptable to me, and I make no doubt but the most Christian King will, pursuant to the mutual Fidelity which subsists between the two Crowns, cause the orders to be effectually executed, which he has given, at my instances, for demolishing the works that have been made by the inhabitants of *Dunkirk* contrary to the Treaties of *Utrecht* and the *Hague*. Courant.

Last week when Mr. Bolt, who died suddenly on *Ludgate-hill*, was first thought to be dead, a Surgeon opened a Vein, and no Blood issuing, the Orifice was left open. The next day he was found really dead, but with his legs drawn up, and a cold sweat on his face, with a large quantity of blood in the Coffin *Ibid.*

We are credibly informed, that the following regulation will be made of the East-India Company, and that it will be proposed in their general Court for the approbation of the proprietors. The Interest payable for six years to the Company by the publick, on the sum of 3,200,000*l.* will be reduced by parliament from 5*l.* to 4 per Cent and their present Fund of 100,000*l.* be thereby reduced to 128,000*l.* which is a yearly saving of 32,000*l.* and in six years time is 192,000*l.* The Company is further to raise 200,000*l.* for the service of the current year absolutely, and without Interest or Repayment. In consideration of all which, there will be secured to the Company by Parliament an exclusive trade for the term of thirty years, in lieu of their deputed right to a perpetual exclusive trade. And the Company will be entitled to trade in a corporate capacity for ever, tho' not exclusively beyond the said term of thirty years, which term is to commence in 1736, when their Fund is by law redeemable. *Post Boy.*

Money is ordered for paying six months course for the navy. *Ibid.*

Money is ordered for paying six months half pay to Sea officers. *Ibid.*

Money is ordered for paying sick quarters for the year 1729. *Ibid.*

On monday laft a fervant belonging to the Earl of Halifax, and who hath a place in the Exchequer, being at a bonfire in the palace-yard, Westminster, made in honour of her Majesty's birth-day, discharged a Blunderbuss, which unluckily happened to be loaded with duck shot, three persons standing round the fire were dangerously wounded by this accident, viz. a Waterman, another man, and an apprentice; 'tis thought the 2 former cannot recover. *Daily Post.*

*The great mischiefs daily done by Blunderbusses will be taken into consideration of our Society.*

On tuesday morning the half pay due to Sea-Surgeons on that establishment, was paid at the Treasury-office in Broad street, from the 1st of January 1728, to the 30th of last June Also the same morning. the two months pay in six, due to the Company of his Majesty's Ship the Sapphire, ending the 20th of June 1729, was paid at the pay-office in Broad-street. *Even. Post.*