

Dear Sir

Wollingford

19 April 1778

I thank you for Your Letter recd. Yesterday, & for your Communication of the Copy of the Bill, said to be intended to be brought into Parliament, which I herewith return inclosed. The Bill has been so long delayed, & upon such frivolous Pretences, since Lord North¹ sent his official Message to the Judges in the Beginning of February, that I own I shall be slow to believe that any thing is seriously meant to be done, till I see the Bill in the House.

Be that as it may, I will be free to acknowledge to You, that I see no Good that can result from Your now proposing to ingraft any new Matter upon the Bill; but a great Deal of possible Harm to the Judges, supposing any thing is really intended for their Relief. There will barely be time, between the Meeting of Parlt & it's [word crossed out] Prorogation, to pass the Bill through the usual Forms; & any the least Rub may be fatal to it. And You must expect many Rubs, before Your Proposal can take Effect. After what has been urged by Lord C. I. deGrey, I am persuaded You will never think of casting such a Slur on the Judges, as bare to insert a prohibiting Clause to prevent the Sale of these <??ies>². And if You propose a Set of Regulations, they [ought] not to be hurried on, in a collateral Way, at the Clos[e] of a Session; but should be maturely considered, and the Officers heard with regard to them. Nothing

therefore can so effectually obstruct the Progress of the Bill, as loading it with such a Provision, at such a time, & especially by a Professional Hand.

But, even if the Time would allow it, I doubt whether such an Insertion would be proper in the present Bill. It breaks in upon the Simplicity of the Plan, & the Uniformity of it's Object, the Exonerating the Salaries of all Judges

in Great Britain from Taxes, & other Deductions. It is a partial Restriction in a general Law: for it will not affect the Welch & Scotch Judges. It may perhaps be found upon Enquiry, that they also have saleable Offices equally obnoxious upon Principle, though not in equal Degree. And why should the English Judges be made Purchasers of that Indulgence, which is to be freely extended to these their Brethren? — If the Exoneration is not reasonable in itself, they do not wish Parliament to grant it; if it is, why should they be so invidiously distinguished, as to be made to pay a Price for it? Besides; the Principle of the Proposal, if it operates at all, ought to operate much farther; so as to restrain the Sale of all other ministerial Offices in the Courts of Justice, the Purchasers of which have the same Plea for enlarging their Demands in civil Cases, as the Clerks of Assise have in criminal.

I am sensible that the Clerks <??> stand in need of much Regulation. But I think that this Matter should be taken up separately & at the Beginning of <??>. Tables of Fees Bills of Expenses, & Facility of Removal for Mal Practice, would probably be proper Restriction; — and for Clerks of the Peace as well as Clerks of Assiss. But I much doubt whether making their Offices

purely donative would have any very beneficial Effect. Do we find that the Offices so appointed (as Clerks of the Peace usually are) are more diligent or less rapacious, than those who purchase their Places? One Inconvenience it is obvious to foresee, that they would be frequently given to incapable Persons, to Relation or Favourities, who would act by Deputy; whereas they are seldom purchased, but by Persons who understand their Business. And after all, the Business of Clerks of Assiss is (like that of Gaolers etc) so conversant with the lower Classes of Mankind, that I fear few Gentlemen of a liberal Cast will ever be induced to execute the Office.

For these Reasons I could wish You to defer Your Proposal to a future Session: though I am inclined to think I have given both You & myself an unnecessary Trouble, by sending You so long a Letter; being persuaded that all the pompous Professions of Lord North are intended

to end in Nothing. And indeed I have seen so much Tergiversation in the professed Patrons of this Measure, that I am quite sick of it; & should not be surprized if it be made an Excuse for the not moving it last Wednesday, & at length for intirely dropping it, that they understood such a Clause was intended to be grafted on it, & did not know how far it might or might not coincide with the Sentiments of the Judges, whom they wished to consult on the Subject, &c., &c. If therefore what I have suggested appears to have any Weight in it, I could wish that when You return the inclosed Bill to the Speaker, or in any other Manner, You would signify to Him by a Line that You have determined to postpone Your Proposal till another Session. I am, Dear Sir,

Your affectionate humble Servant

W. Blackstone

Lady Blackstone presents her Compliments³

注1 ノース卿 (Frederick North. 1732-1792)。1770年から1782年までイギリス首相。

2 縦状に破損があり、翻刻ができない。

3 ブラックストンの妻は、Sarah Clitherow である。