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THE ⁿ
PRACTICE
OF
PAWNBROKERS

Proved to be injurious to

TRADE,

AN

Encouragement to ROGUES,
And destructive to SOCIETY.

Together with

An Estimate of the necessary Charge of a Family in
the middling Station of LIFE; consisting of a Man,
his Wife, four Children, and a Maid Servant.

DEMONSTRATING,

That People in general may live without the
Assistance of PAWNBROKERS.

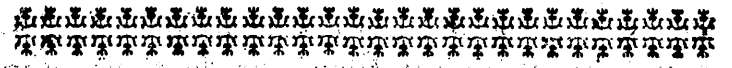
By a Lover of TRUTH.

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THE
PRACTICE
OF
PAWNBROKERS

Proved to be injurious to

TRADE, &c.



PAWNBROKING is a Trade, so mischievous in its Consequences to particular Persons and so prejudicial to the Publick in general, that it's surprizing that any one should undertake to defend it; much less to use all practicable Methods of promoting its Interest, vindicating its Reputation, and giving it a Kind of Credit in the World by puffing it in the News-papers. Is it not enough that these Traders in Iniquity can oppress the Poor, and raise Estates without running the least Hazard, and bid the Law Defiance, since very few of those who are so unhappy as to deal with them, chuse to put themselves to the Expence of a Prosecution

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cution for Extortion and illegal Interest, because by so doing they expose their own Weakness, or at least their Necessities, in having to do with such People. Besides, there is such a strong Combination between these Brethren in Iniquity, that whenever one of them is attacked he is supported by the whole Body, who make it a common Cause, as well as common Pursue to defend it; so that it is, in a Manner, as safe to take a Bull by the Horns, as to meddle with any of them, or thrusting your Hand into a Hornet's Nest and not immediately have a whole Swarm of them about your Ears. But that these Gentlemen should have the Vanity, or rather the Impudence to puff themselves off in a Newspaper, as they have lately done, seems to me the most astonishing Thing in the World. Can't they be contented to carry on their iniquitous Practices privately, and among themselves, and be satisfied to be known only to those who are so unfortunate as to deal with them; but like Quack-Doctors, must publish their Names and Places of Abode, that the afflicted may know where to apply for a Remedy for all their Ills. This appears evident, not only from this Instance of publishing themselves, but likewise from a late Pamphlet entitled, *An Apology for Pawnbroking*. Which is in other Words to say, *An Apology for being lawless*. This Pamphlet seems to have

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have its Birth from a Bill read in the Honourable House of Commons to regulate *Pawnbrokers*, which I must beg Leave to say infers, that the Trade is lawful, but only wants Regulation, which is no further the Case if at all, than while they are content with lawful Interest, but as that is not pretended, so neither is it presum'd to be lawful; I must therefore beg Leave to make my Apology on the other Side of the Question, by giving my Reasons why they ought not to be regulated, since regulating and authorising amounts in this Case to exactly the same Thing. The Method I shall pursue to this End is, by first answering what the Pamphlet Writer calls Reasoning, in due Order, and then conclude with such further Remarks as are proper to the Subject.

THE Apologist sets out with asserting, that Self-defence is the first Law of Nature, and then concludes that neglecting it, is a Sign of Guilt.

THIS Argument may equally be us'd by honest and dishonest Men, but is of very different Force and Effect in the two Cases: To defend a righteous Cause is laudable, to defend a bad one is only increasing the Wickedness; therefore if to be silent is a Token of Guilt, not to be silent

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is a Token of Impudence, and so much the more improves the previous Crime; and therefore unless the Apologist shews, that the Business of Pawnbroking is lawful; which he never pretends, he only doubles the Crime he attempts to vindicate.

HE supposes a *Pawnbroker* may be honest, and therefore concludes it would be hard to regulate his Practice by a Bill, as if he was the chief Receiver of stolen Goods.

THIS is really supposing what is not to be suppos'd, unless we could distinguish the *Pawnbroker* from the Man, which I am afraid is in vain to attempt, and because I would not have him, either deceive himself, or persuade the World it is possible for him to be honest, and deal in the Manner he now does, I will inform him that to disobey just Laws is being dishonest; and that the Law is just that directs no more than Five in the Hundred, appears from this, that Money in competent Sums, and not on so certain Securities as *Pawnbrokers* have, is to be commonly borrow'd on less Interest. There are many People, the Bankers especially, who would gladly lend on the same Security at legal Interest, and it remains for the Apologist to shew by what Law, or even for what Reason he
has

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has a Right to take more than other People, always remembering that he who assumes to himself a Power of being above the Law, must in order to bring him to his right Senses be put under the Lash of the Law.

HE next supposes some of the Profession may be bad Men, and therefore disclaims them, and thence concludes a salutary Regulation expedient.

I presume he means, that some willingly receive stolen Goods, and some do not, in any other Sense they are all bad alike, as all except one takes the same illegal Interest; therefore the only Regulation that can be thought of, is to make the receiving of stolen Goods Felony, without Benefit of Clergy.

HE next proposes to prove by mathematical Demonstration, and where that is wanting by Arguments drawn from Facts, Probability, and Analogy, what don't admit of any other Kind of Proof.

As this borders a little upon Jargon, it will not be amiss to help this honest and learned Apologist out, *viz.* he proposes to prove by Figures, that he don't make above Nine *per Cent*, and by Facts, &c. that he
can't

can't live upon less, and it will appear in the Course of this Argument, that his Mathematicks and Facts, &c. are all exactly of the same Stamp: And this brings us to his Second Section, which he introduces by a Thing he calls a Postulata.

His first Postulata, as he calls it, begins thus: It is no Crime to take Goods in Pawn, nor to receive a Premium or Profit thereon suitable to the Necessities of the Borrower.

By one Statute, as he himself has hereafter shewn, it is unlawful to take in *Pawns* at all: And by the Statute of the Queen *Anne*, it is made unlawful to take above Five in the Hundred. Under what Head he ranks this Postulata I don't know, whether under Mathematicks or Facts, &c. but it is plainly confuted by a Citation of the above Statutes, which should be as terrible in the Sight of a *Pawnbroker*, as a Gibbet to a Thief; and I have heard a Law Hackney Writer say, that he attempted once to pawn a Set of the *Statutes at large*, and that upon the *Pawnbroker's* opening of them he fainted away. This may perhaps be only a Joke, but I really don't think there is any Thing improbable in it, no more than for a Thief to faint away at the Sight of the Gallows, which is not uncommon.

IN

IN Consequence of his Postulata he proposes, that to lend One Hundred, or One Hundred and Fifty Pounds on Four or Five Hundred Pledges, requires just so much more Time than to lend it on one, and requires more Hands.

THIS is in some Measure, though not quite true, but is of little Significance to the main Point in Question, which is, by what Authority he takes upon himself this Kind of Dealing; a Thief may say it takes him up more Time to rob four or five Hundred People than one, but does it follow therefore, that he is intitled to a Licence to rob, when the whole is unlawful what matters it to compute the Contingencies: If the whole was lawful, then it would be to some Purpose to consider his Calculations, but as Matters are at present circumstanc'd its almost criminal to reason about them; for when a Set of Men take it into their Heads to propagate unlawful Dealings, their Profit and Loss is no Part of the Consideration of the Legislature, the Business is to suppress them; for however hard they may think it to be rank'd with Thieves, they can't take it amiss to be rank'd with Smuglers, who both buy and sell their Goods honestly in the *Pawnbrokers* Sense of the Word, run infinite Hazards of both their Lives and For-

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Fortunes, with great Pains, Labour and Industry, and are in many Senses to be preferably indulg'd; they make Life cheaper and easier to those they deal with, the *Pawnbroker* more dear and burthensome; yet with these essential Superiorities they are punish'd as Felons, whilst the honest *Pawnbroker* underhand applies to Parliament, and publickly claims a Licence to act with Impunity, boldly presuming he can by the Force of Reason prove he is justly intitled to it. Thus all the Consequences drawn from his Postulata, are not to clear him from being criminal, but only to shew, that if his Dealing was lawful it would be reasonable, which shall be particularly consider'd in its proper Place.

HERE we shall farther consider him pleading, that he is oblig'd to contribute in Proportion with other Traders to the Support of the Government.

WHICH Fact is absolutely false; for as a Trader he don't pay any Taxes at all, whatever he may do as a Consumer; nor indeed how should he, since he is not in any Sense a Trader, he buys no fresh Commodities to sell again, and is no more a Trader than a Man who sells his Cloaths, which he buys of his Taylor, a Dealer he certainly is in the worst Sense of the Word,
since

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since his Gain arises from the Necessities, not the Profits of others; which is the special Mark of a Trader, whose Business is to live and let live, and by getting Money, make both those they buy from, and sell to, the richer; and thereby create a general Circulation of Business. But these *Pawnbrokers*, like the Bailiffs and Gipsies, have a Set of cant Thoughts which they reduce into Terms intelligible to none but themselves, and found the Principles of Honesty or Dishonesty, not on the Rectitude of Things, but on their Over-gain and Loss, and whimsically enough call all People Villains who don't suffer themselves to be robb'd by them, not considering the Difference between Necessity and voluntary acting. If a Man is voluntarily inclin'd to give a Baker a Shilling for a Penny-loaf, it is no Dishonesty in the Baker to take it, but if he is under a Necessity of Credit, the Baker must not charge him one Half-penny more, than if he paid him ready Money, if he intends to be accounted honest; whatever the Baker gets is nothing to the Purpose, his Standard of Gain is settled by Law, and he must not trade any farther, and remain unpunishable: Therefore as this Pretence of contributing equally to the Support of the Government, and of not getting more than other Traders, as he expresses it, are equally false and fallacious,

so neither is he intitled to the Protection of the Government on those Accounts.

FROM hence he draws what he calls Corollaries, which in this Kind of Writing is pedantick enough, to prove, that he must make such Advantages as are suitable to the End of living as he pleases, it being, as he phrases it, God's Appointment that Man should live by his Labour.

WHICH would be very true, if his Labour was lawful and just, but in the Light it now stands, is calling upon the Divine Being to justify that he is an honest Man, and the Legislature a Pack of Rogues. This is somewhat parallel to the Highwayman's Bill brought in the Exchequer, to make his Brother-Rogue account to him for the Profits of the Robberies they had jointly committed on *Hounslow-Heath*, in which he calls to his Assistance the Justice of a Court of Equity, under the common Cant of a Trader, is reversing the very Reason and Common Sense of Things, and turning the Course of worldly Affairs quite upside-down, and is equally wicked and insufferable.

HE next concludes those Persons to be highly criminal who borrow Money of *Pawnbrokers* at illegal Interest, and refuses to

to pay it, since he counter-acts the Truth of so many self-evident Propositions.

THIS honest Apologist is reasoning in the Clouds, and in this as in all his Propositions sees but one Side of the Question, which is his own Interest. He does not consider, that the chief Rule of Life is to obey the Laws which cherish and support him, and that Disobedience to the Laws is putting oneself morally out of their Protection, and legally under their Lash. The Question then that follows will plainly be this, Whether a Man is most bound by the Law which protects him, and which is mutual and indifferent, or by private Contracts created by his Necessities in direct Opposition to the Law? And then, whether any Man has a Right to take any Advantages of such Necessities, and thereby counter-act the Force of Law, by making his own Interest the universal Standard of Right and Wrong? When this honest Man can answer these Things to the Community, whom he glories in abusing, to the Laws which he sets at Defiance, and to the Reason of Mankind, which he seems to despise, it will then be Time enough to think of daring to use such opprobrious Terms, as would even be a little shocking, were his Principles as just as they are really wicked.

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I AM inform'd the Apologist is himself a *Pawnbroker*, and verily believe by much the most learned of the Profession, but whether in the Course of his little Acquisitions in Scholarship, he attended most to Words or Sense, or whether what he acquir'd at School be absorb'd in the different Education in his Profession, which establishes Interest to be the Standard of Right; he certainly is, in the Light he now takes Pains to appear in, only superior to, or honefter than his Brethren, in Proportion as quaint Phrases and imaginary Reasoning can make him so. If he had modestly address'd himself to the Parliament, and only shewn the Use and Necessity of taking somewhat more Interest on small Sums than on large, and could have shewn that they really made a Distinction between great and small Sums, that they did not sink Intestates Goods, or sell any Man's without Account, had confess'd the Business rather necessary than lawful, and pray to be establish'd on Principles mutually just and laudable, I question not in the least, but their Case had merited some Regard; but to set up plundering and oppressing, first, by their own Authority, and then impudently presuming to call the Legislature, Judges and People, a Pack of Knaves and Fools, and themselves innocent People,

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pie, in Defiance of Law, Reason and Common Sense, is a little too much to be suffer'd, and very justly merits an adequate Punishment, which I dont doubt he will meet with in the proper Place. In the Interim, it is most materially my Business to undeceive the unlearned, whom he chiefly intends to impose on: His Cant, or if he pleases, what he calls Reasoning, I conceive to be sufficiently answer'd already. He comes now to Facts, which if true are very bad, if false, only so much the worse, Proof of them he gives none; and seems conscious that he neither does, nor that any Body will believe him, and therefore offers upon Oath to prove what he asserts, and to produce Books. But admitting either to be credited, his highest Proof can only amount to Self-conviction, and what Service that can be of to him, is to me inconceivable.

WHAT he proposes to prove is, that he makes but Nine in the Hundred clear. The Method he takes to prove it is imaginary, and is impossible to contradict, but by Circumstances on the one Part, and by exposing his Fallacies on the other. The Circumstances are, that he takes Thirty in the Hundred by his own showing, that he never accounts for the Surplus of Goods unredeem'd he don't dispute. Now that he makes two Thirds of this Thirty is either

ther true, or he does not understand his Profession, which I won't presume, few People understand their Business better. The Proof is this: First, No Man is allow'd to account for the Interest he makes of Money in Business, other than what he employs it in, for if he keeps Ten Thousand Pounds by him, which he has really no Use for, it is a Jest to bring the Interest thereof to Account. Now in the *Pawnbrokers* Business, if a Man can always keep Two or Three Hundred Pound by him more than he currently uses, he is certainly prepar'd against all Emergencies in that direct Road; it evidently follows, that if a Man takes *Thirty per Cent.* on a Capital of a Thousand Pounds, and never has more than Two or Three Hundred Pounds dead by him, he consequently makes above *Twenty per Cent.* on the Whole; and if he has more than that dead by him, he has more than is necessary in his Trade, and so can't be brought to Account; if his Capital and Business be greater, the Difference will increase in Proportion. And from hence I conclude, that what he means by shewing, he makes but Nine in the Hundred clear, is by bringing his dead Stock, which is perhaps laid out in the Funds or otherwise, to balance with his Course of Business, which is a Fal-lacy only worthy of the Profession.

BUT

BUT this is not all; for if it appears that he often makes Interest upon Interest, this *Thirty per Cent.* will grow in Proportion: For Example, I pledge various Things with him for Five Pounds. This in a Month is Two Shillings and Six-pence. I go a Day after the Month, and redeem Part, I then pay Two Months Interest; which is besides funk into the remaining Principal: Thus I pay near *Sixty per Cent.* and Interest upon that again of *30 per Cent.* and this often repeated, which is but too common, devours all the Principal, and leaves Part to improve again on the accumulating Interest.

A remarkable Affair somewhat differing from this, but equally wicked and oppressive, happen'd a few Years ago to a Butcher in *St James's* Market. He every *Friday* Morning pledg'd his Silver Tankard for Ten Pounds for Money to go to Market, and redeem'd it on *Saturday* Evening, in order to have it at Dinner on *Sunday*, and paid a Month's Interest for Two Day's Use, the *Pawnbroker* in Time got Interest equal to the Principal; and in the End the poor Butcher dying in Distress the Tankard was funk at Four Shillings and Six-pence *per Ounce*: And this the honest Profession call in their Merriment rating a
Silver

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Silver Tankard. After these Methods of accumulating and sinking, counting by Months instead of Days, and making Interest upon Interest, and having no Necessity for much dead Stock, will they have the Impudence to say they make but Nine *per Cent.* of their Money. And if so, what does that Man make in *Tavistock Row, Covent Garden*, who takes but Twenty *per Cent.* Could he by their Rule live by his Business? or is the Apologist's Method of only doubling the Returns of his Capital in any Sense, the State of the Question, or his Oath, or Books, any Thing to the Purpose.

PERSISTING still on the same false Principle he sets out with, he next attempts to prove he does not get more than usually People do in Trade.

How the Apologist proposes this any Way to answer the End of his Argument I don't readily conceive, since here is not only Illegality set against Legality, but Certainty against Uncertainty, unless he proposes to put himself on the Footing of a Trader, which is previously shown to be ridiculous. The Law allows any Man to take Interest out of the common Road, where the Dealing is subject to Hazards and Contingencies as on Bottomry, &c. but
Hazard

(17)

Hazard and Contingency are not here the Case. The Question here is, whether a Man who deals on a Principle of Certainty, which no Tradesman can pretend to do, has a Right to take more than common Interest, and he either knows very little of Trade, or don't chuse to consider, that it is liable to many Losses besides bad Debts, more particularly on what they call heavy Goods, or high purchas'd Commodities, which often fall on their Hands, and become unsaleable, without losing considerable; Tares, Piracies, and the Danger of the Seas, &c. &c. These Things the Apologist is either ignorant of or wilfully forgets; neither is he clear in his Computation of bad Debts, tho' he mentions that Article alone; he is at best calculating in the Clouds, and can't possibly know any Thing of the Matter.

His perishable and unperishable Goods is a Joke, for that is consider'd when he lends his Money; and that this is a Fact appears from this plain Circumstance, that he always refuses to account for what he sells, which he would have no Reason to do if he lost by them, besides that common Sense dictates, and his Interest in and Acquaintance with all these seeming Contingencies furnishes him with sufficient Reasons against lending so much on a Pawn as
D

(18)

it will be worth to sell at all: And therefore what Loss arises from perishing, falls entirely on the poor Borrower, who is alone in every Respect the Sufferer; so that his accounting for the different Value of Cloaths after made up and before, is as silly as fallacious.

HE next supposes, that it is hardly possible for honest and innocent Men, such as *Pawnbrokers* are, to live, while there are such Things as Judges, Attornies and Solicitors. One would believe, was not the contrary well known, that this Man was writing a Burlesque on his own Profession. The Truth of the Matter is, that they usually deal with but two Sorts of People. The one who are either too high in Life, or ashamed to do themselves Justice, the other so low and miserable that they have it not in their Power. And such a Thing as cheating these innocent *Pawnbrokers* would never happen, were it not for the Assistance sometimes given by Judges and Pettyfoggers as he call's them.

AND here the Burlesque grows into downright Buffonry. The Apologist first lays down as a Postulata, that *Pawnbrokers* have a Right to plunder and oppress with Impunity distinct from the Rest of Mankind, and comes by Consequences to
shew

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shew the Necessity of it, which is by presuming, that with a Thousand Pound Capital, he has a Right to spend Three Hundred and Ninety, and lay up seventy-five Pounds a-year for Fortunes for Children. This is turning the Comedy into downright Farce, and to give the Jest its full Latitude presents you with a Table of necessary Expences, and which I likewise insert to teach People the Art of Thriftiness; and to shew those inconsiderate young Fellows who squander away their Money at Gaming-Tables, what the Value of One Thousand Pound is, when usefully employ'd.

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An

An Estimate of the necessary Charge of a Family in the middling Station of Life, consisting of a Man, his Wife, Four Children, and One Maid-servant.

	Daily Exp.		Weekly Exp.	
	d.	s. d.	l.	s. d.
B READ for Seven Persons, <i>per</i>				
Head, <i>per</i> Day, _____	0	0	5	4
Butter _____	3	4	0	3
Cheese _____	1	4	3	0
Fish and Flesh-meat _____	2	1	1	0
Roots and Herbs, Salt Vinegar, Mustard, Pickles, Spices and Grocercy, except Tea & Sug.	0	1	10	2
Tea and Sugar _____	0	1	2	2
Soap for the Family Occasions, and washing all Manner of things both abroad & at home	1	1	4	1
Threads, Needles, Pins, Tapes, Worsted, Bindings, and all Sorts of Haberdashery	1	1	6	1
Milk one Day with another	0	1	2	0
Candles about 2 Pounds and $\frac{1}{2}$ <i>per</i> Week the Year round			5	4
Sand, Fullers-Earth, Whiting, Smallcoal, Brickduft _____			1	3
Ten-Shilling Small beer, a Firkin and a Quarter <i>per</i> Week _____			2	
Ale for the Family and Friends _____			3	1
Coals, between Four and Five Chaldron <i>per Annum</i> , may be estimated at _____			2	6
Repairs of Household Goods, as Table-linen, Bedding, Sheets, and every Utensil, for Household Occasion _____			2	6
Six Shillings and Two-pence Weekly for Seven Persons, amount to near _____			2	3
Yearly Expence _____			112	10
Cloaths _____				

	l.	s.	d.
Brought over _____	112	10	0
Cloaths of all Kinds for the Master of the Family _____	16		
Cloaths for Wife, who can't wear much, nor very fine Laces, with _____	16		
Extraordinary Expence attending every Lying-in, 10 <i>l.</i> supposed to be about once in two Years _____	5		
Cloaths for Four Children, at 7 <i>l.</i> <i>per Ann.</i> for each Child _____	28		
Schooling for Four Children, including every Charge thereunto relating supposed to be equal, at least, to 10 <i>s.</i> <i>per</i> Quarter for each Child _____	8		
The Maid's Wages may be _____	4	10	
Pocket-Expences for the Master of the Family, supposed to be about 4 <i>s.</i> <i>per</i> Week _____	10	8	
For the Mistress of the Family, and for the Four Children, to buy Fruit, Toys, &c. at 2 <i>s.</i> <i>per</i> Week _____	5	4	
Entertainments in Return for such Favours from Friends and Relations _____	4		
Physic for the whole Family one Year with another, and the extraordinary Expence arising by Illness, may exceed _____	6		
A Country-Lodging sometimes, for the Health and Recreation of the Family; or, instead thereof, the extraordinary Charge of nursing a Child abroad; which, in such a Family is often needful _____	8		
Shaving, 7 <i>s.</i> 6 <i>d.</i> <i>per</i> Quarter; and Cleaning Shoes, 2 <i>s.</i> 6 <i>d.</i> <i>per</i> Quarter _____	2		
Rent and Taxes may be somewhat more or less than _____	50		
Expences of Trade with Customers, Travelling-Charges, Christmas-box Money, Postage of Letters, &c. for the Sake of even Money, at least _____	19	8	
Bad Debts, which may easily be more than 2 <i>l.</i> <i>per Cent.</i> on the supposed Capital of 1000 <i>l.</i> _____	20		
	315		
There must be laid up one Year with another, for 20 Years, in order to leave each Child, and a Widow, if there should be one, 500 <i>l.</i> apiece _____	75		
One 1000 <i>l.</i> therefore, by this Estimate, should gain, one Year with another _____	390		
BUT			

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BUT the Apologist in his comparing his Expence with that of Traders, has a little unfortunately hit on a Point that undoes all he says, and I believe truly enough, that Tradesmen have sufficient Sums of Money with their Apprentices to pay their Expences of Board, &c. during their Apprenticeship, but that *Pawnbrokers* rarely get any, which is meaning, if he means any Thing, that they take only poor Boys; and has previously observ'd, that it requires at least One Thousand Pounds to begin with. Now these poor Boys are either to become Masters, or they are not; if they are to become Masters how are they to get this Thousand Pounds to begin with, if they are not, then the Business must either be conducted by some Person who knows nothing of the Matter or Annihilated. I know very well, that a young Fellow in Reputation may get some Credit, but this makes the Matter still worse, for as the Credit is not for Goods, but for ready Money only without any real Security, he must deal with People of his own Stamp, who will have Seven or Eight *per Cent.* and then if he makes but Nine *per Cent.* and with but little Trade at first setting out, it would puzzle one to know, how he is to live and pay according to the Apologist's own Account

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count Threescore Pounds a Year Rent and Taxes.

“ AT length to compleat the first Act
 “ of the Farce, the Reader is desir'd to
 “ pause a-while and take a Review of his
 “ Calculations, and see whether he can
 “ find any Flaw, Artifice or Stratagem to
 “ impose upon him at unawares: If not,
 “ will he not stand amaz'd at the Oppro-
 “ brious Language so freely bestow'd upon
 “ them, is there not presented to View a
 “ Demonstration as plain and certain as any
 “ one in *Euclid's* Elements, that, upon the
 “ Scheme propos'd, their Gains cannot be
 “ half so large as those of middling Trades-
 “ men? Nay, that they do not exceed
 “ even what the Farmer must make of his
 “ Produce, it being a Maxim, that if a
 “ Farmer does not make three Rents he
 “ cannot live.

“ Likewise that from such Calculation
 “ appears the Weakness and Absurdity of
 “ such notable Projectors, who are for re-
 “ ducing the Interest to 5 or 10 *per Cent.*
 “ since it is impossible therewith to main-
 “ tain a Family, &c. as *per Table*, and
 “ that what is reckon'd Extortion and Op-
 “ pression in them, is laudable in other
 “ Men.”

SUCH

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SUCH Cant, Jargon, and Impudence would be more astonishing, did not the Generality of Mankind know, that all People who deal illegally talk in the same Stile; the Gipsies say the Justice is a Rogue that makes them work; or punishes them for thieving; so the Smugler of the Officer that seizes their Goods, and the Bum-Bailif loads the Prisoner with the Epithet of dishonorable that don't pay him Civility-Money, or sues him for Extortion; and the Thief thinks it very hard to be hang'd for pursuing his Profession; but it is quite a new Thought, the *Pawnbrokers* putting themselves on the Footing of Traders lawfully allow'd, and supposing it impossible to live but at the unlawful Rate they now do, because the Trader gets as much, and the Farmer makes three Rents. This is what nothing but an uncommon Head could have found out; and is indeed as like the Demonstrations of *Euclid*, as any Thing can be, which has no Kind of Similitude; I could have told him a much nearer Parallel; without going many Miles out of the Way, but perhaps these Gentlemen are much more afraid of Ministers of State; than of Judges and Pettyfoggers; and I cant help thinking that it would be a wicked Thing indeed to reduce Interest that was never allowed to be taken, or not to suffer

Extor*

(25)

Extortion or Oppression in them, when it is laudable in other People; but until that appears to be Fact, we must wave further considering it, and get on to what he calls his fourth Section, which is begun with a formidable popular Objection, *viz.* That the Business gives Harbour and Encouragement to Thieves, and calls for Proof of it.-----

I REMEMBER not many Years ago at an Election for Members of Parliament a certain Prime Minister, was put upon swearing as a Voter that he had not receiv'd a Bribe; a merry Fellow who stood by said the Oath was wrong put, for it should have been whether he had not given a Bribe. In the Case above, the Question should not have been, whether they harbour'd or encourag'd Thieves? But whether they did not by Extortion or Oppression make Men Thieves? This would have been putting the Matter in a fair Light, and given us fair play to reason on natural Consequences. As it is, we are in a good measure bound down to Facts, chiefly in his own Power to prove, tho' I think there has not been a few Instances of *Pawnbrokers* receiving stolen Goods, as he himself has remark'd, attended with this peculiar Circumstance, that the Court was always so unjust as to make them be return'd to the right Owner; and no Bo-

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dy ever presum'd a *Pawnbroker* grown eminent and wealthy by Usury, would be such a Fool as to run the Hazard of losing his ill-got Gain by harbouring Thieves in his own House, or knowingly be concern'd with them; but where all are Fish that comes to Net, stollen Goods may most easily be got off, and therefore whether it be done directly or indirectly, so the Consequences are the same, it matters not, for so long as Thieves can get what they steal dispos'd of, it is immaterial to the Public which Way it is done; That a *Pawnbroker* can't enquire into this on the receiving every Pledge is true, but it is equally true that he has no Right to be a *Pawnbroker*, or to receive any Goods stollen or not, and if he will contrary to Law do such Business, can he complain of being punish'd, when he receives stollen Goods? No! rather rejoice he is only so punish'd, since it is the Risque, whereon alone he founds his Pretence of Extortion and Oppression, for he can never have the Assurance to say he has a Right to take Thirty *per Cent.* on what others have a Right to take but Five; so that Risque alone is plainly the Ground of their Pretence of being above the Law, Justice, Truth or Honesty.

THIS we would think was sufficient to answer all his Nonsense and Jargon about
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logical and illogical, cavilling about what no Body living disputes with him in the Manner he states his Questions, which is like what most People do, who talk and answer themselves; for if any Question should be stated about the Matter, it should be; whether by the very Nature of his Business he can avoid dealing with Thieves? And that has been sufficiently consider'd already, and so several Pages is lost with talking about Nothing, in Consequence of a Question, which I may say without a Pun, is quite out of the Question, and seems only inserted to surprize and astonish the Ignorant with the wonderful Learning of a *Pawnbroker*, who talks as like a Scholar as any Body well can, that is not a Scholar, except it be in Scripture Learning, which he has quoted and apply'd, infamously, and stupidly enough, which I the more wonder at, because I can't conceive that any of his Gang ever reads the Bible, tho' they may keep it in their Houses to answer the same Purpose as the *Whole Duty of Man* in a Bawdy-House; and why he thinks it will give him Credit amongst those who do read it, is inconceivable, unless he presumes they do not understand what they read, which is not quite a fair Presumption, and therefore whether he comes out of *Nazareth*, or out of *Newgate* is immaterial, so that he follows the Business of a *Pawnbroker*,

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or what is worse is pitch'd upon for his superior Learning or Honesty, to be made the Tool of his Gang, in order to vindicate Extortion and Usury, in Opposition to both the Laws of God and Man.

THE Apologist comes next to shew, that our Legislature when they made a Law against the *Pawnbrokers*, likewise made a Law against Witches. This was the Act of the First of the First of *James the First*, wherefrom he very wisely concludes it to be a very silly Law; and if that be true, by a Parity of reasoning it may be concluded, that all the Laws of that Reign were equally silly. It is therefore alike unnecessary to shew other than from his own Words, both the Absurdity and Impudence of his Reflections and Conclusions; and instead thereof shall take the Liberty to shew him, that in one of the lowest Governments now subsisting, a more severe Law against *Pawnbrokers* yet subsists than that of *James the First*; I mean in the *Seven United Provinces*; more especially in that of *Zealand*, where they are esteem'd so much worse than the Common Hangman, that they are not permitted, tho' he is, to receive the Sacrament, which amongst Christians is being esteem'd absolutely infamous: And, indeed, the very Nature of the Thing speaks itself, since the

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the Christian Religion absolutely forbids Usury in any Shape, or by any Person. And for a Man to be suffer'd to receive the Sacrament, whose Practice is Usury, is turning that solemn Service into Ridicule, which the *Dutch* do not, nor any other Nation ought to permit: From hence it appears to be the Judgment of wise Men; that any Laws less severe against *Pawnbrokers* are weak and defective, and are rather made in their Favour than against them; and so the Act of *James the First* ought to be esteem'd; for Example, if in the Nature and Reason of Things a Man ought to be punish'd with Death for this or that Crime, and the Law only directs he shall be whipt or pillory'd, will the Criminal complain of this Law, when it is plainly made in his Favour, unless he may like the *Pawnbroker* expect to be at Liberty to be lawless: But it is not as to Religion only, but Trade is very deeply affected by this Kind of Dealing, and I defy the Apologist to shew they were ever permitted in any general trading Country, and it is very possible that the *Dutch* apply this Banishment of them from the Sacrament, as one of the strongest Barriers against their breaking in upon Commerce, which appears to me in the whole a little unnecessary, since it is inconceivable to what End a *Pawnbroker* attempts to receive the Sacrament, unless it be to cover his Crimes under

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under the Cloak of Religion, which the *Dutch* perhaps dont chuse to permit, as it may tend to the leading the Ignorant to mistake Rogues for honest Men. By what the Apologist says himself, and by what he has quoted, it is very evident they read, and in some Measure understand the Bible; but to what End, or for what Purpose, is in the Nature and Reason of Things but too evident.

ACCORDING to the Apologist's Scheme laid down from the Beginning to the End of this Work, it evidently appears that to state and answer Objections are equally easy and natural to him, and as I dont doubt but his whole Life has been spent in considering the Argument, so its very hard if something cant be said in favour of one of the worst Arguments that perhaps ever did or ever durst appear in Print, under a well-govern'd State, and in defiance of its Laws; so I shall not much wonder if hereafter Apologies appear in favour of Highwaymen, and Street-Robbers. His next Objection like all the rest is of his own making, and consequently is not the Objection that should be made; it is, That this Business is rather prejudicial than serviceable to the Publick. If the *rather* had been left out the Objection would have stood more fair; for the Objection should really have been, that it is absolutely

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absolutely prejudicial, and no Way serviceable to the Publick. His Reasons in general are, that this or that Rank of People sometimes want Money to pay their Workmens Wages, &c. and don't chuse to trouble their Friends, &c. I answer, that if these were the only Cases in Question they are very bad ones, for every Body knows who is acquainted with Trade, that no Man living can afford to pay half Thirty *per Cent.* for Money. And if Men once presume to act as Masters, and pay a Month's Interest for a Week's Loan at Thirty *per Cent.* which is 120 *per Cent.* they must either soon break to the Prejudice of those who trust them with Goods, or find some very bad Ways of imposing upon their Customers, and perhaps both. And I fancy that the Apologist will not be able to produce a single Instance of any one Man be he never so cunning in other Respects that dealt with the *Pawnbrokers* and traded long; but when we descend to the labouring People it is still worse, they earn but a bare Support at best, and if out of their weekly Pay of perhaps Ten Shillings they pay Three-pence, it is in proportion more than is paid in Taxes to the State on Lands and Consumptions, and must inevitably contribute to render them at once so much the more poor, wretched and distress'd, and which is more frequently laid out in Gin-shops

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shops than for Necessaries of Life, which at once ruins their Constitutions, spoils them for common Labour, and in the End makes them Thieves and Vagabonds, and is I will venture to say, the chief Grounds why there are more of these unhappy People in Proportion within the Bills of Mortality than in any other Part of *England*, or perhaps in all *England*; besides it being literally true, that bad Professions encourage and propagate bad Morals, and consequently improve the Number of bad People; for as in Country Places, the People are healthy and peaceable, till Apothecaries and Attornies break in upon and poison their Health or Principles, so in *London* they would be laborious and industrious did not the Swarm of *Pawnbrokers* lay the Foundation of their Idleness and Villany, by first sending them to the Gin-shops, and from thence to the Gallows.

Now to put this Matter out of Dispute, the Apologist supposes two Cases; the first is, That a Person wanting twenty Pounds on Plate had better pay Twenty *per Cent.* as he says, but why not Thirty *per Cent.* than sell it, because he then loses both Fashion and Duty, and in this Case only pays Ten Shillings *per Month*; for that is the Fact, for Six Months this amounts to three Pounds, and if he sells Seventy-three Ounces,

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es, the Loss will be Three Pounds Thirteen Shillings; therefore by pledging his Plate he will save Thirteen Shillings. This is the Force of the Argument; and to such unaccustom'd to Calculation looks well enough, but there are three more Points to be consider'd to set this Matter quite right. The first is, whether Plate wont borrow Money at Five *per Cent.* or less, at any Part of the Town. The next is, what he pays if he is Fool enough to pawn it twice Six Months. The last is, suppose he never redeem it: That any Man may have Money on Plate at Five *per Cent.* from any Silversmith or Banker, I hope the Apologist wont have the Assurance to dispute, and if he be so ignorant as not to know this, and to give Thirty, has the *Pawnbroker* a Right to take it; and if he pawns it on those Terms for a Twelve-month then he loses Two Pounds Seven Shillings more than if he sold it; and if the *Pawnbroker* keeps it, as he by his own Confession never lends more than Four Shillings and Six-pence *per Ounce* on the best Plate, and can always sell it to the Refiner at Five Shillings and Six-pence, he consequently gains 3 *l.* 3 *s.* But there is something more to be said on both Sides; if the Plate be useful and fashionable, and undamag'd by much Wear, or great Bruises, and especially if not of that Kind which is much solder'd; both the

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Pledger can have, and in Course the *Pawnbroker* can sell it to those who keep open Shop for at least Six Shillings *per* Ounce : And this makes Three Pounds Three Shillings more real Difference in the Account, by the Pledger's Loss and the *Pawnbroker's* Gain united. As to Jewels, the Affair I am afraid will turn out much worse, inasmuch as they are generally less understood by the Pledger than the *Pawnbroker*, and alter in Value, which is seldom the Case of Plate ; now the *Pawnbroker* is appriz'd of this, and whether Jewels be on the Rise or Fall, it is all one to the Broker he makes it answer his End, by saying, you might indeed give the Jeweller Twenty Guineas for that Diamond Ring, but Diamonds are fallen much, and at best it was never worth twelve, so will not lend at most above Eight, and very probably gets Eight by the Loan. I say very probably, because the Apologist says himself not one Pledge in ten is ever redeem'd. And I think ten to me is sufficient for Probability ; and the *Jewellers* of Reputation aver, and I have Reason to believe very truly, that will repurchase after long Wear at 30 *per Cent.* Profit including Workmanship, so that here is at least *Cent. per Cent.* acquir'd on such Pledges, that had the Owners gone to my Friends *Dubamel* or *Naylor* in *Covent Garden*, they might either have had full Value,

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Money at Five *per Cent.* and been thank'd for their Custom, whilst the *Pawnbroker* robs them in every Shape ; and the Apologist unluckily enough mentions a Kind of Good that by the common Sense of Mankind ought to be Felony, to take more than common Interest upon, because the Money is to be had at that Rate any-where by an honest Owner, and which makes me suspect, that few bring it to such Shops that come honestly by it ; and consequently that *Pawnbrokers* are not quite so scrupulous about stolen Goods as they pretend.

As to Wearing Apparel, the Argument in the main is much the same in the Consequence to the *Pawnbroker*, tho' it is not to the Pledger, since Money is not so readily borrow'd on Apparel as on Plate, Jewels, &c. and besides that, the Loss if sold, is much greater ; more especially in Mens Apparel, which it is difficult to get Half Value for when once made up for very obvious Reasons ; but this is nothing at all to the *Pawnbroker*, for if Half the Value can't be got in selling, he will not lend above a Quarter, and so they are of as much real Value to him as Plate, and perhaps more profitable, and as to Household Goods the heavier Sort at least are generally too cumbersome for him.

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HE comes next to inform us, that even in Trade *Pawnbrokers* are useful, for that People who pledge to them in order to go to Market with Ready Money are in a better Situation than if they bought on Three Months Credit.

HIS Reasoning hereon is of a Stamp with the rest, and would be very idle to enter into, the Principle whereon he grounds it being false, since all know who are acquainted with Trade, that Three Months Credit is Ready Money, and so is oftentimes Six or Nine Months according to the Nature of the Business.

HIS next Attempt is on the Legislature, which he has the Impudence to attack once more, altho' as unluckily as possible, for he conceives them under a fatal Mistake, by making some Acts that affect Small Credit. These Acts I suppose may be such as prevented the Bailiffs from distressing the Poor, and frees them from being run to twenty Pound Expence, and held to Bail for a Bunch of Turnips, which to be sure were very wicked Acts, diametrically opposite to the Notions of a *Pawnbroker* whose Business is Oppression; though I must for once say so much in their Favour, that I conceive all their unjust Ways can in no Sense

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Sense equal the Oppression of the Law, previous to those Acts, and if it has brought Custom to their Shops; bad as the Consequence is, it is better than it was before, for then all were *Pawnbrokers* in Effect who dealt with them, and the Iron Hands of the Law lay on them into the Bargain, but now there is but one Set of Knaves left to deal with, which is at least some Solace to those who are so unhappy as to be poor.

FROM hence is concluded, that people may either come to their Shops, or stay away, and so truly they may, if the same Reason that brought them once did not bring them a second Time, *viz.* Thoughtlessness, false Shame, and Necessity; but how the Good or the Right, the Justice or the Honesty of *Pawnbroking* appears from this Kind of Argument is inconceivable, unless the Presumption be a good one, that when a Man does a bad or foolish Thing twice, the Repetition justifies the Act, which no Persons but such as are as case-hardened as the Apologist ever dreamt of presuming.

HE next asks, whence it comes, that such Monsters, &c. have any Business to do, and that People should for many Years together go on in the same Road, and concludes it can't be thought Necessity,
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since that makes them more quick-sighted, &c.

SIR *Gilbert Heathcote*, whom I believe the Apologist will own, understood these Matters, and the Dispositions of Mankind as well at least as most Men of the Age, gave it as his Opinion in his Advice for settling the Colony of *Georgia*, that no Credit should be permitted in ordinary Life, his Reasons are thus stated: There are, says he, two Sorts of People in the World, *viz.* the Longheads and the Headlongs; Now if the Headlongs are not check'd in their Career of Folly, and the Longheads curb'd by severe Laws, they would devour the Substance of the Headlongs, and bring the Colony into a State of Distress and Misery. On the same Principles our Legislature acted, when they made a Law against *Pawnbroking* and *Usury*, considering always that the most ignorant and laborious Part of the People, are the chief Support of the State, and therefore ought now particularly to be protected against Oppression, by those who are more at Leisure to acquire a superior Knowledge of the World. *Shilock*, the *Jew* of *Venice*, is an inimitable Picture of a *Pawnbroker*, and you never see *Macklin* appear in the Character, but you at the same Time see the true and natural Portrait of the Apologist; who appears next to shew, that

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that selling pledg'd Goods without account to the Owner is equally laudable and just, as all the rest; he proves it thus: The Pledger is at Liberty to redeem his Goods, or to get somebody else to do it for him, or to sell them in the Broker's Shop, unless as he also observes, the Pledger intends to lay a Snare for the Broker whereon to found an Action of Trover. This, *unless*, destroys all the rest, but concludes, if he concludes any thing, that if this Redemption don't happen, the Broker has a Right to sell them himself without Account; it is impossible to answer this Kind of Reasoning, otherwise than by saying, it is the Reasoning of a *Pawnbroker*. He observes further, that People make a practice of buying bad Goods in *Monmouth Street*, as scowred Brocades and old Laces, &c. in order to let them lye some Years untill sold, and then bring their Actions, and swear the Goods to be of great Value, but what does this prove more, than that it is common amongst Thieves to sink upon and cheat one another, and is a great Happiness, as it contributes in some measure to keep each other in awe, and make the unhappy few who are innocent in some Respects fare the better, by putting the Broker on reflecting how dangerous it will be to venture deeper in the Mire of Extortion and Robbery.

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WHEN it answers this Apologist's Purpose, he takes but Twenty *per Cent.* in another Place he takes Thirty, in a third proves he takes Three Hundred, again in one Place he sells ten Pawns out of eleven, he now comes to shew that he does not sell one out of eleven: For let the World think as they please, the selling bears a very small Proportion to the Money lent in a Year, since if he lends Five or Six Thousand Pounds he does not sell above Five or Six Hundred Pounds worth, and both this and the other he is I doubt not ready to swear to and prove from his Books, with a *salvo Conscientia*, I presume thus, that he sells the little Pawns, and keeps the great ones, which is perhaps just as likely as true. The Way he sells the little Pawns oftentimes is not improper to mention here, because there is something in the Manner, very new and instructing to the Generality of Mankind; Maid Servants, and many other Persons of the like Rank, who have a Mind to be fine at the Expence of the Whores and their Culls, repair with Money in Hand to the *Pawnbrokers* to buy Bargains; they pitch upon their Goods but find the Price superior to their Purse, which the Broker discovering, he makes the following Proposal: It matters not, my Dear; says he, whether you have all the Money,

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for you may either leave the Goods in pledge for the Residue, or bring something else of adequate Value, until you can raise so much; refore'd at this genteel Offer, the poor silly Girl complies, and so pays Interest for her Cloaths before in fact she buys them. Another Method is this, *Dolly* by often visiting the Broker sees a Gown or a Cap she fancies, she would buy it but can't have any Money till she gets her Wages: It matters not, says the cunning Broker, lets agree upon a Price, and I will keep it for you, till you get your Money, *Dolly* in Raptures at the Thought of one Day having a fine Gown, or laced Cap, consents to pay Interest for what she neither has, nor perhaps ever will have; so that the Broker often gets Six or Twelve Months Interest for Nothing, and often Part of the Purchase-Money, and the whole Gown into the Bargain; and if the Apologist presumes to question these Facts, I shall prove them, and many more equally wicked and oppressive, when he produces his Books before a Committee of the House of Commons, which if I understand him right is what he means by a proper Place.

AND now we come to the most important Point of all, and for the Sake whereof only I have taken the Trouble to answer the Apologist's false Reasoning, Ribaldry and Nonsense, and was indeed the chief tho'

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unlucky Reason, if he could have any, for exposing his Profession; a Point so interesting, that were it possible to grow into a Law, I should believe nothing hereafter impossible: That is to say, the Public Allowance of this Business; for whatever such Allowance may produce to the Government by Licences and Stamps, in which Particular, the Projector may not be a little mistaken, it can no otherwise, however specious it may appear, answer any other End to the Welfare of the State, than if they were to license Housebreakers and Highwaymen, which as I am sure, is not the Intent of the Legislature, so am I very sure a Bill of this Nature will be no longer consider'd proper, than untill the dangerous Tendency of it is discover'd, and altho' it may be very true, that a Law may be so made as to answer the Purposes of small Pledges, yet if the Parts of which it be compos'd are mutually just between the Borrower and Lender, it will only serve the Purposes of the *Pawnbrokers* better when prosecuted by Actions, but not in the least diminish their customary Extortion, which is, I conceive, the Point chiefly aim'd at by such a Bill and to try this Matter to the utmost, I shall in the Conclusion propose such a Bill as appears to me reciprocally just, and wherein the Limitations of Sums, as the Apologist speaks, will be a Part, and is with lowering the Interest,

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terest, and limiting the Number of *Pawnbrokers* the very Soul of such a Bill.

THE Apologist in the Person of his imagin'd Adversary, in the Form of an Objection says, that *Pawnbroking* is found to give Encouragement to various Mechanicks to pledge other Peoples Goods; as also to encourage idle and disorderly Persons, who will not work as long as they can get Money on Pledges.

ALL which is but too true, and notorious, and are answer'd as truly becomes the Apologist; that is to say, Part is admitted possible, and Part denied, but as Instances of this Kind has occur'd to the Knowledge of almost every Housekeeper within the Bills of Mortality, it grows quite incontestable, when we consider the Nature and Reason of the Thing only the Apologist himself has admitted previously, that it is impossible to enquire how People come by the Goods they pledge, and the Reason he gives for it is very true, that the attending to the Taking in many Pledges takes up all their Time, and consequently leaves them none for Inquiry: It follows, that if they can't find Time to enquire, they must take them without Inquiry, and then whether they be stolen or not; whether they are their own or the Properties of other People;

ple; or whether it encourages idle and disorderly People is no Part of their Concern, their Business being only to take the Pledges and lend the Money, unless something extraordinary occurs, as a Beggar coming with a Chac'd Gold Watch, or a rich Diamond Ring, &c. their own Safety, and the Hazard of losing the Money they lend puts them naturally enough upon enquiring how they come by them. But this is nothing to the general Course of Business, about which, I believe, few of them enquire at all, and if they did to what purpose, since the Pledger would hardly tell them that the Goods were none of their own, unless they came with proper Authority to tell them so. But, says the Apologist, if People are so violently exasperated against the *Pawnbrokers*, is not the Law open to them? To which I answer, That it is on the one Side, but according to his own Account pretty well guarded against on the other; besides that he insists that none but Villains make use of it. Now if both these Matters be true, to what purpose is the Law, which can seldom be executed, and when executed wicked. I shall only observe two Things on this Kind of writing, that there is no Profession so bad, but what may make Use of the same Plea, and to the same Purpose as the Apologist, which in some Measure intimates his to be in the Rank of the Worst;

Worst; and likewise that a bad Heart is generally attended by a confus'd Head, and in Consequence thereof, that whenever a Man undertakes a bad Cause, he is generally his own Convictor. This I think sufficiently appears in the wise Apology before me, which not only set out with a Principle that every Body denies to be just, but likewise contradicts every Conclusion he draws therefrom by something follows it, which has occasion'd many People as it did myself, till better inform'd, to believe it wrote by Way of Burlesque on the Profession, nor can the Generality be yet persuaded of the contrary.

THE next Objection is as silly in the stating, as ridiculous in the answering, and one is really puzzled to know what to make of, or to what End or Purpose it is introduc'd, unless to show the Analogy between the *Pawnbrokers* and *primitive Christians*.--- The Objection is, that all the World says the *Pawnbrokers* are a pack of Rogues, and what all the World says must be true.---It is agreed, and what then? Why all the World said the same of the *primitive Christians*? But why, because the Religion had not been examin'd with Attention and Impartiality. And what follows from all this? Why truly that the *Christians* were honest Men? But what likewise follows from examining

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mining into the Case of the *Pawnbrokers*? Why that they are still a Pack of Rogues? What an excellent Analogy is here drawn between *Pawnbrokers* and *Christians*?--- Would not any Man believe this intended for pure Burlesque, or if wrote seriously, as is the plain Truth, that they were Fools as well as Knaves, and that it was really no Matter what become of them.

THE next Objection is fram'd to distinguish between the Letter and Spirit of the Law. But before we observe more generally on this cunning Thought, we must settle the Reader's Mind as to this Point, by shewing that the Letter and Spirit of the Law is generally the same Thing, and when its thought otherwise, its only in the Breast of a Court of Equity to distinguish, and where that does not relieve the Letter and the Spirit continue as one and the same, how how far this answers our Apologist's Purpose will appear presently.

THE Objection is that Men ought to act in Conformity to the Laws, and that to act in defiance of them is Presumption and Insolence, and consequently immoral.

Now there are two Laws, as he calls them, but means too Kinds of Laws, *viz.* Common and Statute Law, The Common Law

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Law he defines to be the Traditions of wise Men, and thence concludes it very foolish, the Substance whereof is, that no *Pawnee* or *Pawntaker* has a Right to sell or convert the Pledge, and the Reason is plain and mutual, because the *Pawnee* may bring his Action against the *Pawner* for the Money let without first restoring the *Pawn*, and therefore having a Remedy by that Law is morally bound to observe it, and thereupon all his Suppositions and Queries perish in their Creation, and instead of doing him any good, only contribute to expose his Ignorance.

HE seems to consider the Statute Law something better, if any better can be where all is wrong, by recurring to his old Plea of Expences, &c. but what is all this to the Purpose, since if the same Kind of reasoning is in Force between those who act lawfully and unlawfully, then may the Highwayman recur to the like, and urge the Spirit of the Law in support of his Iniquity, might he not charge his Horse which must be a good one, his Pistol, Powder, Ball and Hanger, his Bridle, Saddle, Disguises and Cloaths, and his Expences ordinary and extraordinary for Cover and Safeguard, as well as Victuals, Drink, and Lodging, and if all these will not amount to four Hundred Pounds a-year, and to lay up Seventy-five

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five Pounds a-year for Childrens Fortunes; may he not fairly enough throw in the Hazard of his Life as adequate to the Residue; and may he not from hence by a Parity of reasoning conclude, he has a Right to plunder in Proportion to his Expences and Hazards, and would it not appear very droll to hear such Stuff as this oppos'd to a fair and just Law, and yet this is the very Point in question, on which the Apologist takes the Liberty to distinguish between the Letter and the Spirit, wherein what serves his Turn is the Spirit, and what remains the dead Letter.

It's impossible for me to leave this buffoon Fellow without pursuing him through all his Mazes and Doubles, in some Places indeed one's puzzled to know what he is talking about, in others one wonders what he is driving at; in one Place he affects to reason, in another to scold, and at length concludes his Tragi-comedy with a Farce, if possible, ten times more ridiculous than the Play. This he calls his Conclusion, which is principally enacted to shew, that we oftener dream than think, which he completes by talking of *Anthropophagi*, whose Heads do grow beneath their Shoulders; where he steals his from I don't readily remember, but infers very wisely from the Quotation, *That the Bar, the Bench,*
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the Guild, and the I suppose, he means the *Parliament*, are all in a Dream, but whether waking or sleeping is not quite so clear: I can't help concluding with him, that all have some Inclination that Way, or it would hardly have happen'd at this Time of Day, that a *Pawnbroker* had subsisted, first to distress their Fellow-Creatures, and then to laugh at the Government who suffers it. As for their Part, the *Pawnbrokers*, they never sleep, and that the Government may learn how to be as well on the Watch as they, he presents them with an Antinarcotick, in which he acts the Part of *Harlequin*, who to prevent the Audience sleeping at a dull Play, enters in the Intervals of the Acts, and plays his Fool's Tricks.

To his Assistance this droll Apologist calls in, the City of *London* as his natural Friends and Allies, which is in other Words honouring them with the Dignity of Thing and Usurers, and therefore must naturally expect from their Members in the House of Commons, their utmost Aid in the Support of Plunder and Villany, and I can't help thinking but that the City Members will contribute to do their new Friends and Allies effectual Justice, which is what the honest Apologist seems most ardently to wish, and can't well fail in.

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BUT if, as he says, by Way of *Post-script*, they should superciliously reject Amity and Alliance with them, it may not be amiss to give them such Hints, as will open their Eyes, and plainly shew them, how much it is their Interest to protect and support universal and diffus'd Extortion and Usury, lest a Set of honest Men, if possible, should step in between, under the Title of a *Petty Bank*, equally prejudicial to them both, and to the general Alliance, and which would impose upon and bubble innocent People, by lending them Money at less Interest than the *Pawnbrokers* can afford to do, and consequently ruin not only the *Pawnbrokers*, but entirely destroy the Trade of this opulent City, against which the *Pawnbroker* is at present the Bulwark and Advance-guard: And the Reason of this appears most evident, for as much as the Brokers now circulate at least a Million of Money in Trade, which would otherwise be lock'd up in the public Funds, or or what is worse fall into the Hands of a *Charitable Corporation*, and therefore enquires, whether at this Time small Credit bears the most agreeable Aspect? And thence whether the Ready Money Trade is so considerable, as to bear the lopping off so considerable a Branch, is left to their Consideration? And thence, whether as the *Pawnbroker* is a Kind of Mountanier,

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(which by the Way is a Kind of Bandit or Freebooter) and at present possess'd of the Pass, he may not be drove to the more warm and fertile Plain, there prove a troublesome Neighbour, and disturb their long and happy Repose.

AND if this should happen, why what then? Why then either some Body else will get into their Places, or the Mob will rise and be their own Carvers, and as they are not very nice and just in their Distinctions, as to Persons and Property, the Consequences may prove equally fatal one Way as the other.

AFTER all this Nonsense, Incoherence, Threatnings, and Ribaldry; what shall one say, that may induce the Legislature to pass a Bill in Favour of, and to license these honest Men to plunder with Impunity? Shall we say they may thereby raise a Sum of Money for the Service of the State, and by turning private Vices into publick Benefits, render even the most consummate Wickedness a general Emolument? Shall we intimate that the *Italian States*, those Sons of *Machiavel* do the same, even the Holy City of *Rome*? And shall we be less politick than they, who are pure reform'd Christians; shall we want *Pawnbrokers* in *England* while even wicked Prostitutes are allow'd there? Can a Parallel be drawn more just, a Policy be pursued more interesting and natural?

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tural? Will it not lessen or at least prevent other Taxes, and serve the present Emergencies of the State; and in the whole to what purpose is it to consider Trade, or what is if possible more to the Purpose the preservation of the Health, Welfare, and Morals of the Common People, who are the Foundation of Trade? since it plainly appears that the *Pawnbrokers* have got possession, the City of *London* in Alliance and Amity, and the Mob on their Side, whilst the Judges and Parliament are lull'd to sleep like Babbies in their Mother's Arms: Is it not in vain to attempt to stop the Course of the impetuous Torrent. Is it not better that the Sleepers still sleep, and the Actors still act on without Interruption? or in order to preserve Peace, Union, and good Will amongst us; may it not be better to sanctify Villany by a Law, and thereby render us all at once absolutely lawless, since it is easy to be conceiv'd, that no sooner one Rank of Thieves are enabled to cover themselves under the Sanction of the Law, but all the rest will come very justly to claim the same Indulgence, and then it is evident, there will be no Kind of Difference between lawful and lawless: To complete this great Work there will want no other Help according to the Apologist's Scheme, than the Alliance of the City of *London*, and the Aid of the Mob, which last are kept in due Decorum

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by the *Pawnbrokers*, on the same Principle; as arbitrary Monarchs keep their Slaves in Awe, viz. by keeping them poor, miserable and wretched.

BUT seriously, is the Nation come at last to this sad Pass, that there remains no Difference or Distinction between Right or Wrong, just or unjust, Sense or Nonsense? Do we live in *Britain*, or in the Clouds, on the Earth, or Sea, or in the Air? Have we rational Faculties as Men, or are we Beasts, Birds or Fishes? For Heaven's Sake can we be esteem'd a Community of Men, living under the best policied Laws in the World, and yet suffer such Doings, and not only the Doings, but their being publickly justified by a Buffoon; and thereby the Legislature, Judges and Laws set at open Defiance; and contemn'd, laugh'd at and derided; the greatest trading City in the World aspers'd with being in Alliance and Amity with Thieves, and the Common Sense of Mankind turn'd into Foolery? And after all, can we presume that it is ever intended, that the licencing of *Pawnbrokers* shall pass into a Law, or what is in Effect the same thing, that they shall be permitted to cover themselves under the Sanction of a Tax to be laid upon them, which is tacitly licencing them? If such a Thing must be, I will not presume to doubt, that the Legislature will be duely guarded against such falacious

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Reasonings, as are capable of being confuted by every School-Boy; and convince the powerful Men their Abettors and Allies; that at least they are not asleep.

I HAVE only further to observe, that altho' it may be true, which I am not quite so clear in, that it is proper to establish some Means for raising Money on small Pledges at moderate Interest, yet what that Interest should be is very difficult to determine, and must repeat again what I have said before, that if a Law should sanctify the Taking of Fifteen *per Cent.* on small Pledges, the Brokers wont lend at One Farthing less than now, but they will have this Advantage in their Favour, that in Actions of Trover they will be allow'd Fifteen *per Cent.* upon the same Terms they are now allow'd Five in common with other Men, which no present Benefit of raising Money to the Use of the State can in any Sense compensate. They are now somewhat curb'd, they will then glory in their Wickedness, and have truly Reason to laugh at the Legislature in good Earnest. And if what has been said on the Subject, tho' not half what may be said, has no Effect in stopping the Bill now depending, I conceive the saying more at once both idle and useless.

F I N I S.