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THE  
 PEOPLE'S BARRIER  
 AGAINST  
 Undue Influence  
 AND  
 CORRUPTION:  
 OR THE  
 COMMONS' House of Parliament  
 ACCORDING TO THE  
 CONSTITUTION.

In which the Objections to an equal Representation and new  
 Parliaments once in every year at least are answered:  
 And a digested Plan for the Whole is submitted to the Public.

“ Up, sanctify THE PEOPLE, and say, Sanctify yourselves against  
 “ To-morrow: For thus saith the Lord God of Israel, There  
 “ is AN ACCURSED THING in the Midst of thee, O Israel!  
 “ Thou canst not stand before thine Enemies until ye take away  
 “ the accursed Thing from among you.” — JOSHUA, vii. 13.

By JOHN CARTWRIGHT.

THE SECOND EDITION.

LONDON:  
 Printed for J. ALMON, opposite BURLINGTON-HOUSE,  
 in PICCADILLY. — APRIL, 1780.

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 I N T R O D U C T I O N .

THE publication of a former treatise on this subject, more than three years ago, proceeded from convictions which pressed too strongly upon the mind of the author to be resisted. The idea of reforming the house of commons was then treated as a ridiculous project, and he was honoured with the appellations of projector and enthusiast. He was contented to bear with this unmerited ridicule, in a consciousness of having written with pure intentions, and a full conviction that a time would come when what he had delivered would appear to be the words of soberness and truth. That time is come already; and he has the happiness to see the people of England now demanding that reformation which he recommended. As yet, no plan for effectuating the reform, more finished than his own imperfect one, has been offered to the public. Indeed the precise nature and extent of the reform itself have not yet been generally agreed on. It is with a view to render his country, in both these particulars, the best services in his power, that he now resumes the pen. He knows that the principles he takes for his foundation, and the extent to which he thinks it right and *necessary* to carry the reformation, are not entirely acceptable to a very considerable party amongst us; by which he designs no political party in particular, but, in general, such men of rank, fortune, and connections, as have been in the habit of enjoying or looking to a parliamentary power, of a continuance not warranted by the constitution of this country, and incompatible with its freedom.

On questions relative to *power*, it is in the infirmity of human nature for men to be very reluctant in parting with more at a time than they needs must. There are those even amongst the friends of their country, who,

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having long tasted the sweets of permanent power, cannot, with their utmost efforts, get the taste of it altogether out of their mouths; and, seeing that septennial power must now be given up, they naturally catch at the next largest portion for which a precedent, bad as it is, can be found. I think I see this infirmity in men, of whose wisdom and virtue, in other respects, I have the highest opinion. Some time, however, must be allowed for eradicating the deepest prejudices that take root in the heart of man. But prejudices, even in favour of power, may be overcome: and I know men, that a few years ago were strongly wedded to parliaments of the present duration, who are now convinced that even triennial parliaments are unconstitutional and *inexpedient*.

The question wants only to be thoroughly investigated, in order to bring us to a decision, safe and satisfactory to the nation. If the doctrines, laid down in the following pages for legal or constitutional, can be controverted, then the conclusions in favour of equal representation in annual parliaments may be avoided.— Let the warmest and the ablest advocates for other principles criticise these with all freedom, and scrutinise them to the very marrow. If they cannot stand every attack which the ingenuity of man can make upon them, let them fall! If they do stand, let us build upon them. Mere theory, we all know, is trumpery: but yet, that is wretched and fallacious practice which is not built upon sound theory.

With respect to the digested plan, now submitted to the public, I have only to say, that every material provision of it hath been, *in better times*, the practice of this country; or is, *at this time*, in use in the best models of free government now existing. There can be no doubt, therefore, of its *practicability*. As to the practicability of gaining it the good word and concurrence of those, who like hereditary, septennial, or even triennial, seats in parliament, better than depending upon the free voice of their constituents for annual renewals of their power, that is a very different question;

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tion; although there are many, I trust, ready to make this virtuous sacrifice to save their country.

I know there are men who do not recommend any correction at all of the abuses, which have, I will not say impaired, but destroyed, the institution of our house of commons; and who lay all the stress of reformation upon reducing salaries, and pensions, and sinecures; upon lessening the number of placemen in parliament, obtaining clearer accounts from ministers, &c. so as to diminish, in a degree only, the corrupt influence of the crown: to these, I will answer, in the words of a speaker at the late Cambridge meeting, in favour of short parliaments and an equal representation. “ Till then, says he, every inferior reformation is less than nothing; it is shutting the gates when the enemy are in possession of the walls; or stopping a chink in the public mounds, when the tide of shame and ruin is pouring in at a thousand breaches.”

Nor would this reformation prove favourable only to the people; for it would restore dignity to the peerage, and independency, solid power, and glory, to the sovereign: so that his majesty is more interested than any other in restoring the commonwealth; inasmuch as he has far the greatest stake at hazard. The art, to make a free nation *lovers of kings*, is for the sovereign to be a *republican prince*. This was the wisdom of an *Alfred*, this was the wisdom of the renowned *Edwards*; characters in our history of a cast widely different from those of the *Charles's* and the *James's*, who thought all majesty and power wrapped up in their own *royalty*. I hope no courtly ears will be shocked at the words, *republican prince* and *commonwealth*; because, in former times, and even in the worst reigns, they were not only very harmless words, but were used by the statesmen, the parliaments, and the kings of England, as words the most applicable of any other to the free government of this country; which is neither democracy, aristocracy, nor monarchy, but a *republic*; in which the *common weal* of all is to be provided for; and for which the

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the laws are to be made by the *common consent* of "every Englishman, from the prince to the peasant,"\* given either personally or by his representative in the legislature. And hence it follows, notwithstanding idle and *artful* exceptions to *words*, that neither the king nor any other is truly *loyal*, who is not a *republican*, directing his actions to the good of the *common weal*. †

I fear

\* Sir Thomas Smith.

† See 6 Richard II. stat. 1. anno 1382. Ad laudem et honorem omnipotentis Dei, commodumque regni Angliæ et utilitatem REIPUBLICÆ. "To the praise and honour of Almighty God, the profit of the realm of England, and the service of the REPUBLIC," [OR COMMONWEALTH]. — N. B. In Keble's Statutes this is wrongly translated, so that the sense is lost.

31 Henry VIII. c. 10. anno 1539. "Forasmuch as in all great councils and congregations of men, having sundry degrees and offices in the COMMONWEALTH, it is very requisite," &c.

1 Edward VI. c. 1. "The king's most excellent majesty, minding the governance and order of his most loving subjects to be in most perfect unity and concord in all things, and, in especial, in the true faith and religion of God, and wishing the same to be brought to pass with all clemency and mercy on his highness' part towards them, as his most princely serenity and majesty hath already declared by evident proof, to the intent that his loving subjects, provoked by clemency and goodness of their prince and king, shall study rather for love than for fear to do their duties; first to Almighty God, and then to his highness and the COMMONWEALTH," &c.

Queen Elizabeth, in her speech to the deputies of the commons, anno 1601, says, "I know that the COMMONWEALTH is to be governed for the good and advantage of those that are committed to me; not of myself, to whom it is entrusted." And again, "I think myself most happy that, by God's assistance, I have hitherto so prosperously governed the COMMONWEALTH in all respects." Rapin.

And even James I. anno 1621, says, "The king makes laws, and ye are to advise to make such as will be best for the COMMONWEALTH." Rapin.

Sir Thomas Smith, a minister and privy-counsellor of Elizabeth, published, in the seventh year of her reign, a treatise, expressly

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I fear that we have been greatly misled with regard to the word *loyalty*, (which has no reference to the king, but as the representative of *the state* and the creature of the *law*, from which last word, in law French, it is derived,) by means of that perhaps unwise courtesy, with which we so profusely compliment his majesty, when we accustom ourselves, on all occasions, to call our commonwealth his *kingdom*, and every thing belonging to it the *king's*; as *his majesty's* ministers, *his majesty's* navy, *his majesty's* army, *his majesty's* revenues, and *his majesty's* courts of law; and even every person, in public office or authority, is said to be in his majesty's *service* and his majesty's *pay*: whereas, in fact, they and his majesty are all in the same service and the same pay, and owe the same duty and loyalty to *the state*.

expressly entitled, *De Republicâ Anglicanâ*, — "Of the COMMONWEALTH of England," which he concludes thus: "Since, therefore, this is the true image of our commonwealth as I have described it, let us compare it with the other forms of commonwealths now existing, and see its differences; that we may understand," &c.

Sir John Davis also, attorney-general to the same queen, in the preface to his reports, speaks thus; "And here I may observe, for the honour of our nation and of our ancestors, who have founded this COMMONWEALTH, wherein we live," &c.

And lord Coke, in the preface to the third part of his reports, likewise says, — "from which labours, if the COMMONWEALTH shall have derived any benefit," &c.



( i )

AN  
ADDRESS  
TO THE

Gentlemen, forming the several Committees of  
the associated Counties, Cities, and Towns, for  
supporting the Petitions for Redress of Grievan-  
ces, and against the unconstitutional Influence  
of the Crown over Parliament.

GENTLEMEN,

IT must be with heart-felt satisfaction to every reflecting  
Englishman, that, in this hour of trial to his country,  
he may be congratulated on the spontaneously springing up of  
a new and irresistible party; uniting men of all former parties  
upon principles of obvious rectitude, (the only way to root  
out faction,) and collecting, into one firmly-compacted band,  
those of every denomination who have feelings for the public  
weal, and fortitude to stand forth in its defence. Unprinci-  
pled individuals of all parties having (through the means of  
those very abuses in our government which are now the ob-  
jects of reform) but too frequently made their way into power  
by the arts of deception; and then, having but too generally  
worked the wheels of government by the streams of corruption,  
the people of this country have been unavoidably driven be-  
yond that wholesome line of jealousy, with which power, in a  
free state, ought to be for ever watched; into a distrust of  
public characters, to a degree which is evidently prejudicial to  
the public interest. But your conduct, gentlemen, will cor-  
rect that error in the people, and your exertions, I trust, will  
remove the cause of it. You have already manifested that  
men can be so visionary, as it is called, to serve the public  
without fee or reward; and have laid the axe to the root of  
that most pernicious and wicked principle, that ' every man  
' has

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'has his price.' This darling maxim of ministers, by which "they endeavour to blacken human nature, to throw calumny on mankind in general, and, in the consciousness of their own deformity, to reduce all others to their own standard," (1) has but too long and too successfully been the rule of their conduct; engrafting into the government so complicated and inveterate a disease, called *influence*, — growing with its growth, and strengthening with its strength, — that, in the fulness of its apparent health, in the maturity of its prowess, when crowned with conquest, empire, glory, and when it was proudly called 'the invincible;' an inward and sudden decay, a deadly dissolution arrested the vital energies of life and action, which sickened the heart, unnerved the arm, and unbraced the whole frame: whence vigour became debility; and exertion, the convulsive efforts of distempered strength; while a foul mixture of slavery with English liberty seemed to indicate a total and speedy subversion of our once-divine constitution; and despotism, that death of states, "fierce as ten furies, terrible as hell," (2) stood ready to snatch its destined prey.

At so awful a crisis of a country's fate, the grand corruptors, partly blinded by that infatuation which ever attends a long course of depravity, torn by the pangs of remorse, — pangs indeed to the unrepentant! — and haunted by the distracting thoughts of national retribution, seek relief in desperation, and consolation in the idea of universal destruction: if they must fall, they madly determine it shall be with the state itself; and, in the mighty ruin, the ruin of millions, if they cannot hope to mitigate their own misery, they can yet indulge the infernal wish to communicate misery to all around. At this awful period too, the state-empiric, with abominable nostrums for national disease, and desperate remedies, which ignorance alone could prescribe, can afford no assistance; nor cares he for the event: while the true physician, the patriot, with steady eye and anxious heart, patiently waits until he perceives the effort of *self-relieving nature*; and now, regardless of all effects and symptoms of disease, seeks only to aid that effort, by cordials, powerful to cherish and to restore to its natural action *the vital principle*. That effected, he despairs not, in due time, of overcoming the influence and perfecting a cure; well knowing that proper medicine, with perseverance, will eradicate the last remnant of the distemper: and that, to a body politic, such a recovery ever proves a renovation to health and vigour more than pristine.

The

(1) Mr. Fox, February 2, 1780.

(2) Milton, in his description of Death.

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The crisis of England is past. Nature and patriotism have prevailed. The vital principle, aided by the vigorous measures of distinguished characters in parliament, and the timely interposition of those to whom these lines are addressed, hath made the effort upon which life depended, and restored pulsation to the drooping heart. The constitution is out of danger.

Having, with so much wisdom and virtue, contributed to save the life of the state, doubtless you will watch over it with equal anxiety until the cure be perfected, and effectual precautions shall be taken against a relapse. Forget not, that, in case of a relapse, "the latter state of this nation would be worse than the former." It need not be observed to you, that a body politic is not a corporeal, a mortal, body, but that, in the language of Paul, it is a "spiritual body;" and, if duly preserved by laws agreeing with the spirit of the constitution, it shall inherit immortality; that is to say, it shall endure as long as this world shall have a being.

In your deliberations, may all the prejudices and jealousies of former parties, and all *mysterious* and erroneous notions of our government, be consigned to eternal oblivion! Listen to no proposal, adopt no plan, formed upon partial grounds, calculated to make any intelligent and honest man discontented with the government; and utterly reprobate those sorry schemes of government, which occasion an arbitrary, unjust, cruel, and pernicious, exclusion of the lower orders of the people, — the very basis and strength of the constitutional pyramid, — (3)

(3) "A body of nobility creates and preserves that gradual scale of dignity, which proceeds from the *peasant* to the prince; rising, like a pyramid, from a *broad foundation*, and diminishing to a point as it rises. It is this ascending and contracting proportion that adds *stability* to any government; for, when the departure is sudden from one extreme to another, we may pronounce that state to be precarious." *Blackstone's Commentaries*, i. 158. Hence it should seem, that he is the greatest enemy to the king, forming the point of this pyramid, who removes the *broad foundation* of his crown, by which alone it can be supported with *stability*. It is an unjust and blameable diminution of that strength upon which depends this *stability*, whereby a *single peasant* is lost to this *broad foundation*: it deprives the king of a *free subject*, and is an illegal undermining of his throne. Where, then, is this stability, if it be a certain truth, that the great bulk of the people, six parts in seven of them, *make no part of this pyramid*? Can the crown be secure when its foundations are gone? Can the government henceforth be stable, if it be not once more placed upon this broad basis of its security? We ought to know, that, when the sole spring of legislation and government is the *undue influence* of the crown, which

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from the common rights of humanity; an exclusion unwise as it is unjust; inasmuch as it teaches the strong to oppress the weak, the rich to despise the poor, and the poor to have no feelings for the public weal; — to them, alas! no weal but woe: for it is most true, that *numbers* are the grand palladium of liberty, and the *spirit* of the constitution can alone preserve the constitution.

The immense void made by the fatal exclusion of the far greater part of our commons from their natural rights and ancient privilege of election, proved a flood-gate for the entrance of that torrent of corruption which we have seen to sweep before it all opposers, and to bear down, by its gigantic force, every barrier of the constitution. To close again that void be our first care; and be it ours, too, to free ourselves from that other reproach to our laws and polity, a long-enduring parliament; by such earnest advice to the people, and such legal modes of application to the legislature, for redress of these intolerable grievances, *in comparison of which all other grievances are unworthy attention*, as wisdom shall prescribe and the constitution warrant. But, let me not be misunderstood. I do not recommend amputation of rotten parts, but to heal them and make them sound: I do not mean to direct your views to a triennial parliament, — itself an abuse and blot: I do not mean to advise any novel, any difficult, or any exceptionable, procedure; nor to propose any ineffectual, botching, tinkering, experiment; — the palliative of a day, the delusion of its projectors; and, finally, the curse of the state. No; let us leave shallow projects and desperate quackery to crafty statesmen and the foes of freedom; and, taking the constitution and common-sense for our guides, let us follow boldly whithersoever they shall lead us. They will lead us to safety, be assured: and, if I mistake not, we shall be directed to proceed by the way of an universal and equally proportioned representation of the commons, by short parliaments, and by some fixed anniversary sessions of those parliaments, independent of the crown; leaving still the necessary prerogative of calling them at other times, if occasion require. Common prudence will suggest the proper out-works to this fortress of freedom;

which is only a mild expression for the king's being *absolute*, that our constitution must speedily fall into ruins, and totally change even its form; for, *a pyramid cannot long stand upon its head without falling to pieces*. Let us not forget the maxim of *Aristotle*, that, "Where many are excluded from a share in public government and civil estimation, are kept poor and regarded as despicable, that state must have many internal enemies." See *Polit. iii.* and *Locke's Elements*, 251.

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freedom; and experience will tell us they must be strong, and have their foundations deep, if we would have them resist the open assaults of despotism, or corruption's more dangerous attacks, by means of masked batteries, mine, and sap.

Conscious of the purity of our views, and the rectitude of our measures, and encouraged by the example of the uncorrupt part of parliament, let us continue calm, steady, firm; let the vigour of the committees answer to the spirit of the people; so shall it be kept alive; so shall it glow with ardour in the common cause; and so shall it take whatever direction the dictates of natural equity, and the wisdom of your united councils, shall point out. The womanish misgivings of timidity, the mountain-making folly of indolence, the short-sightedness of ignorance, and the endless doubts, the hair-splitting refinements of wavering sceptics, are alike unworthy of your smallest regard. Rejoice at the folly of protesting pensioners and devouring locusts, to bring into discredit your disinterestedness; and smile at affected alarms of your dangerous designs; for, so manifest must be your intentions to that public, which, through you, speaks its feelings, that, until you shall deliver sentiments, which come not from their hearts, and shall divert your exertions, from the rooting-out undue influence, to some private objects of your own ambition and avarice, your pensioned enemies will have no hold of you; and, whatever may be their sinister intentions, they will not be able to speak without praising you, (4) nor to put their names to any of their own nonsense, without consigning them to eternal \*\*\*\*\*, (5) and exposing themselves to the contempt of that public, upon whose vitals they prey, and for whose understandings they have so little respect.

A practice, sanctified by those examples which gave you your *magna charta*, and which expelled the tyrant *James*, has its foundation on a constitutional rock; and equally defies their malice and their menaces. If an association of the people, in defence of their just rights, be unconstitutional, that charter is void; if such an association be illegal, his majesty is an usurper, and wears the crown of the *Stewarts*. In 1696, to associate was not thought illegal; for both houses of parliament unanimously

(4) See a notable ALARM, which some of these wise heads have thought it worth while to circulate in great numbers through the country.

(5) The expression would be too harsh for those who have only been made the dupes of the hardened. Charitable allowances ought to be made for all criminality short of determined wickedness: but forgiveness is suspended, even by heaven itself, until there come repentance.

manimously entered into a voluntary association, to stand by the king with their lives and fortunes, against a secret faction which conspired against him. (6) In 1745, to associate was not thought illegal, to resist the *Stewart* claim and the northern clans; (7) clans, certainly not more dangerous to the state than those which suck its blood, through the means of converting your parliament into a mere ministerial lancet, perpetually bleeding you at every vein of your property; and, in order that they may do this with impunity, are as perpetually undermining your liberty.

Of open hostility it is needless to say any thing to Englishmen; their own spirit, and the lawfulness of associating for the good of society, be their monitors: but, of the desperate profligacy which insinuates, that it is the ultimate design of the associators to subvert the constitution, absurd as is the position, one word ought to be said. It is either of a piece with the rest of their folly, or else there is couched in the pretence a serious threat, which gives you to understand, that, if nothing else will serve their turn, and defend that undue influence, from whence they derive the wages of iniquity, and are enabled to riot in luxury and sensuality, out of the hard earnings of impoverished industry, they mean, in due time, to conjure up the accusation in form, and maintain it with the sword. If such be their latent plot, they forget that this is not a match at cricket; wherein they can, with hopes of success, proclaim a challenge, in the cricket phrase, of the placemen, pensioners, and contractors, against all England: or, rather, they have only the wickedness thus covertly to throw out this impudent threat, in hopes of alarming weak minds, and damping the laudable spirit of associating, which they have no other means to counteract. But, were it possible to imagine, that a serious idea of that kind has been conceived amongst them, and that a regular plan of despotism is indeed at the bottom, the completion of which wants only a pretence for drawing the sword, then doubly ought we to rejoice in the timely formation of our associations, as a security to the public peace, and to thank God, with

(6) "But, notwithstanding the merit of that most seasonable compliment, his majesty refused the royal assent to another bill: *That for the farther regulating elections*; and the house put a *negative* on a motion for an address, to know by whose advice he had again been induced to put such a strain upon his prerogative." *A Detection of the Parliaments of England*, 124.

(7) Upon this occasion Sir *J. Philips* assumed the gown, and made the ridiculous attempt at the bar, to shew that the associations were illegal; but the law of the land, founded in the law of nature, put him to silence.

with unfeigned piety, for so providential an interposition in favour of our liberties, before so horrible a conspiracy had taken effect. If such, I say, be their latent plot, they have let slip their opportunity; and, unfortunately for them, their old success attends them still, and they are *a little too late*: not to urge, that, in so hazardous a project, they would have done well to have considered, in time, whether it would not be reckoning without their host, to confide in an English army for enslaving the English nation; for I shrewdly suspect that there is some difference between an *English* army and a *Swedish* army; and that the former would at this time have as little relish for the employment of cutting the throats of one half of their countrymen, for the mere pleasure of seeing the other half enslaved, as they had when it was proposed to them by king *James II.* about ninety years ago. But, as I said before, it is now too late for the execution of any such fine project. The English nation, while asleep, — and it is apt to sleep very found, — hath frequently been surprised and entangled in the toils of watchful tyrants, — a sort of animal that never sleepeth, — but, when awake, it has always made them tremble. These champions for corruption and undue influence are bold and blustering enough, it must be acknowledged, when personal danger is out of the question; and will protest, and talk, and scribble, to the last moment, in defence of their ill-gotten gains; but they are not a sort of gentry to take a roused lion by the beard. If they do not like the supposition of such possible cases, let them not pursue a conduct, and hold a language, from whence these are the only rational inferences that can be drawn. Let them not insult a people, whom they have nearly ruined, by branding with the epithets of "illegal," "factious," and "nearly rebellious," their common concurrence in the common cause, and those peaceable associations against injustice, which self-preservation itself has impelled them to enter into, for redress of grievances no longer supportable; — nor add mockery to this insult, by telling a suffering nation, — a nation, to whom the highest of them are but servants, — that it hath no right to redress its own wrongs, but must leave that redress wholly to those unjust stewards and unprofitable servants, from whom its wrongs proceed! Intolerable arrogance! Melancholy proof to what an alarming degree the people have lost their constitutional weight in the legislature! But, if these consequential gentlemen will condescend to acknowledge the impropriety of setting their faces, and exerting all their force, against national œconomy, and the independency of parliament, in these times of distress, expence, and danger, and will retract their indecent insinuations against the associators,



tors, of having a design to subvert the constitution, I shall be equally ready to suppose they mean no harm, and to retract what I have said upon the subject. Enough, however, of them, and of their possible and impossible, their actual or their supposed, schemes, from which no danger is now to be apprehended.

Radical cures for corruption, and the idea of putting a parliament out of the reach of it, have long indeed been treated as the wild conceits of enthusiastic projectors, and hunted down as notions unworthy a serious thought; — ridiculous in the extreme, — bordering upon insanity: but the public now begin to discover in what quarter, and for what righteous purposes, this vehement hue-and-cry was raised; by what arts it has been propagated, and how fatally to themselves they have been the dupes of it. They begin also to perceive that, to frame a sound house of commons out of rotten materials; to look for a regard to the public, from men who are self-elected to permanent authority, or seated there by dozens at the will of a single nobleman; to suppose men, who are in the pay of the crown, and sit in parliament (frequently for life) without any thanks to the people, will not lie under temptations too powerful of betraying the rights of the people to that crown; to expect good and upright government, while the main spring is bribery; (8) and to think of any such thing as wholesome, salutary legislation, while more or less it shall be tainted at its source by the deadly poison of undue influence; they begin, I say, to perceive that these are the things which are chimerical; that these are the ideas which are visionary; that these are the notions which are ridiculous; and that it will be madness any longer to entertain them to our undoing.

Whether it be possible or not for the people so to elect, so to constitute, and so to guard their house of commons, as to preserve its purity, to secure its fidelity, and to set at defiance all the arts of corruption and the traitorous machinations of undue influence, includes indeed the whole of the present question, and the associated counties universally seem in a disposition seriously to consider.

It is not without a long and constant attention to the subject, without some research and enquiry, and the most mature deliberation, that I venture to offer it as a decided opinion, amounting in my own breast to conviction and assurance, that this may be done; that it may be done without difficulty; that it may be done without disturbing the public peace; that it may be done, although the enemy were at our gates, or landed on

(8) "Thou shalt not respect persons, neither take a gift." Deut. xvi. 18.

on our coast; (9) since nothing is wanting to it but the will, the word, of the people. Veiled as are the mysteries of corruption, and hidden as are its deeds of darkness in darkness itself, — a fatanic government in chaos, — at the tremendous voice of the people, commanding that there be light, there shall be light. Liberty, that glorious, perfect, orb, shall once more illumine and irradiate our English sky: and order, beauty, integrity, and happiness, public and private, reanimated by its genial beams, shall bless again our happy soil, prolific of virtue if not denied the cheering beams of the sun. (10) The constitution, in its purity, is all simplicity, all equity, all light; and, as the means appointed by nature for the political salvation of us all, so it is necessarily level with the capacities of us all, and common-sense alone is sufficient for understanding it: but, when its principles are subverted, and its obligations are lost in the labyrinths of unjust law, in vain doth common-sense attempt to comprehend it, or learning to understand it; for contradictions mock the understanding, and there can be no knowledge built upon absurdity.

Having shewn that you possess the will totally to expel undue influence from our government, the means will not be wanting to you. Every good citizen is your associate; every wise citizen forward to submit to you his sentiments on government; so that the worth and wisdom of the kingdom, for the most part, is at your command for maturing your counsels.

A parliament whose seats, through the universality of freedom, shall be equally open to all parties; and, through the annihilation of inheritance and property in those seats, and of every power to fill them but that of uninfluenced choice in the people, shall be attainable only by public virtue; must, to all parties, be equally favourable, equally acceptable. And such

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(9) "We can have no alliance with any nation in the world that will signify any thing to us, till our government be redressed and new-modelled: and therefore, though there were an enemy landed in this island, yet we must begin there, before we are fit to repulse them or defend ourselves." *Plato rediv.* 242.

(10) As this planet, by a beautiful figure, is called the *soul* of that system of which it is the center, and which without its beams would be all darkness and death; so the same just figure is applied to *liberty*, by that venerable adage, "Vita reipublicæ, pax; et animus, libertas; et corpus, leges." "Of the commonwealth peace is the life, laws the body, and liberty the *soul*." Hence I conclude that the king makes only *part of the body* of our constitution, instead of being the *soul* of it, according to the new *Fulmerian* doctrine.

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a parliament, renewable every year, must necessarily prove the most powerful incentive to men of liberal natures to apply themselves to the study of public affairs, and to recommend themselves to the esteem of their country, by their ability to serve their country. I cannot turn my eye to the sad reverse, which the present corrupt constitution of our parliament presents to us, without horror; without a loathing and disgust which I have no words to describe. Suffice it to say, that neither incapacity, ignorance, absence of all character, notorious dissipation, nor the most scandalous profligacy, are at present bars to any man's becoming an English legislator: that a borough inheritance, the patronage of a lord, or a purse that can pay down the market price of a seat, is all-sufficient for its attainment: and that, next to the want of these requisites, of all other bars to a candidate, there is none that so effectually excludes him from parliament as the possession of integrity, — that integrity which forbids him to bribe, and tells him, that, even to serve his country, he must not be guilty of an unworthy action. (11) What a contrast! — blush! blush! O England: shed tears of contrition! put on sack-cloth! and hide thy dishonoured head in the ashes of humiliation!

Here, then, ye associated saviours of your country, make an appeal to your own hearts, and say, whether it be possible to recover and to perpetuate the liberties of England, while such abuses, or any thing bearing to them the most distant resemblance, shall remain in the constitution of your parliaments. Here are seen the pernicious effects of those fatal innovations, already alluded to, as the certain sources of undue influence: these are the rank weeds, under the covert of which, misrule and the arrogance of ministers have had their birth and nurture; and hither we must resort for the causes of our present calamities, and the degradation of our country, in the society of nations, amongst whom the name of England is become a by-word of contempt.

I mean not to detract, in the least, from Mr. *Burke's* plan of retrenchment. It is a vast, a comprehensive, a glorious, plan of national œconomy, and bespeaks the hand of a master. It is a plan, which, by very greatly circumscribing corruption, will

(11) A total denial that virtue alone has recommended men to seats in parliament is not intended; much less is it intended to deny, that, by means of other recommendations, many virtuous men may obtain seats in parliament: for, the two first of the causes I have assigned are not exclusions of virtue, although they do not necessarily require it.

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will so far assist towards removing the cause: by crippling influence, it is, in effect, a blow which threatens its existence. But it must not be misunderstood. It is only “*a beginning*,” the blow must be followed by something more decisive. This plan would lop away the luxuriances, but the trunk and the root would remain untouched. What it would apparently rescue, from the all-grasping hands of placemen and pensioners, might find its way again into their pockets, through the dark channels of secret service and extraordinaries: and, without farther reform, it would not reduce the minister to a dependence upon the *honest judgement*, instead of the *bought votes*, of a majority. In short, a plan of retrenchment is one thing, and a plan for restoring, to the third estate of this realm, its constitutional authority and independence is another; it is a powerful auxiliary, but not the thing itself. Indeed, any one, who shall reflect a moment, will perceive that the two ideas are as distinct in their nature as the separate ideas of *property* and *liberty*. Even the removal of ministers, at the back of Mr. *Burke's* plan, would only be one step more in the right road, without bringing us to the goal of freedom. A new ministry might not attempt to govern by influence; and, for a while, rectitude and the distress of the times might give them support: but, as no virtuous ministers can insure virtuous successors, so we ought to have something more to depend upon than the virtue of the best: otherwise, at a favourable season, this influence might, with ease, be enlarged again to its present frightful extent. For these reasons, it would only be to deceive ourselves, were we to imagine, that forming a ministry out of the present patrons of reformation, would, of itself, be sufficient for saving this country: for, make them ministers tomorrow, and furnish them with no better engine of government than a corrupt house of commons, they could neither serve you, nor save you, if they would. Convinced themselves of this truth, they have themselves held forth the warning; for, without first rooting out undue influence, says Mr. *Fox*, with his usual strength of argument, “let them come into office with what intentions they may, they will sink in character, faster than they can rise in power. That very influence, which they are prevailed upon to cherish, as their means of strength, will become the source of their weakness. They will find, that the influence is not at their disposal. They will find every good design, which they can form, traversed and frustrated. This influence will even appear in avowed opposition to them. It will be first employed to embarrass, and at length to destroy, them.”

“ them. (12) Whoever wish for ability to serve their coun-  
 “ try MUST GET RID OF THAT KIND OF INSTRUMENT.” (13)  
 What a picture is here of crown influence! which shews,  
 that, while parliament is subject to it, a vile junto, conspiring  
 in the dark, have it in their power to betray every interest of  
 the people, notwithstanding the efforts of the most virtuous  
 ministers. Again, in the debate upon sir *George Savile's* mo-  
 tion for a fight of the *penion list*, in which it was suspected  
 there might be found, amongst other worthies, a set of gen-  
 tlemen hired to calumniate all men of public virtue, to deride  
 patriotism, and to write down the liberties of this country,  
 this powerful speaker has these decisive words: “ With re-  
 spect to the influence of the crown, the people, I know,  
 “ will have it lessened, however it may be resisted; and, for  
 “ my part, I am of opinion it ought to be ENTIRELY DE-  
 “ STROYED.” (14)

I must now, with your permission, offer a few words upon  
 certain supposed difficulties, in the way of obtaining constitu-  
 tional parliaments, and a restoration of the people's election-  
 rights. The enemies of the former, either insidiously or  
 through profound ignorance, suggest, that annual elections  
 would be annual anarchy, which, by means of septennial par-  
 liaments, now happens only once in seven years. This is not  
 only an error, but it is the reverse of truth; it is the invention  
 of the devil himself, who was a deceiver from the beginning.  
 It is refuted by the whole tenor of history for many hundred  
 years, which shews that no such disorders happened so long  
 as our election-rights remained unviolated, although unguarded  
 by such protecting laws as common prudence would dictate to  
 us; and it is contradicted by fact, by stubborn fact, which, as  
 falling within our own knowledge, and being notorious, none  
 can gainsay. The common-council (which is the house of  
 commons) of London are chosen by all the housekeepers of  
 that immense city, in an annual election, holden in every ward  
 at the same time, viz. on St. Thomas's day; and yet no one  
 ever hears of election-bribes, treats, tumults, or disorders:  
 indeed, so perfectly peaceable and quiet are these elections,  
 that I question whether a twentieth part of the kingdom know  
 even of their existence. Now the secret of all this peace and  
 quietness is nothing more than this; — the electing body is  
 very

(12) Alluding, I presume, to a memorable transaction in the  
 year 1766.  
 (13) *Speech, December 15, 1779.*  
 (14) *February 21.* See the minister's sentiments, p. xvi.

very numerous; the office is for a single year, and an undue  
 influence, on the part of the lord-mayor, being impracticable,  
 is unattempted. So would it again be, in annually electing  
 the national house of commons, were the seats in that house no  
 longer vendible commodities, and, in many instances, a mere  
 stock in trade, upon which unprincipled-adventurers can build  
 their fortunes, by joining with the ministers in betraying and  
 plundering their constituents. The fallacy of this absurd sup-  
 position lies in artfully combining the word *election* with the  
 word *disorder*, between which there is no necessary or natural  
 connexion: whereas the true connexion is between *violated*  
*election* and *disorder*; or, in other words, it is between *bribe-*  
*ry, seduction, intimidation, and undue influence, and this a-*  
*narchy and disorder*; for, free and frequent election, according  
 to the constitution, is the health of the state, the nurse of vir-  
 tue, the parent of liberty.

And it is urged, as a difficulty in the way of an equal and  
 complete representation, that all those, who now have the  
 command of boroughs, will, of course, oppose such a reform;  
 and that it would even be a severity, bordering upon injus-  
 tice, to divest them of this influence, in those cases, where a  
 borough has greatly enhanced the purchase of an estate.  
 The plea is too weak to deserve a reply. When men traffic in  
 the rights of their fellow-citizens and the liberty of their coun-  
 try, as they ought to consider the adventure hazardous, so it  
 is their business to insure accordingly. A rigid moralist might,  
 perhaps, think such a purchase, so far from a plea meriting a-  
 ny consideration, that it ought to rank very high in the list of  
 political crimes: but, in any singular instance, where the guilt  
 was small, and the loss would be very great, if the public were  
 to make a handsome present, (for I cannot even use the word  
*consideration*;) it might perhaps be an expence, not at all to  
 be regretted. But, now that it is found absolutely necessary  
 to the salvation of the state, that these sacrifices to justice should  
 be made, I despair not to see *English* nobles and men of this  
 kind of influence generously emulate the virtue of the *Athenian*  
 nobility, who, on an occasion not very dissimilar, adopted the  
 proposal of *Solon*, to discharge the mortgages they held on the  
 lands of the commons, which were then become so great, as to  
 threaten the ruin of the state; and, in commemoration of  
 which act of patriotism, the solemn feast of the *Seisachthia*  
 was instituted. (15)

But why do I coldly say, I despair not? Why can I suspect  
 a moment that these men, the advocates for essential reforma-  
 tion,  
 (15) *Plutarch, 218.*

tion, will hesitate to do a mere act of justice; when I have already seen, amongst their nearest associates, examples of public spirit, nothing short of the *Athenian* virtue I have celebrated? They well know that an absolute power over the votes of a borough, which annihilates free election; that a monopoly of representation, a thousand-fold beyond what is just; the power of a lord, to send six, eight, or ten, men, to represent *him* in the *house of commons*; are all against law and the constitution. They know that these are the grievances which call loudest for redress,—that these are the gross abuses which most demand correction,—these the exorbitances which require reduction,—and that these are the sinecures which want rescinding and abolishing, before parliament can be purged of undue influence, and health return to the state. But the work of reformation is begun; the call is serious and earnest; and the noblest examples have already been set;—examples, such as cannot fail to fire with emulation every bosom, not callous to the old *English* sensations of generosity, and to inspire the liberal mind with contempt for every selfish principle that comes in competition with the glorious, the godlike, idea, of restoring the liberties of our country, and laying the broad foundations of public security, virtue, and happiness, in JUSTICE TO ALL.

And here I will remind you, that Mr. Fox, at the Westminster meeting, February 2, takes notice, that the present advocates, for crown influence and corruption, attempt to justify themselves and to resist reformation, by advancing, that “this is a reform, originating from men who never attempted it themselves when they possessed the power; whigs, as well as tories, have been equally guilty;” upon which he remarks, “In this charge there is some foundation, but no argument.” In these words of wisdom and magnanimity, taken together with his other declarations, there is a solid assurance to the people, that he sees the consummate folly of a corrupt system of government; and, in all parts of his eloquent oration, in the whole of his late actions, there glows so pure and animated a spirit of liberty, that he is pledged, by every tie which can bind an honest man, by those irresistible convictions which are all-powerful in the intelligent mind, and by every sympathetic and attractive feeling, that actuates a manly, generous, nature, for making the constitution alone his rule of reforming. He, as well as others engaged in the same work, hath already given other manifestations than ever were given by the *Pulteneys* and the *Walpoles* of past times, of their being actuated by public, and not by selfish, motives; and, I trust, they never can endure the idea of their names rotting and stinking to all eternity with the

the detested names of those impostors. No: from the reverence I bear to human nature, from the belief I hold, that patriotism is an existent principle in the mind, I will assure myself that they have another kind of ambition, and seek to hand down their names to future ages, on the same roll of fame, on which the favours of free states, and the resisters of tyrants, are recorded.

A genius of such magnitude as his of whom I have just spoken, and a spirit of such intelligence and intrepidity, may well be expected to make up to us the loss of a *Chatham*; and the deepest statesmen may be rivalled by the wonderful abilities of a *Burke*: so that, while we see such men firmly united with others of the greatest talents, dignity, and disinterestedness, in restoring œconomy to the state, independence to the legislature, and freedom to the people, and that the people are united in their praise and support, — we may free our minds from the apprehension of any narrow, temporising, pitiful, project, for patching and plastering the sores of our constitution, when a radical cure, a renovation of it, is what the time demands; and what alone can save this otherwise devoted country: and we may expect the æra to produce a rival even to an *Alfred*, — the greatest by far of all English names, — to supply the deficiencies of a *Chatham*, who only intoxicated the state with false notions of its strength and resources, instead of restoring the constitution.

The argument, hitherto used by too many men in parliament, that the influence of the crown must be opposed little by little, step by step, and subdued, like the hydra, by one head at a time, I always thought fallacious; because I have observed that for every step the crown takes a stride; so that, by this step-by-step work, we have been so far from gaining a single inch of ground for these ninety-two years past, that we have been continually advancing backwards, if I may so express myself; for, if undue influence be not greater now than it was then, for what are you associated? But, if the argument was a bad one when referring only to parliamentary opposition, it must be the worst imaginable in respect to the proceedings of an associated people: because there can now be no occasion to mince the plan of operation into fragments, nor to leave undone any part of that which is necessary to our future security. The question is not now to be disposed of by a bought majority of placemen and pensioners, interested to perpetuate imperfection; but to be maturely weighed and calmly decided upon by the collected wisdom and justice of the nation, whose interest it is that it should

should be as perfect as possible. As the people cannot be supposed to be unjust to themselves; as they cannot approve of any dregs being left of that servitude from whence have sprung all their sufferings and all their apprehensions; as they cannot want power to restore and to defend the whole of their rights; nor be suspected of not wishing to enjoy the liberty of *English* citizens in its full extent; so there can at this time be no possible plea for admitting into the plan of reformation a single provision, contrary to, or short of, any one known and acknowledged principle of the constitution and unalterable maxim of law: but the annihilation of undue influence must be effected by completely reforming what is evidently unjust and unconstitutional in the constituting of the house of commons; and, the nearer the plan can be brought to simplicity itself and absolute purity, the more it will be understood by the people, the more it will meet with their approbation, the longer will posterity have reason to bless those who form it, and the greater will be their own inward satisfaction.

But, in the midst of our efforts against undue influence, it is become necessary, it seems, to prove that it *ought* to be removed. The king's minister has avowed, that *any attempt at the diminution of the influence of the crown is to be resisted.*" (16) There have been times, I believe, when such an assertion, in an *English* house of commons, might have procured the noble lord an apartment in the Tower. What! shall it be avowed, in the very face of parliament, that an attempt to restrain the machinations of treason,—treason the most pernicious, as it strikes at the very souls of the citizens as well as the existence of the state, (17) — is to be resisted by the king's ministers!

(16) February 14, 1780.

(17) "Treason," says lord Somers, p. 8, "is a betraying of THE STATE; and the first and highest treason is that which is committed against THE CONSTITUTION: and they are the TRAITORS who design and pursue the subversion of it: — they are the REBELS that go about to overthrow the government [a balance of power between king, lords, and commons] of their country: whereas such as seek to support and defend it are [from the old French, *loy, loy*, signifying LAW, not *royalty*] the truly LOYAL persons, and do act conformably to the ties and obligations of fealty." And, as the learned Selden informs us, (see his work on government, published by Bacon,) "Treason was anciently used as a crime of breach of trust, or *fealty*: now it grows into a sadder temper, and is made all one with *læsa ma-*  
" *jestas* ;

ministers! In the reign of queen *Anne*, when a time-serving bishop, in the house of lords, ventured to talk of the propriety of a minister's being always able to carry a majority by means of crown influence, the whole house, as if struck with thunder, was in an uproar, and the nation resounded with exclamations of horror at so diabolical a doctrine. But our ears, alas! are so accustomed to such language; our minds are become so familiar with the idea of corruption; that we tamely listen to lectures in proof of its rectitude, and we suffer the teachers of this impiety, and their worse than epicurean disciples, to take an undisputed possession of those sacred seats which clean-handed integrity alone ought to occupy, for the guardianship of our property, our welfare, our liberty, our religion.

I am free to assert, so self-evident is the truth, that, during the darkest midnight of papal superstition, there never was adopted, by the ignorance and credulity of mankind, an error, more gross or more degrading to the human mind than this, of supposing it necessary to the conducting of our government, that a minister should always have, by the gift of places, pensions, and other douceurs, that influence over parliament which may secure a majority in support of his measures. It is the same as to maintain, that it is necessary to the security of our property that our servants should be thieves, — to our domestic safety, that they should be in league with house-breakers; — and that God, when he made this world and bestowed it upon man, knew not how to provide for his well-being in society, but by authorising falsehood, bribery, and treachery; and making it necessary to legislators to be impostors and villains. It overturns every moral obligation; it subverts the whole order of nature; nor can it be reconciled with a belief in the being of a God. The contradictions it involves so clearly manifest its absurdity, that it is astonishing, how, in an enlightened age like this, it could have gained credit for a moment. What, then, must we think of a nation,

" *jestas* ; and that *majesty*, that now-a-days is wrapped up wholly in the person of the *king*, was, in *Henry* the second's time, imparted to the *king* and *kingdom*, as in the first time it was more related to the *kingdom*. *Treason* at first concerned matters acted against the *nation*; afterwards it reached to matters acted against the *king*; now it reacheth even to the very *thoughts and imaginations of the heart*." See the Statute. — He who is bribed to betray the interest of his constituents, and thereby to destroy the balance between king and people, and he who gives the bribe, are both TRAITORS to the state.

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tion, which hath so long suffered this maxim of madness to become the practical principle of all government! How shall we account for so fatal a delusion! — Look back into the foregoing pages. It is there accounted for. The third estate of the realm makes now, in a manner, no part of the government. Its share of dominion is gone from it, and is swallowed up by the aristocratical and monarchical powers, and it is to be received as a solid maxim in politics, that, 'To the bulk of any nation, destined to *labour* and not to *study*, to *act* and not to *speculate*, the enjoying the *possession* and constant *exercise* of its legislative rights are the *only possible means* by which it can preserve a knowledge, or even retain an idea, of those rights, how obvious and palpable soever they may be to the thinking mind.' Why hath the Almighty ordained a sabbath, and commanded that we shall so constantly repeat the exercise of religious duties, and recognize those simple truths upon which they depend, but because the constancy of such exercises and recollections is absolutely necessary to prevent our sinking into ignorance and becoming the slaves of sin?

Although the disproof of a negative proposition establishes the affirmative to which that negative was opposed, and it might thence be inferred that there is no need to shew how the business of our government might be carried on without any undue influence over parliament, yet, perhaps, it may not be amiss to say a few words in elucidation of that proposition. I will, then, suppose that neither pensioner, placeman, nor minister, of the crown, (18) have a single vote in the house of commons, and that that house is elected by all the males in the kingdom, who are of age, and never for more than one year at a time; I will suppose too, its sessions to be as regular as the sittings in Westminster-hall, and that all other proper securities

(18) The ground of PRETENCE, for the unconstitutional and absurd practice of the *servants* of the *crown* being at the same time the *attorneys* of the *people*, is because they can always give the house *information* on all official business of state; whereas the FACT is, that they constantly refuse to give any information, and make it their business to *deceive*, to *trifle* with, and to *insult*, the house upon all questions of *information*. That the rights and liberties of the *people* should be entrusted with the principal servants of the *crown*, who are the very men of all others not to be entrusted with such a deposit, is an absurdity the most glaring and a custom most pernicious. Let parliament command their attendance where it wants their information: but, in general, the *clerks* would be the best informants.

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securities are had for guarding every avenue against undue influence, from either of the other two branches of the legislature; and that the evident impracticability of bribing a majority of the whole nation, and of governing by corruption, when men are thus sent to parliament for their virtue, and cannot sell themselves to the minister, if they would, for more than a single session, shall, as it needs must, cause him to abandon the idea of bribery altogether, unless, at his prayer, he could cause it to rain guineas, or persuade the bowels of the earth to give him up all their hidden treasures. Well; is government therefore to be at a stand? assuredly not. The very reverse will be the truth; and now it is that it will go on smoothly and beneficially. Faction only opposes for the sake of its bribe, or for the acquisition of arbitrary power. But, when the minister cannot afford to bribe it, and when he himself, instead of the imperious master of the state, is become its dutiful servant; instead of an insolent dictator to parliament, is a mere man of office, under the rod of its authority: to become such a minister, will not be the aim of faction; to bawl for that which is not to be had, will not be its employment: so that, it is plain, with such a reformation, faction must expire. A minister must then, of necessity, be a wise, virtuous, diligent, statesman; for, to no other will his station be an object of ambition; (19) and, if his plans have any imperfections, such a parliament, for its own ease as well as in consideration of its constituents, (who then will be attended to,) will aid him, with its collected wisdom, to give them effect and dispatch. And then, too, a minister will no longer have self as one of the grand objects of his care, nor be distracted nor diverted from national concerns by those endless cares and operations of generalship imposed upon him, while faction with faction wages eternal war; or while, as at present, a corrupt faction is making war upon the common sense, the integrity, and dearest interests, of a whole nation. He will then, too, no longer be under a necessity of entrusting the execution

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(19) So long as the minority shall make reformation their road to power, we need not be much alarmed at their ambition. If I mistake not, the end, to which their measures point, is the restoring of that power to *the people*, to which they have a right by the constitution: whereby the people will be in power, and they (if made ministers) only in authority during good behaviour, as the word *minister* imports; and not, as now it is commonly understood to signify, a *grand vizier*, whom neither the prayers nor curses of a people can remove.

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ecution of all his plans with men who have no other merit than being the brothers, cousins, or borough tools, of prostitute members of parliament; and of parcelling out all employments in the service of the state in iniquitous jobs for the support of his own power; whereby it now too frequently happens, that the recommendations to office and trust are only in proportion to the absence of integrity and the extent of servility; an ample source of national miscarriage! On the contrary, it will become necessary to his establishment in power, which can alone depend upon his reputation for wisdom and success, to employ none but men of honour and ability, and even to keep these to their duty and fidelity, by the maintenance of strict discipline and a knowledge of their constant amenableness, not only to him and their superiors, in their respective departments, but likewise to an uncorrupt and inquisitive parliament. But the universal good effects, here so slightly touched on, of having such a parliament, are so obvious, that, how any man can conceive it necessary for the smallest particle of crown influence to govern its deliberations or warp its decisions from the free line of perfect spontaneity, I cannot possibly comprehend. For my own part, I can never be persuaded that a single particle of soot can add to the natural whiteness of snow; that soundness can be made more sound by infusing corruption; or purity be improved by the touch of impurity.

To conclude: When I reflect that this kingdom hath not wanted the light of revelation to have kept it in the paths of wisdom, and when I call to mind the latter periods of former states, particularly those mentioned in sacred history,—a history purposely conveying to us lessons of national as well as private morality,—I confess that my mind is possessed by a religious awe; and that I am brought wholly to distrust the efficacy of any human means whatsoever towards national salvation, except such alone as shall be of so pure a nature as to merit and obtain a divine blessing upon them.

There is no rational principle of *union* but **RECTITUDE**; there is no effectual bond of *unanimity* but where **COMMON RIGHT, COMMON BENEFIT, and COMMON LIBERTY**, are entwined, so that none have cause to complain, none to reproach any other with having done as they would not that others should have done unto them. On this ground let us, on this great occasion, well scrutinize our own motives to action; let us beware that there be not a beam in our own eye while we imagine there is a mote in the eye of our brother. Or, if the mote only be in our own, let us pluck it out: seeking the good

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of our country with that humility and teachableness of mind which characterise true wisdom; with that enlarged benevolence which shall teach us to harmonise, even in the height of free discussion and debate; and with that Christian charity which subdueth an enemy by acts of forbearance and friendship.

Here, then, let me expostulate with such as may meditate impeachments, as soon as ministers shall be deprived of their body-guard of venal senators, and stand exposed to that justice of their country which they have so long defied. I mean not to deny nor to doubt their criminality. None can see it in darker colours than I do. I see them loaded with a nation's pillage; I see them destroying its commerce and undermining its credit; I see them trampling on the laws of their country; I see them polluted with corruptions, deadly to liberty, deadly to virtue; I see them bathed in lakes of blood, streaming from the veins of countless fellow-creatures,—**ENGLISH, and the kindred of ENGLISH.**—I see all this; and I know that blood for blood is the law of God and nature: but yet I have insuperable objections to retribution. A nation, so wanting in virtue as passively to have endured such wickedness,—had it in no degree been actively instrumental to it,—must, I fear, have had too great a share in the guilt, for safely passing a sentence of capital condemnation. I trust that I have been free from giving any species of aid to their works of blood, or support to their arbitrary power; I know that I have borne my strongest testimony against the one, and have laboured to limit the other within equitable bounds: but yet I am sure I would not cast the first stone of judgement against their lives. Mischief enough they have done already. I would that they might not be hunted for their heads, lest they do more in the last acts of their desperation. The executive power is still in their hands,—I would I could say only the executive,—and they might, in their fall, mix their tyrannic blood with the most patriot, the purest, blood in England. In pity to the nation, not to them, open them a safe retreat. A calm retreat they cannot have. You may pardon them, but they cannot escape punishment: impeachment may be silent, but they have an accuser within that will wring their souls; the axe may withhold its stroke, but what is the axe to the scorpions of conscience, and the worm of agonising remorse, that never dies!

But what cannot be denied I will endeavour in some degree to extenuate. These ministers *found* the barriers of the constitution broken down; they *found* a mock representation of the people; they *found* septennial parliaments; they *found* a corrupt

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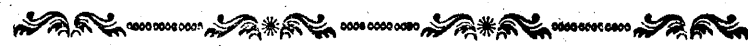
rupt legislature; they found undue influence the main spring of government; and, consequently, they found the crown in possession of an arbitrary power. Through the defects in the popular representation they originally found their own way into parliament, without the necessity of once recollecting that virtue was the proper recommendation in that pursuit; and, through that disordered medium, they worked their way into power. It was not for such men as these to conceive the pure idea of reformation, nor to comprehend the virtuous principles on which it depended. It was not for such men as these, so initiated and so raised, to be proof against the temptations of uncontrouled power, which, in general, is sufficient to melt down the sternest virtue. Let us not be surpris'd, then, that under their administration, we have seen the consummation of national folly, and nearly the consummation of national ruin; and, with our indignation, our horror, and contempt, let us mingle one drop of pity, and let it dispose us to forgive these wretched men, when we reflect that, out of the very evils which they have contributed so largely to bring upon us, the greatest national good is likely to arise; that *their abuses of power* are on the point of restoring THE LIBERTIES OF THE PEOPLE.

From ruin turn, O thoughtless nation!  
Vengeance, sleep! Wake, reformation!  
O flee not hence, sweet liberty; —  
All, all, were lost, in losing thee!

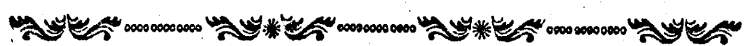
Your friend,

February 23,  
1780.

A PLEADER for the RIGHTS of the PEOPLE.



*In the Press,*  
For J. A L M O N,  
THE  
PEOPLE'S BARRIER  
AGAINST  
Undue Influence.





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T H E

People's Barrier against undue Influence :

O R,

The Commons' House of Parliament  
according to the Constitution.

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CHAPTER I.

*Principles, maxims, and primary rules, of politics.*(1)

“ **T**HE foundations of the law of England are these six: 1. The law of reason. 2. The law of God. 3. General customs of the realm. 4. Principles, otherwise called *maxims*. 5. Particular customs. 6. Acts of parliament.” *Doct. et Stud. c. v. p. 14.*

1. “A principle is a manifest and simple proposition comprehending a certain truth.” *Loff's Elements of universal Law, i. 1.(2)*

2. “Principles are the proof of every thing; but are not susceptible of external proof, being self-evident.” *Ib. 1.*

3. “If one principle be violated all are shaken.” *Ib. 2.*

4. “Against him who denies principles dispute is useless, and reason unintelligible, or disallowed, so far as he denies them.” *Ib. 2. Princip. 3. Co. 40.*

5. “The laws of nature are immutable.” *Ib. 5.*

B 6.

(1) To such of these primary rules, as have not long been received as maxims, I shall annex an R. I trust they are all of them the unavoidable conclusions of reason from first principles: and, to whatever mind they appear to be such, they become as indispensably guides of the judgement and motives of action as first principles themselves.

(2) I shall henceforth refer to this mine of treasure by the title of *the Elements* only, as having a deserved pre-eminence over all other compilations of the same kind.

- 6. " All men by nature are equal so far as relates to the *com-  
mon rights* of humanity." *Ib.* 12.
- 7. " A greater inheritance descends to every one of us from  
" *right*, and the *laws*, than from our parents." *Protest against  
Suspension of Law*, 27.
- 8. " Law is the perfection of reason." *Elements*, 271.
- 9. " The law of God and the law of the land are all one." *Keil*, 191.
- 10. " The law of England *will not endure an ABSURDITY.*" *9 Co.* 22.
- 11. " The law abhors variance, falsehood, contrariety." *Elements*, 55.
- 12. " The law opposes every thing which is *malum per se*,  
" and promotes whatever is just." *Ld Chanc. Fort. De Laud.  
Leg. Ang. Lond. ed. 1775*, p. 43.
- 13. " Law speaks to *all* with one voice." *Elements*, 272.
- 14. " The law does no iniquity; the law does injury to *no  
man.*" *Jenk. Cent.* 22.
- 15. " Equity suffers not right to be without a remedy." *Prin. Leg. et Eq.* 28.
- 16. " Law will rather suffer things against its own princi-  
" ples than that a man shall be without a remedy." *Elements*,  
56.
- 17. " Nothing which is against reason is lawful." *Co. Lit.*  
96.
- 18. " Whatever is destructive of law cannot itself be law,  
" for then the law would be *felo de se.*" *Judge Atkins*, 221.
- 19. " Whatever is done contrary to the principles of law  
" ought to be esteemed as undone." *Prot. against Suspen. of  
Law*, 28. *Princip. Leg. et Equit.* 93.
- 20. " Wrong is contrary to the principles of law." *Ib.*  
28. *Co. Lit.* 158.
- 21. " Against the law of reason, or against justice, there is  
" no prescription, or opposed *statute*, or *custom*; and, if any such  
" be made, *they be not statutes*, or *customs*, but *corruptions.*" *Doct. et Stud.* c. ii. p. 5 & 6.
- 22. " Against the law of reason, prescription, *statute*, nor  
" *custom*, may not prevail; and, if any be brought in against  
" it, they be not prescriptions, *statutes*, nor *customs*, but  
" things void and against justice." *Ib. Eng. ed.* 1668, p. 5.  
*Protest against Suspen. of Law*, 41.
- 23. " If any statute is set forth against the laws of God, [as  
" given in the Scriptures,] it ought to be esteemed of no  
" force in the law of England." *Ib.* c. vi. 18. *Prot.* 42.
- 24. " Statutes cannot exist either against reason or the law  
" divine." *Doct. et Stud.* c. 10. *de diversis Statutis.* " Be-  
" cause

- " cause these two laws cannot abate or turn aside." *Ib.* c.  
17.
- 25. " A bad custom or usage *is to be abolished*; because, in  
" customs, not *length of time*, but *solidity of reason*, is to be  
" considered." *Co. Lit.* 141. *Princip.* 58. *Lit.* §. 212.
- 26. " No prescription, no *length of time*, destroys or wea-  
" kens the rights of truth and nature." *Elements*, 181. See  
*Lactantius.*
- 27. " Laws incompatible with the constitution are in themselves  
" VOID." *Ib.* 291.
- 28. " AN UNJUST LAW IS NO LAW." *Ib.* 271.
- 29. " What the parliament doth "*shall be holden for nought,*"  
" whensoever it shall enact that which is contrary to the rights  
" of nature, or the principles of the constitution." *Sharp's  
Decl. Peop. Ri.* p. 236. *Ld Coke, Proeme to 2d Inst. Leg. Ri.  
Vin.* 62.
- 30. " Those men, who set aside the law of the land, do  
" thereby incur a perpetual stain of infamy." *Prin. Leg. et  
Equit.* 53. *Glanvil, lib. ii. c.* 19.
- 31. " WHAT THOU Wouldest NOT HAVE DONE TO THY-  
" SELF DO NOT THOU TO ANOTHER." *Elements*, 6.
- 32. " THOU SHALT NOT DO EVIL THAT GOOD MAY COME  
" OF IT." (3) *Ib.* 214. *Princip.* 11. *Co.* 74.
- 33. " Justice must be denied to no man." *Prot.* 43. *Jenk.  
Cent.* 176. *Prin. Leg. et Equit.* 47.
- 34. " Justice must be done to every man" whatsoever.  
*Prot.* 43.
- 35. " Justice must neither be denied nor *delayed.*" *Prot.*  
44. *Jenk. Cent.* 93.
- 36. " THE NECESSITY OF JUSTICE IS ETERNAL, IS SU-  
" PREME." *Elements*, 227.
- 37. " IT IS BETTER TO ENDURE ALL ADVERSITIES THAN  
" TO ASSENT TO ONE EVIL MEASURE." *3 Inst.* 23. *Prot.*  
44.
- 38. " Liberty is planted by God in the very nature of man." *Fortescue de Laud. Leg. Ang.* 41. *Prot.* 22.
- 39. " The liberty of nations, and of the citizens individu-  
" ally, proceedeth of God; not from the charters or gifts of  
" kings." *Elements*, 17. *Syd.* 31.
- 40. " Liberty is inestimable." *Jenk. Cent.* 52. *Prot.* 22.
- 41. " Liberty is not a power to act what *we list*, but what is  
" just and rational." *Rights of the Kingdom*, 136. *Prot.* 22.
- 42. " Human nature implores favour in the cause of liberty  
" more than in any other cause." *Doct. et Stud.* c. xlvii. 109.  
*Prot.* 22.

(3) " As some affirm: whose damnation is just." *Rom.* iii. 8.

- 43. "Impious and cruel is he to be esteemed who favours not liberty." *Co. Lit.* 124. *Prot.* 23.
- 44. "The rights of liberty are such, as neither the violence of times, nor the power of magistrates, nor decrees or judgments, nor acts of parliament, nor the authority of the whole people, which in other things is supreme, can subvert or weaken." *Elements*, 26. *V. Cicero pro Domo.*
- 45. "Every just magistratical power is derived immediately from the PEOPLE." *Ib.* 14. *V. Sydney*, §. 20.
- 46. "The basis and highest point of government is the common consent of the PEOPLE." *Ib.* 12.
- 47. "No king of England can change or make laws, or raise taxes, without the assent or consent of his whole kingdom in parliament expressed." *De Laud. Leg. Ang.* c. 36, p. 84.
- 48. "Law, to bind all, must be assented to by all." *Prin. Leg. et Eq.* 56. See *Leg. Ri. vin.* 97.
- 49. "No man shall be bound by a law but those who assent." *Prin. Leg. et Eq.* p. 56. *Livere des Affi.* 44.
- 50. No man owes obedience to laws to which he hath not given assent, either in person or by his representative. See *Leg. Ri. vin.* 97.
- 51. To be free is to be in a condition of giving assent to the laws of the state, either in person, or by a representative in whose election we have a power to vote. See p. 20.
- 52. To be enslaved is to have no will of our own in the choice of law-makers, but to be governed by rulers whom other men have set over us. See p. 20.
- 53. "It is not law, but servitude, for the people to be held to that to which it have not assented." *Elements*, 180.
- 54. "Slavery is that state by which one is subjected to the dominion of another contrary to nature." *Ib.* 159.
- 55. Those, who are compelled to pay taxes, without being permitted to sit in the legislature, or to vote for a representative, are in a state of servitude. (4) See *Leg. Ri. vin.* 10, 31, 53, 77.
- 56. "To be taxed without being represented is contrary to the maxims of law and the first principles of the constitution." *Ld Chatham.*

57.

(4) If these maxims should prove, that the far greater part of the English nation is enslaved, I cannot help it: nature and reason will speak the truth; and it will be found more difficult to overturn the first principles of reason, and the laws of nature, than to repeal those iniquitous statutes by which they have been set aside, and the people placed in so deplorable a condition.

- 57. "Taxation and representation are inseparable." *Ld Camden.*
- 58. None can be represented who have no power to vote. *Leg. Ri. vin.* 90.
- 59. Representation is confined to the elective body which creates the representative. *Ib.* 90.
- 60. "No one can give that which he hath not." *Jenk.* art. 250. *Leg. Ri. vin.* 61.
- 61. Those individuals who make the minority of an electing body, and vote against the chosen delegate, are nevertheless represented; because he represents the body of which they are all members. (5) *R. Leg. Ri. vin.* 90.
- 62. It is not the right of every individual of the commons to have his separate representative in parliament, because that were absurd and impossible; but his right is to be in a capacity to vote, so that he may share equally with his fellow-citizens in the appointment of those who are to represent the whole body of the commons. (6) *Ib.* 90.
- 63. Legislative rights, in their full extent, had existence prior to all laws, forms of government, and compacts; for it was the exercise of those rights which produced compacts, forms of government, and laws. (7) See *Lord Abingdon's Thoughts*, 27.
- 64. The legislative rights of a citizen are his oldest inheritance, because they are inherent in his nature.
- 65. The legislative rights of citizens, being natural rights, must be equal in all men. See *Prin.* 6.
- 66. A natural right is that right which a citizen claims as being a MAN.
- 67. A natural right has no other foundation than personality. See *Leg. Ri. vin.* 32.
- 68. One man shall have one vote. See *Leg. Ri. vin.* 34.
- 69. For one man to have more than one vote is against natural justice and equality. See *Prin.* 6. *Ib.* 34, 49, 51.

70.

(5) This is virtual representation; and there is none other. The same arguments, which are brought to prove, that all are represented where only a seventh part are permitted to vote, would serve the turn just as well, although it were but one part in seventy, or seven hundred, or seventy times seven hundred, or any other number the reader pleases. "To be an Englishman, and not represented at all but in fiction and shadow, is something that wants a name." *Dial. on Prin. Const.* 90.

(6) And then it is that the law, which "speaks to all with one voice," proceeds from the common consent of all speaking with one voice.

(7) They are the same with the power of the people, according to Lord Abingdon.

( 6 )

70. If one man have more than one vote there is not an equal representation.

71. Rights which are inherent must be antecedent to, and independent of, acquired rights.

72. "It is not because electors are a CORPORATION they can give a power to bind their property; but as they are particular, private, natural, PERSONS." *Ld Ch. Just. Holt, in Ashby and White. 6 Mod. Rep. See Leg. Ri. vin. 143.*

73. Property is not a quality in the nature of man, but an accident.

74. Property is not original, not inherent; but acquired. See *Prin. 71.*

75. Property may or may not belong to a man: a right of legislation must belong to him. See *Prin. 48, 49, &c.*

76. A free man may be without property, but he cannot be without a right of assenting to the laws. *Leg. Ri. vin. 36, 37. See half the foregoing principles.*

77. Property is valuable to a man, but it doth not constitute the value of a man. See *Leg. Ri. vin. 32, 33, 160.*

78. If landed property conferred legislative rights, then votes ought to be in proportion to landed property. R. (8)

79. If votes were proportioned to landed property, and one person had monopolized the whole land, he alone would be free; all others slaves. R. (9) See *Leg. Ri. vin. 49.*

80.

(8) This is the doctrine of a warm and able friend to liberty, *Neville, in Plato redivivus*; but it led him, as of necessity it must, to admit that the grand seignor, the emperor of Morocco, and every other despotic prince, who was sole proprietor of the land, had a RIGHT to be sole ruler, and that no one of the people had any right to interfere. — The absurdity of the conclusion shews the fallacy of the principle. — See *Leg. Ri. vin. 48, 49.*

(9) It was by an actual purchase of all the lands of Egypt by the crown, the land of the priests only excepted, that the government of that kingdom became despotic. In the famine, which was very sore, Joseph "gathered up all the money that was found in the land of Egypt" for corn which he sold to the people; and, when the corn was consumed, and they came to him for more, "if money fail," said he, "give your cattle;" "and he fed them with bread, for all their cattle, for that year. When that year was ended, they came unto him the second year, and said unto him, We will not hide it from my lord, how that our money is spent; my lord also hath our herds of cattle: there is not ought left in the sight of my lord but our bodies and our LANDS." — "Buy us and our land for bread." — "And Joseph bought all the land of Egypt for Pharaoh, for the Egyptians sold every man his field, because

( 7 )

80. "Liberty is the end of the social compact, property is only the means." *Beccaria. Leg. Ri. vin. 33.*

81. A commonwealth is that state, kingdom, or empire, where no arbitrary power exists, where the highest are under the law, where law is the perfection of reason, and where justice has but one weight and one measure for all ranks and orders of men; for there truly is a common weal. See *Elements, 169, 255.*

82. A constitution of government, erected on truth, reason, and common right, hath intellectual and perfect foundations: wherefore, so long as tyranny is kept out, it groweth not old like things corporeal and imperfect. (10) R. *Leg. Ri. vin. 20.*

83. "A commonwealth, if virtuous, may despise the stroke of fate, and see the world's last hour." *Elements, 249.*

84. In such a constitution there is an inherent quality and principle of renovation; its natural tendency is towards improvement and perpetuity; and it is proof against every power of destruction except suicide. R. *Leg. Ri. vin. 19, 20.*

85. A constitution of any other description hath in its own bosom the seeds of ruin; for, where there is legalized tyranny in any form or degree, it is necessarily introductive of evil, and its natural tendency is to corruption, decay, and political death. R. *Leg. Ri. vin. 21.*

86. "Even in the best-constituted commonwealth there is a perpetual accumulation of something which will require reform; for which reason there is a necessity of often recurring to first principles." R. *Elements, 185. Mach. iii. c. 1.*

87.

"because the famine prevailed over them: so the land became Pharaoh's."

Now mark the horrible consequences!

"And, as for the people, he removed them to cities, from one end of the borders of Egypt even to the other end thereof." in order, no doubt, that none should any more have before their eyes those paternal fields, so unjustly, so cruelly, wrested from them; lest they should be instigated, by the sight of a patrimony with which they had enjoyed freedom, to resume their rights, and shake off the yoke of tyranny which this lord of the treasury had so artfully wreathed round their necks. Inhuman policy! If the virtuous Joseph, for want of constitutional limitations to his power and influence, could thus employ them against the liberties of mankind, where shall we find a minister that ought to possess an uncontrouled power! See *Gen. ch. xvii.*

(10) The body politic is a figure of speech which misleads many into an erroneous comparison between a natural body and a society or community of men. The existence of the latter may continue to the end of time, that of the former is sure of a speedy dissolution.

- 87. "As often as any thing is CORRUPTED, or doubtful, we should recur to first principles." *Ib.* 2.
- 88. "To revert to first principles is not to innovate; but it is to remove innovations which have corrupted the laws and impaired freedom." R. See *Ib.* 239, 1101.
- 89. "Before laws, a constitution must have existed; and, before a constitution, there must have been a PEOPLE." *Ld. Abingdon's Thoughts*, 27.
- 90. "All powers are derived from the PEOPLE." *Ib.* 27.
- 91. "The constitution of a state is subject to the PEOPLE." *Elements*, 173.
- 92. By the same inherent and supreme power, by which the people create a constitution, they can repair it when decayed, or they can at any time amend it as they see fit. See *Locke, Milton, Sydney, Harrington, &c. &c. &c.*
- 93. The legislative power, being a delegated power, is consequently a subordinate and a limited power. *Lord Abingdon's Thoughts*, 27, 28, 43.
- 94. "If the legislative power exceed its limits, its act is no more, as to right and authority, than the act of a private society against the will of the community: as to honour and good faith, it is much worse." *Elements*, 173.
- 95. "Obedience is due to the laws, when founded on the constitution: but, when they are subversive of the constitution, then disobedience, instead of obedience, is due, and RESISTANCE BECOMES THE LAW OF THE LAND." *Lord Abingdon's Thoughts*, 17.
- 96. Parliaments being for the speedy remedy of bad laws, and the supply of such new ones as may be necessary to the welfare of the state, their institution requires that they have sittings very frequently, and at a certainty. R. *Johnson's Works*, 279, on *Parliaments at a Certainty*. *Ld. Chanc. Fortes. De Laud. Leg. Angl.* c. xviii. liii. liv. *Leg. Ri. vin.* 184, 187. *Brañon*.
- 97. If there be a power in any one, which can prevent the sitting of parliaments without its own consent, he can at his pleasure prevent the repeal or amendment of bad laws, as well as the enacting of new statutes, although ever so necessary to the state. R. *Leg. Ri. vin.* 188. *Johnson*, p. 279. *Plato Rediv.* 114. *Iconoclastes*, 25, 69.
- 98. "A power which ought never to be used ought not to exist." *Leg. Ri. vin.* 188.
- 99. "Prerogative is a power vested in the crown, not to counteract the higher power of the law, but, if at any time there should be occasion, to supply its deficiencies." *Lord Abingdon's Thoughts*, 27.

- 100. "Prerogative is a power of doing public good without a rule:" *i. e.* where an adequate rule cannot be provided. *Locke, Civ. Gov.* b. ii. §. 166. *Leg. Ri. vin.* 186.
- 101. Where an adequate rule is or can be provided, there is no prerogative: for, if there were, prerogative would be of the same authority as law. *Ib.* 161, 163. *Leg. Ri. vin.* 186.
- 102. "The law is the most high inheritance that the king has; for, if the law was not, there would be no king, nor inheritance. *Year-Book*, 19 Hen. VI. 63. *Prot.* 48.
- 103. "There is no king where will rules and not law." *Prot.* 48.
- 104. "Cease to reign if you will not do justice." *Prot.* 49.
- 105. "TYRANNY IS NO GOVERNMENT: DESPOTISM HAS NO CONSTITUTION." *Elements*, 173.
- 106. "The PEACE of SERVITUDE is worse than the WAR of FREEDOM." *Ib.* 169. *Sydney*, c. ii. §. 26.
- 107. "An instrument, the most incompatible with the ends of freedom and happiness, is CORRUPTION." *Ib.* 160.
- 108. "Liberty is the parent of commerce." *Elements*, 121. *V. Anderson on Agric.*
- 109. "That commerce is most to be esteemed, which employs most individuals, best nourishes the health and strength of the citizens, is most certain," but not capable of bestowing upon its pursuers sudden wealth. R. *Ib.* 120.
- 110. "THE ART OF POLITICS is the just application of COMMON SENSE to public affairs." *Locke, Pol. Dis. Preface. Elements*, 103.

The importance of these foundations of our government and liberties will occur at every page of the following chapters.

I would to God that the people would cease to be the victims of self-delusion; — that they would cease to attribute to the minister or the cabinet of the day all the sickness of the state, which has been diseased for ages; — and that they would cease to look up to any fellow-citizens as powerful to work a cure, provided they were put in authority. It is in THEMSELVES they must seek the cure. It is in THEMSELVES they must find a redress of wrongs, and a recovery of rights. It is not right, — it is not fitting, — that A PEOPLE look up to a few individuals, because they can talk eloquently, because they be capable of conducting public business, or even because they be men of integrity. No: all men ought to look up to THE PEOPLE, and to recommend themselves, to public trust and confidence, by an inflexible adherence, in all situations, in all circumstances, on all occasions, and under all temptations, to the rules of strict justice, to the unwarped doctrines of the constitution,

( 10 )

stitution, and to the genuine principles of freedom. Then, let THE PEOPLE first call into action and authority those perceptions of natural reason and justice which abound in every honest man's mind, and those fundamental maxims of our law which he carries in his heart, and understands by his common sense: let these become the safe regulators of our councils, the actuating springs of conduct throughout the numerous bands of Englishmen now associated and associating, in all quarters of the kingdom, for the public safety and preservation! Men of worth; men of wisdom, will always be found to do the will of a free nation, intelligent of its own good and true to its own interests.

## CHAPTER II.

*In our ancient parliaments all the commons were represented; their elections were annual, or more frequent; and it was in the constitution of parliaments, that they assembled and sat at a certainty for time and place, besides being at the occasional call of the crown for extraordinary business. The RIGHTS of the PEOPLE, however, have better foundations than the best ancient usages.*

IT is acknowledged on all hands, that, by the constitution of this realm, the legislature thereof ought to be composed of king, lords of parliament, and representatives of the commonalty, or commons; and that the very term of *representatives* implies that the house of commons ought, *sometimes at least*, to be re-chosen.

The business is now to enquire, first,

Who are the commonalty, or commons? and, secondly,

How often ought their representatives to be re-chosen?

1. Who the commons are, judge Blackstone will tell us.

"The commonalty," says he, "like the nobility, are divided into several degrees; and, as the lords, though different in rank, yet all of them are peers in respect of their nobility, so the commoners, though some are greatly superior to others, yet *all are in law peers*, in respect of their want of nobility." (11) So that, after setting the king and the peers apart, the rest of the community, (for there is no reservation or exception,) it should seem, are the *commons*.

But every one knows that only a part of these are concerned in electing the house of commons, for all those who have not *forty shillings a year freehold* are excluded from voting. If these persons be actually included in the judge's definition of the *commonalty*, then the said house, *as at present it is constituted*, is not a representation of the *commons*, but of *part* only of that body, and

(11) *Blackstone*, i. 403. 2 *Inst.* 29.

( 11 )

and ought to be called the house of *certain of the commons*: if, on the other hand, these persons, who are denied the privilege of voting, be *not* included within the judge's definition, we must find some other definition that will explain to what class they belong. Now, as persons having no share whatsoever, either in person or by representatives chosen by themselves, in *assenting to the laws which they are compelled to obey*, we shall find definitions of them in no less than five of the *principles*\* recited in the foregoing chapter, by which they are undeniably proved to be *slaves*. That cannot be, it will be said; and I shall be told, on the authorities of baron *Thompson*, and lord chief-justice *Holt*, and the *courts of justice* in which they severally presided, that even "an *enslaved negro*, on his setting foot on *English ground*, instantly becomes free." (12) — This, I grant, is very good *constitutional law*, and true *English theory*; but it doth not prove that the *practical* operation of *unconstitutional statutes* hath not made *slaves* of all the Englishmen in question; for they are precisely within the definition of an *enslaved negro*, — "they are governed by rulers whom *other men* have set over them." But I shall be told again: that they are not *slaves*, because the poorest labourer may choose his employer and is paid his hire; that all are protected in their rights by the courts of law; that they are capable of acquiring a freehold, and may then share in the legislation of the community. My answer to this is, that a slave may be permitted to hold property, a slave may be indulgently treated, a slave may be capable of acquiring his freedom, (13) a slave may have a *certain protection* from the law; but, *unless he be a party in the electing of those who make and alter the law, he is still a slave*. The conclusion is unavoidable, and I cannot help it. How *three unconstitutional statutes* (for they are no more) should have placed *ENGLISHMEN* in this predicament, subverting every foundation of the constitution, and in contradiction to every maxim, to the whole tenor and spirit of our law, is worth the consideration of the public; especially if in the following pages it should appear, that here lies the chief root of the calamities of our country; that hither we must resort, if we would rationally

C 2

\* See *Prin.* 51, 52, 53, 54, 55.

(12) See the case of *Gallway* versus *Caddee*, and *Salkeld's Reports*, ii. 666.

(13) In the *Spanish West-Indies* there is a certain price, fixed by law, upon a day's freedom in the week; whereby any slave may buy his liberty, day by day, until he become quite a free subject; and, in order thereto, he is at first allowed a certain part of his time to himself, and to have a property in whatever his industry may acquire within that time.

tionally account for the immoveable power of *incapable ministers*, the *corruption of parliaments*, or the *undue influence of the crown*. It ought to surprise and shock my reader, when he is informed that the *enslaved part of his countrymen amounts to one million two hundred and eighty thousand*, while those who are *free* are no more than *two hundred and fourteen thousand*. (14) That, however, is a digression from the point in hand, which is to ascertain whether *both parties*, and all of each party, are intended to be included in the foregoing definition of the *commonalty*, or commons. Let the learned judge himself decide. After enlarging upon the higher degrees amongst the *commonalty*, he gives us a "*table of their precedence*," which begins with "*the speaker of the house of commons*," and ends with "*esquires, gentlemen, yeomen, tradesmen, artificers, and labourers*." (15) Then again, he treats of the three first of these separately, and ends the chapter thus:—"The rest of the *commonalty* are *tradesmen, artificers, and labourers*; who (as well as all others) must, in pursuance of the statute 1 Hen. V. c. 5. be styled by the name and addition of their *estate, degree, or mystery*, in all actions and other legal *proceedings*." (16) So then there is no longer any doubt, but that *all below the degree of a lord* are of "*the commonalty*," and that *all the commonalty* "*are in law peers*," or equals. Whenever the *three statutes*, to which I have alluded, shall be called upon to try their strength against the *constitution*, I believe they will find *it is hard to kick against the pricks*.

2. In answer to the second question, — How often ought the representatives of the *commonalty* to be re-chosen? —

I will first produce the *testimony* and the *practice* of ancient times. The *demonstration* of the right of the commons in that respect, by unerring principles, shall follow.

In *An Essay concerning Parliaments at a Certainty*, written very soon after the revolution in 1688, by a learned and faithful advocate for the constitution, we are informed that parliaments, under the title of *folk-motes*, (17) or meetings of the folk, or people, consisting of the princes, bishops, magistrates, and

(14) *Leg. Ri. vin.* 112. These numbers include only males of one and twenty years old and upwards.

(15) *Blackstone's Com.* i. 405.

(16) P. 407.

(17) The *wittenagemote*, or assembly of *wise men*, was the same thing, only that this was an appellation given them, by the king and others, from respect, but could not be made use of by themselves, as it would have been self-compliment. *Johnson's works*, 289.

and the *freemen*, (18) were held in the reign of Arthur, the British king, about an. 520; that their elections and sessions were *annual*; that their *regular* meetings were at the call of the *law*, and not of the *king*, for they were by law fixed to the beginning of the kalends of May; that they were also stationary as to place; that, besides this anniversary and fixed meeting of a parliament in May, the king had the prerogative of calling one at any other time of the year, and to any place, as the *ardua contingencia*, or contingencies of state, might require. (19)

The author cites the laws of *Edw. the Confessor* [*Chap. de Greve*, num. 35] as an authority for *Arthur's* holding such parliaments, or folk-motes; and that of *Radulphus de Diceto*, in his *Abbrev. Chron.* p. 439, to shew that the more ancient French kings also presided in an assembly of the whole nation upon the *kalends of May*: from whence, and by a comparison of all their functions, and rules, and practices, he concludes that one was an exact copy of the other.

But he observes, that, however imperfect this evidence may be esteemed, we have clear law and history to shew how parliaments stood in *Alfred's* time; and he quotes the learned *Horne*, who lived in the reigns of *Ed. I.* and *Ed. II.* for its being enacted, by the parliament of Alfred, that "two times yearly, or oftener if need were, in time of peace, a parliament should assemble at London," &c. (20)

"In this passage," says he, "the two times a year seem to be stationary; the calling a parliament oftener than two times a year, *if need were*, is plainly intended for contingencies of state, or when the *ardua regni*, or extraordinary affairs

(18) "*Freeman*" here does not signify one possessed of an *artificial, manufactured*, freedom, such as that which makes A a *freeman of Saltash*, or B a *freeman of Old Sarum*; but a *citizen* merely, and every citizen: for, the period here spoken of was some centuries before *feudal vassalage* was mixed with *English liberty*; and the expression was in constant use, as a *perpetual assertion* of the right of the meanest of the *folk* to freedom, against which it was always seen that *elevation* and *power* had a natural tendency to make encroachments. But whenever, in later periods, such an expression may be understood to distinguish men as not being the *villains*, it is to be remembered, that it will nevertheless fully prove, that liberty is the *inheritance* of every modern Englishman, (had he no better title,) because the condition of a *villain* has been unknown amongst us for several centuries, and every subject is *in law* a *FREE MAN*, and justice in the courts shall be done "as well to the poor as to the rich," as expressed in 2 Hen. IV. c. 1.

(19) This is the *constitutional* extent of the prerogative. See *Prim.* 96, 97, 101. See also *Leg. Ri. vin.* 189.

(20) *Mirroure*, 10.

( 14 )

“ fairs of the nation, require an extraordinary parliament. I  
 “ say, and will make it out to all the world, by laws and  
 “ declarations of parliament, that the king has a power of call-  
 “ ing parliaments *within* the law; but I never did, nor ever  
 “ will, say, to the end of my life, *that the king can hinder par-*  
 “ *liaments appointed by law.*”

After quoting another passage from *Horne*, stating the abu-  
 sion of the law, in the reign of *Ed. I.* by not holding parlia-  
 ments regularly at London, he remarks, “ that the place of a  
 “ parliament’s meeting is fixed and still at London; and that  
 “ the two times a year was standing law down to king *Ed. I.*  
 “ though abusions and court practices had broken in upon the  
 “ law.”

Again: “ In fir Robert Cotton’s Abridgement of the Re-  
 “ cords in the *Tower*, and in the very first page, 5 *Ed. II.* it  
 “ is ordained, That a parliament shall be held one time or two  
 “ times a year. Here, you see, the twice a year is dwindled  
 “ into once or twice.”

The next is p. 93 of the same book, 36 *Ed. III.* “ The  
 “ print, touching the yearly holding of a parliament, cap. 10,  
 “ agreeth with the record.” Now the print is, “ Item, for  
 “ maintenance of the said articles and statutes, and redress of  
 “ divers mischiefs which daily happen, a parliament shall be  
 “ holden every year, as another-time was ordained by statute.”  
 Now that statute is thus, 4 *Ed. III. c. 14.* “ Item, it is ac-  
 “ corded, That a parliament shall be holden every year once,  
 “ and more often if need be.”

Again: “ In the 50th *Ed. III. p. 138.* The parliament’s  
 “ demand or petition is this: ‘ That a parliament may be  
 “ holden *every year*; the knights of the parliament may be  
 “ chosen by *the whole* counties; and that the sheriffs may like-  
 “ wise be without brokage in court.’

Here I must break the thread of my quotations to observe,  
 that this was an honest parliament indeed, who thus remon-  
 strated with one of the wisest, best, and most renowned, kings,  
 that ever adorned the throne, for only a single omission in an-  
 nually meeting a new parliament for the profit of the realm.  
 Such an example of fidelity to their constituents would not dis-  
 credit a modern parliament; and might save that trouble,  
 which, I am inclined to think, the constituent body itself will  
 otherwise find itself under the necessity of taking. But to  
 proceed.

“ The king’s answer is this. ‘ To the parliament, *there*  
 “ *are statutes made therefore*: To the sheriffs, there is answer  
 “ made: To the knights, it is agreed that they shall be chosen  
 “ by *common consent* of every county.’

“ After

( 15 )

“ After these three laws in *Ed. III.*’s time, we come to the  
 “ 1st *Rich. II. p. 163*, where the petition or demand for a  
 “ yearly parliament is this: ‘ That a parliament may be  
 “ yearly holden in convenient place, *to redress delays in suits,*  
 “ and to end such cases as the judges doubt of.’ (21) — The  
 “ king’s answer is: ‘ It shall be as it hath been used.’

It invariably appears, that our ancient parliaments conti-  
 nued only for a *single* session, and that every time a parliament  
*met* it was a *new* one, although it were sometimes twice,  
 thrice, or even four times, in a year. The writs for calling  
 these parliaments, with the returns upon them, are, I believe,  
 preserved to this day: but we are certain that they were in the  
 Tower in the reign of *Charles II.* when *Prynne* gave a cata-  
 logue of them. Amongst this collection the series was entire,  
 from the 34th of *Edw. III.* to the 50th year, excepting only a  
 deficiency of 3. In two of those years by other testimonies it  
 appears that parliaments were called, and it is probable in the  
 third also. (22) And in the succeeding reign the series of ori-  
 ginal writs was also entire for eighteen years: besides that, for  
 other periods, the like testimony is produced. (23) But what  
 shews that prorogations were then unknown is, that, when in  
 the sixth year of *Ed. III.* he had occasion to meet his parlia-  
 ment *three* times, it was each time called by a *new* writ, and  
 created by a *new* election. In like manner, *two* parliaments  
 were called in his eleventh year, *three* in his twelfth, and *even*  
*four* in his fourteenth. There appear also to have been *two* new  
 parliaments in the seventh year of *Rich. II.* for, the immediate  
 business upon which they met having been dispatched, and the  
 session “ once determined, they presently ceased,” says *Prynne*,  
 “ to be knights, citizens, burgeses, barons, in any succee-  
 “ ding

(21) *Bracon* says, of an ambiguous or difficult cause, *respetuetur*  
*ad magnam curiam*, it shall be referred to the supreme court, or high  
 court of parliament: but, if parliaments sit not frequently, and at  
 a certainty, this is an appeal to a court that may give a very late  
 redress indeed. Such a cause, in *Charles the first*’s time, might  
 have stood adjourned for twelve years. It is also remarkable, that  
*Hen. VII.* first omitted to call a parliament *one* year, that his second  
 omission was for *two* years, (5 and 6,) the third was for *three* years,  
 (8, 9, 10,) and he afterwards reigned without a parliament for *six*  
 years successively, *viz.* from his twelfth to his nineteenth year. In  
 like manner *Hen. VIII.* governed at one-time for *six* years, (8, 9,  
 10, 11, 12, and 13,) and another time for *five* years, (16, 17, 18,  
 19, 20,) without any parliament.

(22) *Sharp*’s Declaration, 163, 164, n.

(23) *Prynne*, *Brew. Parl. Red.* p. 4, 103. *Sharp*’s Declaration,  
 163.



“ding parliaments, or councils, unless newly elected and returned to serve in them, by the king's new writs, as our law books and experience resolve.”(24)

“Then it seems they did not understand the method of prorogations, and it is unknown to me by what law it came in. If there be such a law, I never minded it; for I am speaking of the constitution, and not of innovations.”(25) Parliaments by the constitution are not to be stale; as I have seen one in my time retained about nineteen years with pensions, and another for fewer years with places and turning out of places: but, if a parliament were corrupted neither of these ways, yet a standing parliament will always stagnate, and be like a country pond which is overgrown with duck's meat.”(26)

The reasons that moved our ancestors to demand very frequent parliaments are self-evident, and the same that move every prudent man to look very frequently into his own affairs. The honest lord-chancellor Fortescue, having, in his dialogue with the prince of Wales, spoken of the admirable constitution and laws of England, and then discoursing on the frequency of parliaments, says: “And, if these statutes fall short of their intended efficacy, though devised with such great solemnity and wisdom of parliament, they may very quickly be reformed, but not without the assent of the commons and peers of the realm, which was their source from the beginning.”(27)

And

(24) Prynne's 1st part of a Brief Register, 334. 4 Ed. IV. f. 44. Brook, Officer, 25. 34 Hen. VIII. c. 24. Sharp's Declaration, 167.

(25) By Blount's Law-Dictionary, printed in 1691, it appears, that the word prorogue, for ending a session before a parliament was totally dissolved, had “not been long in use; for antiently that word and adjourn were used as synonyma.” Mr. Ruffhead, in his pref. to the Stat. also says, “heretofore adjournments and prorogations were considered as the same thing.” See p. xxiv.

Thus they occur in the time of Ed. IV. and the word prorogation is on the rolls of 8 Hen. VI. But lord Coke is careful to maintain, that prorogation, mean it what it may, must be by the power of the court itself, although the king's inclination may be first signified; for, says he, “nothing is so agreeable to natural equity, as that every thing should be dissolved by the same binding power by which it was bound.” Bracton. Co.

This does not much favour the unconstitutional power of a parliament's never assembling but at the will of the crown, and being again dismissed the moment it hath assembled, if such be the crown's good pleasure.

(26) Johnson, p. 285.

(27) C. 18. Johnson, 278.

And it was part of the constitution of these parliaments to be holden at a certainty, both in point of time and place. For my author, after citing other passages from Fortescue, remarks: that, “After all these lauds and praises of English laws, which the chancellor has stuck all over with stars quite through his book, and has made their perfection to center in this, that they either are or soon may be the best in the world, because, in case they labour under any defect, that fault may be immediately amended by a wise senate: What if that senate be no where to be found, or is at no certainty? It is then impossible to render the chancellor's Latin into English.”(28) And he very sagaciously urges: that, “if we are at a loss or uncertainty about our parliaments, we are at a loss or uncertainty about two thirds of our government,” which consists of king, lords, and commons, and ought to have its regular, periodical, and certain, sessions, as well as occasional meetings.

After many more arguments to demonstrate that parliaments had their fixed meetings, not at the will of the king to dispense with, he takes notice of a letter from Ed. I. to the pope, which is in the clause-rolls,(29) wherein he excuses himself, concerning the non-payment of the yearly tribute, on account of a distemper, which had been the cause why “he had come to no resolution in his Easter parliament, but by common advice he would give him an answer in his Michaelmas parliament.”(30) The letter was dated June 19.

That this was the law we learn also from Hume,(31) who informs us, that our kings used to repeat their coronation oaths (an excellent practice towards preventing royal perjury) thrice a year, on assembling the states at the three great festivals.

See also Ruffhead's Pref. to the Stat. ix. where it is said to have been Alfred's ordinance that the courts de more met at the three great festivals of Easter, Whitsuntide, and Christmas, and that these courts were called ealra wittenagemote, or meeting of all the wise men; and this is represented as different from the folkmete, although the latter he allows was “a yearly assembly of the people of all ranks, in the nature of an annual parliament,” where “they consulted for the common safety, about peace and war, and to promote the public good;” whence it is most probable that it was the same with the ealra wittenagemote. But the accounts differ; as Horne says this assembly,

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(28) Johnson, 279. Leg. Ri. vind. 185-189; where the absurdity of parliamentary sittings depending altogether on the will of the crown is exposed.

(29) Anno 3 Ed. I. in 9 cedula. Prynne, 158.

(30) Johnson, 283. (31) Hist. Engl. i. 329.

( 18 )

which he calls by the modern name of parliament, was to meet "twice a year, or oftener if need be," and here it is said to meet *thrice* at a certainty: yet nevertheless it is clear, from both accounts, that, whether all *three* of the meetings were certain, or *two* only certain, and the *third* as the king might see occasion, there were meetings of parliament, as THE SUPREME COURT for redress of grievances, for amendment and supply of laws, fixed at a CERTAINTY, for times and place, by LAW, and not depending altogether on the CROWN. (32) Indeed there cannot be a clearer point than that it ought to be so; for the power of the subordinate courts only extends to do justice, whereas it is parliament alone that can redress grievances arising from a defect or deficiency in the statutes, and it is a maxim, that "Justice must not be denied nor DELAYED."

And parliaments were not only to be thus summoned by new writs, and constituted by new elections, every time they met, and to assemble at a certainty as to time and place; but, says an excellent writer, "It is a fundamental principle in our constitution, and was, until the reign of Hen. VI. the invariable practice of it, that the property of the people, not one man excepted, could not be granted but by his own consent, given by himself, or his representative chosen by himself. It was upon this principle that, until that reign, every man in the kingdom gave his vote, or had a right to give his vote, for the election of representatives on whom that power was devolved. The 7th of Hen. IV. c. 15, made upon complaint of this right having been disturbed, ordains that all the people shall elect indifferently. Their being residents in the county is the only qualification required." (33)

The words of the statute are, "that from henceforth the elections of such knights be made in the form that follows: to wit, that, at the next county to be holden after the delivery of the *brief* (34) of parliament, proclamation be made in full county of the day and place of the parliament; and that all those that there be present, as well *sureties*, (35) duly summoned

(32) *Robertson*, in treating of the government of France, says, "A regulation of greater importance succeeded the institution of baillis. The king's supreme court, or parliament, was rendered fixed as to the place, and constant as to the times of its meetings." See *Hist. Ch. V. i.* 372. And this, I think, was long before the parliament of France became a mere court of justice.

(33) *Appeal to the justice and interests of the people of Great-Britain*, 5. See Principle 51.

(34) Translated, in the Statute-books, *writ*.

(35) Translated *suitors*; but it probably ought to have been written *sureties*; and then it would signify the *sureties*, or *manucaptors*,

( 19 )

"summoned for this cause, as others, shall attend to the election of their knights for the parliament, and then, in full county, shall proceed to election *freely and indifferently*, notwithstanding any request or commandment to the contrary."

This act was confirmed and strengthened by another in the eleventh year of the same king, (36) in which it is filed "a statute for the preservation of the liberties and franchises of the election of the knights of shires used throughout the realm." But above forty years earlier (37) this doctrine was asserted from the *King's-bench*, as the immemorial law of the land, by *sr Robert Thorpe*, who says: "Although proclamation be not made in the county, every one is bound to take notice of that which is done in parliament; for, as soon as the parliament hath concluded any thing, the LAW intends that every person hath notice thereof; for the parliament represents the body of the WHOLE nation, and therefore it is not requisite that any proclamation be made." (38)

After the host of authorities which I have given for this doctrine in the foregoing chapter, (39) it may be superfluous to cite others; therefore I will only add the sentiments of one learned man upon this point. "EVERY ENGLISHMAN," says *sr Thomas Smith*, "is intended to be present in parliament, either in person or by *procurator and attorney*, (40) of what pre-eminence, state, dignity, or quality, soever he be, from the prince to the LOWEST person of England; and the consent of the parliament is taken to be every man's consent."

Thus then it appears, that, besides the wise and just provision for the certain sittings of our ancient parliaments, it has been esteemed to be the genuine doctrine of the constitution, and was then the equitable and salutary practice of it, for every individual Englishman to vote, and for elections to be annual, or more frequent. Indeed no other mode, as I will now shew, could possibly have been just and consonant to the rights of mankind; and, so far as we have departed from this line of rectitude, (and it is very far indeed,) so far are we really and

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*captors*, who were to be bound for the chosen person's attendance in parliament.

(36) C. 1. (37) 39 Ed. III.

(38) *Ruffhead's pref.* xviii.

(39) See *Prin.* 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59.

(40) I never heard an attorney called the *virtual* representative of any but the person or persons who actually appointed him. It is a new doctrine, that the attorney of A shall dispose of the property of B, because A and B happen to reside in the same county.

truly ENSLAVED. I trust that a demonstration of these truths will be found in the several propositions of the following

DECLARATION of RIGHTS,  
Without which no Englishman can be a free man, nor the English nation a free people.

I. The making of laws for this realm is, by the constitution, lodged in the hands of king, lords of parliament, and the representatives of the commons. (41)

II. Every individual of the commons (infants, insane persons, and criminals, only excepted) is, of common right, and by the laws of God, a free man, and intitled to the full enjoyment of political liberty.

III. It is essential to an Englishman's political liberty, that he have an actual share, either in legislation itself, or in the electing of those who are to frame the laws; which, although they ought to protect him in the full enjoyment of those absolute rights that are vested in him by the immutable laws of nature, may yet be fabricated to the destruction of his person, his property, his religious freedom, family, and fame.

IV. It is the right of the commons of England to elect a new house of parliament once at least in every year: because, whenever a parliament continues in being for a longer term than one session, then thousands, who have attained to man's estate (42) since it was chosen, and are therefore entitled to enter into immediate possession of that elective power which is their best and most sacred inheritance, are in that case unjustly denied their birthright and excluded from freedom.

Note 1. The rich and the poor, being of the same species, are under the same laws of nature; and, being alike capable of benefit or injury from their rulers, they necessarily have, in the election

(41) By the word representatives, I by no means intend to deny, or derogate from, the right of the commons at large; for, that the original power and authority reside in them, is implied in the very word itself.

(42) "And thus the consent of free men, born under government, which only makes them members of it, being given separately in their turns, as each comes to be of age, and not in a multitude together, people take no notice of it; and, thinking it not done at all, or not necessary, conclude they are naturally subjects as they are men," &c. Locke on Civ. Gov. b. ii. §. 117. But how is their consent given as they come of age, if they be allowed no voice wherewith they can express that consent?

election of those rulers, the same rights. But the rich, in defence of their liberty and property, have every advantage which wealth, knowledge, and the purchased services of others, can afford them; while the poor, destitute of all these, have no security but in the purity of legislation, nor any means of self-defence but in retaining their share of the elective power. The poor, then, have an equal right, but far more need, to elect representatives than the rich. He that is free possesses that which is more to be valued than riches; but, robbed of liberty, he is poor indeed!

Note 2. Those Englishmen, who have no votes for electing representatives, are not free men, as the rights of nature and the constitution of their country require, but are enslaved to the representatives of those who have votes: for, to be enslaved, is to have no will of our own in the choice of law-makers, but to be governed by rulers whom other men have set over us. This was the unhappy condition of the antient villani, or villains; who, being accounted not free, had no votes for electing representatives. But, there being now, thank God! none who are accounted in law not free, there are consequently none to whom we can pretend to deny the right of representation.

Note 3. For the making of laws, our constitution knows no such thing as a virtual representation of men who have not votes. Those, indeed, who have voted against the chosen person, or who have neglected to vote at all, are virtually represented, because the said chosen person represents the body of electors of which they are members. Beyond this there is no representation whatever. Members of parliament are the attorneys of those they represent; and who ever heard that the attorney of John shall dispose of the property of Thomas, because John and Thomas happen to reside in the same town or county!

Note 4. By the operation of ONE unconstitutional and wicked law, (the disfranchising statute of 8 Hen. VI.) enacted on false pretences, about nine tenths of the English nation are at this day totally debarred from their birthright of voting for members of parliament; which was a sacred inheritance and a right of nature, enjoyed by all their free ancestors until the enacting of that statute: (43) and, by the operation of ANOTHER iniquitous law, (the septennial act,) the remaining tenth part are debarred six years in every seven! As by the 4th article it is demonstrated, that no parliament could possess authority to prolong its own existence beyond one session, so it is also evident, that any submission, on the part of the people, to the injustice of either the septennial or triennial statutes, could not weaken their right to a sessional choice of representatives.

Note

(43) See the Stat. 7 Hen. IV. c. 15. given in page 18.

Note 5. Parliaments of one session were the usage of England from the remotest antiquity; and our right thereto stood confirmed in the written law of the land from Alfred to Charles the First, a period of about one thousand years. In all that time not a single disadvantage to liberty from the shortness of sessional parliaments was ever recorded in history. But the evils of long parliaments, — Are they not written in tears and in blood! And have such parliaments left us aught of liberty but the name!

Note 6. With the poor exception, then, of one year of freedom in every seven, and in favour only of one tenth part of the nation, it is demonstrated that the people of England are constantly taxed without being represented, and compelled to obey laws to which they never gave assent. — Are not these the very definitions of slavery! And are not Englishmen thus degraded to a level with the very cattle in the field and the sheep in the fold, which are a property to those who rule over them, and have no voice to say, Why are we bought and sold! Why are we yoked and laden with heavy burthens! Why are we fleeced and led to the slaughter!

Note 7. As parliaments are for the speedy redress of public grievances, (44) for correcting the defects in the laws that exist, for supplying their deficiencies by new ones, and for the vigilant guardianship and constant weal of the realm, there ought not to exist any power in the king, whereby, at his sole will, he may defeat all those ends, and prevent a parliament from sitting but when, and so long as, he pleases: but the high court of parliament ought, by law, regularly to assemble at an appointed time and place, and sit, at a certainty, a convenient time for the dispatch of business, and the due ordering of the weighty affairs of the state. (45) Now

(44) The preface to the Statutes of the 5th of Hen. IV. begins thus: "For to remedy and redress divers mischiefs, damages, and grievances." That to the Statutes in 36 Ed. III. thus: "To the honour and pleasure of God, and amendment of the outrageous grievances and oppressions done to the people." In cap. x. of the same year, it forms the preamble: "For maintenance of the said articles and statutes, and redress of divers mischiefs and grievances which daily happen, a parliament," &c. And, in Alfred's famous ordinance, the reason is not only expressed, of "receiving right," as to grievances already endured, but for prevention also, "for the guidance of God's people," — "how they shall keep themselves from sin," &c. The antient law-books abound with similar proofs: but the thing in its own nature is so evident, that it stands in no need of any other authority than our own common sense.

(45) And so it was in our antient parliaments, whose sessions, like those of the cortes of Arragon, [Robertson's Hist. Cha. V. i. 181. ib.

Now the NATURAL EQUALITY of mankind, or, in the words of sir T. Smith, of "Englishmen, from the prince to "the lowest person of England," besides its immoveable foundation on the principles of the law of nature, is supported in the fullest manner, and to the utmost extent, by the whole tenor of holy writ. As a perpetual declaration and memorial of this equality, which it was easy to foresee human wealth and pride in process of time would bring into question, Moses ordained, in the commonwealth of Israel, that, in presenting the offerings of all the people to the sanctuary, "the rich shall not give more, and "the poor shall not give less, than half a shekel." (46) There is no reconciling this to reason or justice on any other principle than that of asserting the equality of all men, and the common dignity of human nature, whether a man have forty pence or forty thousand pounds a year. In the election of their king, "all the people" (47) gave their voice; in the acceptance of the law, "all the people" (48) gave their assent. And the common right of the poor is very affectingly pleaded for by St. James, (49) who says, "Hearken, my beloved brethren, hath not God chosen the poor of this world, rich in "faith, and heirs of the kingdom which he hath promised to "them that love him? But ye have despised the poor. But, if "ye have respect to persons, ye commit sin." And he tells them they have not the faith of our Lord if, in their assemblies, they respect "a man with a gold ring, in goodly apparel, more than "a poor man in vile raiment." But the equality and dignity of human nature in all men, whether rich or poor, is placed in the highest point of view by St. Paul, (50) when he reprehends the Corinthian believers for their litigations one with another in the courts of law where unbelievers presided; and, as an argument of the competency of all men to judge for themselves, he alludes to that elevation in the kingdom of heaven which is promised to every man who shall be virtuous, or, in the language of that time, a saint. "Do ye not know," says he, "that "the saints shall judge the world? And, if the world shall "be judged by you, are ye unworthy to judge the smallest mat- "ters?"

ib. ii. 240.] were usually forty days, and the members had their stated wages accordingly. [Johnson, 285. Knyghton, 2682.] If the public business did not find them employment for so long a time, they were not dissolved until all persons, having application to make for redress of grievances or other sufficient cause, had notice by public proclamation to attend. [Johnson, 274.] But, on the subject of dissolution, more hereafter.

(46) Leg. Ri. viii. 198. The scripture reference is lost.  
(47) Ex. xix. 8. Josh. xxiv. 1, 16. (48) Ex. xxiv. 3.  
(49) Ep. ii. 5. (50) 1 Cor. vi.

“ ters? Know ye not that ye shall judge angels? How much more things that pertain to this life?” (51) If, after such authorities, such manifestations of truth, as these, any Christian, through those prejudices which are the effects of long habits of injustice and oppression, and teach us to “despise the poor,” shall still think it right to exclude that part of the commonalty, consisting of “tradesmen, artificers, and labourers,” or any of them, from voting in elections of members to serve in parliament, I must sincerely lament such a persuasion as a misfortune both to himself and his country. And if any man, (not having given himself the trouble to consider whether or not the scripture be an authority, but who nevertheless is a friend to the rights of mankind,) upon grounds of mere prudence, policy, or expediency, shall think it adviseable to go against the whole current of our constitutional and law maxims, by which it is self-evident that every man, as being a MAN, created FREE, born to FREEDOM, and, without it, a THING, a SLAVE, a BEAST, and shall contend for drawing a line of exclusion at freeholders of forty pounds a year, or forty shillings a year, or householders, or pot-boilers, so that all who are below that line shall not have a vote in the election of a legislative guardian, — which is taking from a citizen the power even of self-preservation, — such a man, I venture to say, is bolder than he who wrestled with the angel, for he wrestles with God himself, who established those principles in the eternal laws of nature, never to be violated by any of his creatures. And, alas! the expediency of such an exclusion is as short-sighted as the injustice of it is palpable!

We take the sad effects of our own deviations and corruptions as our guides, instead of returning to the fountain-head of the constitution, to find the true path of freedom, peace, order, virtue, and happiness. We take our ideas of the expediency of the proposed exclusions from defects in the character of the lower class, which, so far as they exist, that very exclusion has produced; we see those defects with eagle's eyes, while we are blind to our own; we fondly think poor men of no value, because we have been accustomed uncharitably to overvalue ourselves and to undervalue them, and for a long time have taken upon us to deny them that privilege which distinguishes a man from a horse; we erroneously imagine, that restoring all men to their rights would increase those election evils, which have been owing to our violating these rights, and to no other cause. We will not confide in nature and in God, who tell us, that the safety, the peace, the good order, the freedom, and the virtue, of a state

(51) See Prin. 6. 9. Leg. Ri. vind. 41. Legal Means of political Reformation, 30.

state can only be secured by JUSTICE TO ALL; but we will vainly imagine ourselves wiser than God, and, for this sage consideration of prudence, for that admirable reason of policy, and for other necessary maxim of expediency, will persuade ourselves that it will be good for the state to hold fast a certain portion of injustice, to deny to some descriptions of men at least the rights of nature, and to blend our freedom with some degree of slavery. Fatal error! lamentable, unworthy, prejudice!

The experience of all subsequent ages has verified the maxim of Homer, who says,

“ Jove fix'd it certain, that whatever day  
“ Made man a slave took half his worth away.”

While, on the contrary, it is the very praise of emancipation, that, cheering the depressed heart by imparting the valuable privileges of a citizen, and enobling the depraved mind by paying it respect and teaching it to know its own value, it eminently promotes virtue, and an orderly, decent, conduct in the humblest orders of the community; whereby it renders to the commonwealth a benefit, which wise men know to be of infinitely more value than mines of gold, and far more operative towards public peace and safety than armies of men who never tasted of true liberty, or volumes of statutes for forcing men to contribute to the good of the state, (52) in which they have no common interest, but, by the injustice of its laws, are made aliens and strangers (53) in their own country.

The dependence of all magistracy upon the voice and election of the PEOPLE was also established amongst the Israelites; and the insufficiency of ONE (although Moses himself) to govern the nation properly was acknowledged; as appears by the narrative of the institution. “And Moses' father-in-law said unto him, the thing that thou doest is not good. Thou wilt surely wear away, both thou and this people that is with thee: for this thing is too heavy for thee; thou art not able to perform it ALONE.” (54) — “And Moses spake unto them, at that time, saying, Choose ye to yourselves wise men and understanding, and known among your tribes, and I will make them rulers over you.” (55)

E But

(52) See Leg. Ri. vind. 36, 39.  
 (53) “He is a CITIZEN, not who barely inhabits a place, for that is the condition of slaves; nor who is under the protection of the laws of the state, for that belongs even to strangers who sojourn there; but he who hath a part in the LEGISLATIVE, the judicial, the executive, authority.” Vide Aristotle's Polit. b. iii. The Elements, 243.  
 (54) Ex. xviii. 17, 18.  
 (55) Deut. i. 13.

But what is most to our purpose is, that even the government of God, the all-perfect, all-powerful, creator of his subjects, the Israelites, was wholly founded in their *assent*, and even their *free election of him* to be their king. I do not mean in a spiritual sense, where also it holds good in some sort, but I mean their temporal king, when they were to agree upon the form of their political or civil government, and the choice of a temporal first-magistrate, for their protection, security, and happiness, in the country of Palestine. "Ye have seen," saith the Lord, "what I did unto the Egyptians, and how I bare you upon eagles wings, and brought you unto myself. Now, therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine. And ye shall be unto me a kingdom," &c. "And all the people answered together, and said, All that the Lord hath spoken we will do." (56) "And he took the book of the covenant, and read in the audience of the people: and they said, All that the Lord hath said will we do, and be obedient." The renewal of the covenant, or, in modern language, the compact, between God and his people, by Joshua, is no less remarkable. "And Joshua (57) gathered all the tribes of Israel," &c. "And Joshua said unto all the people," &c. "And if," says he, "it seem evil unto you to serve the Lord, choose ye this day whom ye will serve; whether the gods which your fathers served, that were on the other side of the flood, or the god of the Amorites, in whose land ye dwell: but, as for me and my house, we will serve the Lord. And the people answered and said, God forbid that we should forsake the Lord," &c. — "therefore will we also serve the Lord, for he is our God. And Joshua said unto the people, ye cannot serve the Lord, for he is an holy God," &c. "And the people said unto Joshua; Nay; but we will serve the Lord. And Joshua said unto the people, ye are witnesses against yourselves, that ye have chosen you the Lord to serve him, and they said, We are witnesses." "And the people said unto Joshua, the Lord our God will we serve, and his voice will we obey. So Joshua made a covenant with the people that day, &c." If the arbitrary will of any ruler could be a fit and proper measure of obedience in subjects, surely the will of God, which is unerring and accompanied by every good and perfect attribute, must be so; and, if it were right that any part of mankind, any individual should be excluded from assenting to the laws under which he is to live, surely it might have been when God himself was the lawgiver; but, it should

(56) Ex. xix. 4, 5, 6, 8. (57) Chap. xxiv.

seem, that, as *rational beings* and *free agents* which he had been pleased to create us, to establish his authority over us on the basis of every man's *voluntary assent* was the *only* means of reconciling to our reason the *justice* and *benevolent designs* of his government.

God was indeed a patriot king, and *Moses* and *Joshua* wife and patriot ministers! God, as an example to all other kings, insists upon the people's exercising their right of *choosing* their first magistrate and of *assenting* to the laws under which they were to live: he will neither take upon him, nor retain, the government on any other terms: and his faithful ministers knew that *his prerogative was at the highest when his people were most free.*

As God would not take upon him the civil government of their state until the people had elected him, and, by their voluntary assent, had joined in enacting the laws of the community; so neither would he retain the government any longer than it was with their free consent. Their acceptance of the covenant, by which he bound himself to govern according to the laws which Moses had presented them, was the only condition upon which he would be their king: so that, when they grew corrupt, servile, and idolatrous, and hankered after a mortal king, that might serve their gross minds as a visible idol to kneel down to, God was so far from coercing them into obedience to his authority against their will, that he immediately resigned the temporal scepter at their first request. "Now make us," say they to Samuel, "a king to judge us, like all the [idolatrous] nations. But the thing displeased Samuel, when they said: Give us a king to judge us. And Samuel prayed unto the Lord. And the Lord said unto Samuel, *Hearken unto the voice of the people* in all that they say unto thee; for they have not rejected thee, but they have rejected me, that I should not reign over them." Samuel, then, by the direction of God, foretold them what would be the manner of an earthly king; and, notwithstanding the picture was a strong portrait of tyranny, and was followed by this serious warning, "Ye shall cry out in that day because of your king," yet "nevertheless the people refused to obey the voice of Samuel, and they said, nay, but we will have a king over us, &c." "And the Lord said unto Samuel, *hearken unto their voice*, and make them a king." (58)

E 2 Thus,

(58) 1 Sam. 5, 6, 7, 11, 18, 19, 22. These stupid Israelites abolish the limited monarchy of God, the righteous and the merciful, and on him, who had been seeking asses, they confer absolute dominion;

( 28 )

Thus, then, it is established, beyond all contradiction, that "law, to bind all, must be assented to by all." *Prin.* 48. Or, in other words, that, "of right, every man ought to be his own legislator." (59)

No such thing, says an English *aet of parliament*: for, if a man have not *forty shillings a year freehold* he shall not be his own legislator, and he shall be bound by statutes, to which he is so far from assenting, that he execrates them; and he shall be taxed to the quick, although he never had, nor ever shall have, a representative. — What are we to say this? — Well; let the *aet of parliament* itself rest awhile. Suffice it at present to observe, that it has been from the operation of this statute, and from no other cause, that we have been misled so far from truth and justice as to imagine, that it was *property* alone which conferred upon any one a capacity of being *represented*. Had the same statute enacted, that none who possessed less than a forty-shilling freehold should be capable, like the slaves in the West-Indies, of giving evidence in a court of justice, I suppose, by the same rule, we should have concluded, that a man who was no forty-shilling freeholder could not be an honest man. Although a man's *property* is a fit object of attention to his representative, it by no means constitutes his *right* to have that representative. That right is inherent in him as a *rational being* endued with *free will*, capable of *happiness* and *misery*, answerable to his Creator and his fellow-creatures as a *moral agent*, and therefore necessarily created *free*.

"Commerce and property," says Beccaria, "are not the end of the social compact, but the means of obtaining that end:" so that, by making *representation* wholly dependent on *property*, "we make," according to him, "the end subservient to the means; a paralogism in all science, and particularly in all politics."

*Taxation* and *representation* ought undoubtedly to be inseparable; but then this is only a branch of the *general maxim*, only a partial application of the *universal principle*, which, considering *liberty* as the end of the social compact, decides, that "law, to bind all, must be assented to by ALL." But, even upon the partial, the narrow, ground of *property* and *taxation*, it is elsewhere abundantly proved, that every man in the community has a right to be represented in the legislature. (60) I will now only put two plain questions to the common sense of my country. Have the *one million two hundred and eighty-six thousand*

dominion; for they made not one stipulation for the controul of his arbitrary will; and then the fools "shouted, and said, God save the king." 1 Sam. x. 24.

(59) *Blackstone's Com.* i. 158. (60) *Leg. Ri. vin.* 28-32.

( 29 )

*thousand* men, who are now deprived of their legislative rights, together with their wives and children, their mothers, aunts, sisters, and female cousins, no *property* worth their care? Do the said *one million two hundred and eighty-six thousand* men, and their said wives and children, mothers, aunts, sisters, and female cousins, *pay no taxes*? Their property may possibly be inferior to that of the minor number, amongst whom are all the persons of landed estates; but to an immense amount is *funded* and *commercial* property possessed by those who have neither a freehold nor a vote in any corporation. In *London*, (61) voting is confined to the *livery*; in *Bristol*, *Liverpool*, *Norwich*, &c. to the corporation; and in *Birmingham*, *Sheffield*, *Manchester*, *Leeds*, *Wakefield*, *Halifax*, *Huddersfield*, *Barnsley*, *Bradford*, *Rotherham*, &c. the very repositories of wealth, THERE IS NO REPRESENTATION AT ALL.

Besides, I presume that the excluded persons abovementioned are *consumers* of taxable articles; and, if so, *they* are the persons who actually *pay* the taxes, although others might have first deposited the money, and they are *taxed without being represented*, which is injustice, and contrary to *maxims* without end: nay, as *consumption* is the measure of *taxation*, it is evident that the proportion of the taxes paid by them must be nearly the same as the proportion between their respective numbers, and therefore that they must contribute towards the support of government about six shillings in seven, or *eighteen shillings* in every *guinea*: and yet, I say, *they* are not represented.

In *The legislative Rights of the Commonalty vindicated*, the injustice and absurdity of this doctrine is largely treated of; and it is said, "We might as well make the possession of forty shillings a year the *proof* of a man's being *rational* as of his being *free*: there is just as much sense in one as in the other." (62)

I shall conclude this chapter with observing, that, with regard to the RIGHTS OF FREEDOM, the laws, precedents, and usages, of antiquity, as *foundations*, are in themselves not worth a straw; and that I have introduced them only by way of satisfying weak minds, which doubt whether or not they have a right to wear their noses without having a royal grant or charter for it, or some positive law in the Statute-book. To be a MAN is, at all times and in all countries, a title to LIBERTY; and he who doth not assert it deserves not the name of a MAN!

(61) A freehold estate of a thousand pounds a year, or ten times as much, in *London*, does not entitle the possessor to vote in that city, except he be of the *livery*, neither does it give him a vote in *Middlesex*.

(62) P. 25 to 54.

CHAPTER

CHAPTER III.

The first innovation against the RIGHT of a complete representation of the commons in parliament; and the subsequent innovations against the constitutional duration of parliaments.

AS it was the constitution of the high court of parliament that, assembling of its own authority, its regular anniversary sessions should be holden in London, it is probable that so it would have continued, without interruption, had it not been for the frequent wars in the heart of the kingdom, which sometimes made it impracticable. Alfred, who experienced so much of war in his time, is careful to state in the ordinance itself, which was made to perpetuate this usage, that it shall be so only "in time of peace;" for, in time of war, it was to meet where it could. When the Danes got possession of London, the parliament was then, necessarily, assembled elsewhere by summons from the king; from whence, it should seem, originated the practice of the crown to call the parliament, and to assume the sole power of judging when and whither it should be called. In process of time this was challenged as a prerogative of the crown, and hath been acquiesced in, notwithstanding it is utterly irreconcilable with the idea of the supreme court of the kingdom and an independent legislature. In fact, its ill effects were very early felt; and it is complained of by the learned and upright Horne, (63) in the time of Edward I. whose words are, "The second abusion of the law is, that, whereas parliaments ought to convene (64) for the salvation of the souls of trespassers, and this at London, and two times in the year, now-a-days they meet but seldom, and at the will of the king, for aids and gathering of treasure," &c. so that it is plain this pretended prerogative, of calling parliaments at the will of the king, is no better than an usurpation, as is the pretended prerogative also of dissolving them in the same arbitrary way. But, notwithstanding this abuse, by which our ancient kings neglected very frequently to call parliaments according to law; notwithstanding the revolution (by which the Norman bastard obtained the crown) did, for a while, greatly suspend the efficacy of the law; yet the law itself, so far as related to the legislative rights, or, in other words, the freedom of the commons to a representation of all, in annual parliaments,

(63) Mirror of Just. 282. Johnson, 274, 281.  
(64) I. e. To meet of its own authority, as fixed by law; for he does not say, "ought to be convened."

ments, continued in uninterrupted existence for about nine hundred years subsequent to the æra up to which we have traced the sitting of an English parliament; (65) and those two rights were particularly recognized; the former by Henry IV. and the latter by Edward I. and III. During this long period, our statutes and ordinances spoke no other language than what was perfectly consonant with the principles and maxims laid down in chapter I. But, ever since that period, which terminates in the very year that Henry VI. at eight years of age, was crowned king of France at Paris, they have been sadly at variance with those principles.

It was in this eighth year of that weak and infant king that the first innovation was made, whereby the legislative rights of the poor man were totally taken away, (66) and the present inequality and insufficiency of representation was introduced. It was then enacted, that none but such as possessed forty shillings a year freehold should vote in county elections; (67) cutting off, at one stroke, from the community of free men, about nineteen in twenty, as I should conceive, of the people of England, (68) who thereby fell under another description, which has been applicable to all those in the same predicament ever since.

In the cities and towns, where they elected separately from the counties, the representation, by degrees, degenerated into a similar inequality; and all the unjust, absurd, monstrous, customs, which now distinguish who shall, and who shall not, vote, or, to use the very words in use, who are free, and who are not free, were at length established, to the disgrace of the justice and the common sense of the nation. Their origin, the prerogative of the crown, is only the worst foundation they could have had: for the crown to grant its charter to enable any of the commons to have representatives is ridiculous; and, by such charter, to put them in possession of five hundred or a thousand times their due proportion of representation, (69) is unqualified despotism.

(65) "Hence it indisputably appears, that parliaments, or general councils, are coeval with the kingdom itself." Blackstone's Com. i. 149.  
(66) "Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed! To turn away the needy from judgement, and to take away the right from the poor of my people." Isaiah x. 1, 2.  
(67) 8 H. VI. c. 7.  
(68) The exclusion must have been of a far greater proportion than at present, because 40s. per annum was then equivalent to about 20l.  
(69) Bramber has 390 times its due proportion, and Old Sarum above 2000 times what it has a right to. Leg. Ri. vin. 100, 120.

53



despotism. The act would be iniquity and absurdity itself, a contradiction to every fundamental right, and a violation of the first and most essential principle of the constitution: so that every royal charter, so far as it violates these rights and principles, is, in law, no better than waste paper.

I will now endeavour to trace the farther infractions of justice and policy, by which the rights we are treating of have been progressively reduced and melted away, until there remaineth in them no substantial existence at all, but all is empty shadow and semblance; and what is called our representation is become a representation of others, and our bane.

The above-mentioned act, which I shall call *the statute of disfranchisement*, (and a more odious appellation I cannot give it,) was not only confirmed in the 10th year of the said Henry, (70) but the principle was still more narrowed, by its being now required, that the freehold should lie "within the same county where any such choosers will meddle of any such elections." Notwithstanding the facility with which the disfranchisement was effected, it should seem that it caused discontent, and that the guilty members could not go to this garbled parliament without being insulted and assaulted by the injured people, for, *in the very next year*, we find a statute (71) for the "punishment of those that make assault upon any that come to the parliament," with "double damages," "fine and ransom, at the king's will," &c.

But the pernicious effects of the statute of disfranchisement, which, by reducing the number of electors to almost nothing, had opened the door to *influence, intimidation, and bribery*, till then unknown, became more visible in the 23d year of the same reign, when another statute was passed touching elections, in which are these words, "by force of which statutes, (1 H. V. c. 1. and 8 H. VI. c. 7.) elections of knights to come to the parliaments *sometimes* have been duly made, and lawfully returned, until now of late, that divers sheriffs of the counties of the realm of England, *for their singular avail and lucre*, have not made due elections of the knights, nor in convenient time, *nor good men and true returned*, and sometimes *no return*," &c. and then follows a long string of regulations and penal clauses.

Again, in the 39th year of this reign, it is enacted, that the whole "parliament of the preceding year shall be repealed; and all acts, statutes, and ordinances, made by the authority of the same parliament, shall be reversed, because the parliament was unlawfully summoned and holden, and the knights

(70) C. 2. (71) C. 11.

*and burgeses not duly chosen.*" We hear of no such things before the accursed statute of disfranchisement.

It is well known that Charles I. finding his parliament a check upon his arbitrary disposition, attempted to govern without any, and that, from the 3d to the 16th year of his reign, no parliament sat. In the said 16th year was passed "An act for the preventing of inconveniences, happening by the long intermission of parliaments;" (72) and also "An act to prevent inconveniences by the untimely adjournment of parliaments;" (73) than which surely nothing could be more reasonable; and yet, after Charles II. was firmly seated on the throne, and had got a parliament to his own liking, it was enacted, that the said "act for preventing of inconveniences, happening by the long intermission of parliaments, (74) is in derogation of his majesty's just rights and prerogative, inherent to the imperial crown of this realm, for the calling and assembling of parliaments," &c. and the whole of the said act "repealed, annulled, and utterly made void." (75) These might be the ideas of an English king, who was mean enough to be the *penisoner* of France, and whose character was a compound of profligacy and tyranny; but other sentiments had inspired an Edward and an Alfred. How servile, how unworthy of the lips of men, are the words of the last clause in this act! "And because, by the ancient laws and statutes of this realm, made in the reign of king Ed. III. parliaments are to be held *very often*, your majesty's humble and loyal subjects *most humbly* do beseech your most excellent majesty, that, hereafter, the fitting and holding of parliaments shall not be intermitted or discontinued above *three years* at the most," &c. What an appeal, to the proceedings of their virtuous ancestors, is this "*very often!*" and where is the dignity of the third estate of the realm, in what related to all that is valuable to a nation, its liberty, in "*humble, most humbly* do beseech your most excellent!"—But, when a man is once enslaved, says Longinus, "his spirit being effectually broke, the timorous vassal will still be uppermost." How different was the wording of the statutes they referred to! "Item, it is accorded, that a parliament shall be holden *every year once, and more often if need be.*" (76) "Item, for maintenance of the said articles and statutes, and redress of divers mischiefs and grievances *which daily happen*, a parliament shall be holden *every year*, as another time was ordained by statute." (77)

F Election

(72) C. 1. (73) C. 7.  
(74) I cannot find the original act, as the title only is inserted in the Statute-book.  
(75) 16 Car. II. c. 1. (76) 4 Ed. III. c. 14. (77) 36 Ed. III. c. 10.

Election abuses, in the second year of William, (78) occasioned another regulating and penal act; and, in the sixth (79) of his reign, was passed that which is called the *triennial act*. This, instead of being upon a different model from those in the days of the tyrant Stewarts, was, in fact, a still greater violation of the liberties of the commons, because it provided that the parliament should have " *three years continuance*."

Let me now hasten through the unwelcome recital of the *five* several acts of the 7th and 8th, the 10th and 11th, and the 12th, years of that reign, and the *five* others in the 9th, 10th, and 12th, years of Anne; with provision upon provision, expedient upon expedient, against false and double returns, fictitious qualifications, splitting of votes, and illegal proceedings of sheriffs, against bribery, corruption, and all the other evils of unconstitutional parliaments, of which the seeds were sown in the *statute of disfranchisement*, and which still increased more and more, because these were not the right means for removing them. In the *FIRST* year of the *first* king of the house of Hanover, we come to the *septennial act*, (80) the younger brother of the *statute of disfranchisement*. To overturn the *constitution*, in order to support the *government*, was a maxim of state not even new at the earliest of those periods, nor is it yet exploded—by courtiers.

After this mortifying recital, it is scarcely worth adding, that, in the reign of Geo. I. *two* more statutes were passed for repressing election evils; *five* in the reign of Geo. II. and *four* since the accession of his present majesty: in all, *eleven* statutes since the passing of the *septennial act*. To this catalogue we may add, that the trials, upon controverted elections, for only *two* years of the *present reign*, fill *four* large volumes in quarto; whereas there were " not above two or three cases of " elections questioned, or complained of, from 49 Hen. III. till " 22 Ed. IV. (81) for aught appears by the returns, or parliament rolls, and *not so much as one* double return or indenture, " wherewith all the late bundles of writs are stored, and the " house of commons, and *late committees of privileges*, pestered, " perplexed, &c."

" O my people, THEY WHICH LEAD THEE cause thee to " err, and destroy the way of thy paths. What mean ye, that " ye beat my people to pieces, and grind the faces of the poor? " faith the Lord God of Hosts." (83)

A return  
(78) S. 1. c. 7. (79) C. 2. (80) S. 2. c. 38.  
(81) A period of 217 years.  
(82) *Prynne, Brev. parl. red.* 137. He wrote in the time of Charles II. since which time these enormities are increased tenfold.  
(83) *Isa. iii.* 12, 15.

A return to the ancient path of the constitution, the ways of which are equity and simplicity itself, would annihilate all these iniquities and litigations, as will hereafter appear.

CHAPTER IV.

*Consequences resulting from the statute of disfranchisement and from the triennial and the septennial bills.*

I Come now to shew the fatal consequences which have followed from the violations of the constitution, which are stated in the last chapter, and which must ever follow when THE PEOPLE, who are the origin and object of every just government, are set aside and deprived of their *legislative rights*, or their *liberty*; for they are convertible terms, each necessarily implying the other.

This discussion may not improperly be prefaced by a reference to a former period of our history.

The feudal or fœdal form of government, from a system of general freedom, of *mutual* and *universal* protection, as it was in its origin, had already, through its inherent defects, degenerated into a mere instrument of unlimited power in the prince, when *William*, the *Norman* bastard, successfully transplanted it into this island. For a season it was in a great measure triumphant, and, with bestial fierceness and cruelty, it trampled on the laws, divesting the people of both liberty and property. (83) It attempted to banish the benevolent genius of their government, and to subvert that free constitution which, through the Saxon and British channels, had descended to them from an antiquity antecedent to all records; and on the ruins of this venerable pile it attempted to establish for ever the joint dominion of despotism and darkness; whereby a nation of freemen, or, in the language of the divine Alfred, a community of " God's people," would have been degraded into only the first class of cattle on the estate of their imperious lord; mere appendages to the lands that fed them, and transferable, by gift, by legacy, or by sale, as in Africa and Russia, to any other master. If the very idea, even at this distance of time, does not expand the heart of an Englishman with indignation, he hath not those feelings which are necessary to his country at the *present* period of national degradation, when the barriers of the constitution, as I have shewn, are utterly thrown down; so that the crown, by means of *influence*,

F 2  
(83) When degenerated, its fundamental maxim was, that the whole country was the estate and property of the king.

fluence, (a system as pernicious as the feudal,) can make its will the law, and the property of the people lies at the mercy of a minister and his majorities.

But a constitution, founded in unerring truth and natural equity, and congenial with the feelings and best wishes of the human mind, had taken too deep root in the hearts of Englishmen to suffer them to endure the idea of being slaves, and it even insinuated itself into the breasts of the Norman princes, and ere long it triumphed in turn over its adversary; even William the Norman was obliged to avail himself of a title less odious than that of conquest, and to make promises of good government; but his son, Hen. I. restored parliaments to their former functions, and particularly the legislative rights of the commons. (84)

If, then, this constitution, by the mere force of its principles, could at that time disarm despotism and conquer its conquerors, we need not doubt but that, on the present occasion, when those principles shall be resorted to, it will be found to possess the same energies.

Seeing how self-evident those principles are, and that when a majority of a nation have lost their legislative rights the constitution of that nation is actually overturned; notwithstanding the forms may remain, and, together with the habits and sentiments of the people, may still preserve the appearances, and even some of the benefits, of liberty; it is surely to be accounted astonishing that all the historians since the time of Henry VI. and all the parliamentary opposers of arbitrary power in the crown, except some few of late, should have been totally blind to the mortal stab which the constitution received by the statute of disfranchisement; (85) than which a more atrocious act of treason against the majesty of the people, a more compendious act of despotism, has rarely been perpetrated in any country: for at one stroke it converted nineteen in twenty of the once-free people of England from persons into things, (86) from men into cattle, (87) from citizens into slaves; (88) in which condition so many as have had less than forty shillings a year freehold have ever since remained. We need go no farther to account for the horrid tyranny practised with impunity by so many of the succeeding sovereigns; for their frequently presuming to govern without calling any parliaments; and for the farther invasion of liberty, at after periods, by parliamentary

(84) Baker's Chron. 45. (85) 8 Hen. VI. c. 7.  
(86) "Liberty is at an end, whenever the laws permit, that, in certain cases, a man may cease to be a person and become a thing." Beccaria, p. 79. Leg. Ri. vin. 41.  
(87) P. 21. (88) P. 20.

mentary factions daring to arrogate to themselves a power to do injustice by a law, (89) a preposterous claim to be their own electors, and to place themselves in the legislature without even the form of being chosen by the people. The atrocious act of seating Mr. Luttrell in the house of commons, as member for Middlesex, in defiance of that county, violent and iniquitous as it was, was innocence itself in comparison of the triennial and septennial bills. In his case, only a single member took an illegal seat; whereas, under the sanction of those statutes, five hundred and fifty-eight members forced themselves into the legislature all at once by their own decree, without the consent, much less the election, of the people: thus, the whole nation was by its own servants disfranchised, in the first instance, two years of every three, and, in the last, six in every seven. (90). I have already shewn (p. 21) that neither the constituent nor the constitution could possibly have vested the representative with a legislative trust for more than one year. It is doubtless to these statutes of disfranchisement, as the poisoned source of a corrupt government, that we must look for the original causes not only of every misfortune and calamity which since that æra have befallen this nation, (and they have been many and grievous,) but hence also we must, in a great measure, account for its impieties and immoralities, which good and wise men are inclined to fear have rendered it almost

(89) "Shall the throne of iniquity, which frameth mischief by a LAW, have fellowship with thee! [the Deity.] P. xciv. y. 20.  
(90) "The bill, to repeal the triennial bill, and not only to make all future parliaments septennial but even the PRESENT, was brought in by the duke of Devonshire in the house of lords, and by them passed and sent down to the commons; who, — bear, O heavens! and be astonished, O earth! — passed it likewise." — See A Detection of the Parliaments of England, i. 205.  
"This would be to destroy the fence of all their freedom; for, if we have a right to continue ourselves one year, one month, one day, beyond our triennial [he should have said annual] term, it will unavoidably follow, we have it in our power to make ourselves perpetual." Ib. Speech of Mr. Snell.  
"That, as nothing but the security of the ministry can make it, at this time, needful, so nothing but a standing force can make it lasting." Ditto.  
"But this worthy member pleaded in vain, as did many others besides him. The fate of this bill was pre-determined; and, when passed, (by 264 against 121,) IT WAS SUBMITTED TO: (though the people had a right to protest against it, both in behalf of themselves and their posterity.) Of such weight and utility is a standing army." P. 206. And thus a standing parliament and a standing army have gone hand in hand ever since.

almost unworthy, and without reformation incapable, of any thing better than the arbitrary yoke under which it at present groans; for "the more true liberty the greater decency and "purity of morals, and the fewer offences; (91) and "the "half of virtue is perished the day when servitude is conceived "in a nation: when it is adult, the whole."

Arbitrary power in man *being against nature and religion*, it blinds and corrupts its possessors, transforming them, more or less, into brutes and devils. Thus, sensuality and rapacity, deceit and violence, unfeelingness and arrogance, pride and impiety, become too frequently the characters of rulers. The fountain of government, *whose streams extend to all*, being thus poisoned with vice, that which ought to be the health of the state becomes its disease, and *all* being subject to the taint, next to the *liberty* the MORALS of the people fall a certain sacrifice. Such, O tyranny, are thy triumphs!

The maxim of the immortal *Alfred* ought to be written upon the throne, and upon the chair in the commons' house of parliament, in letters of gold. "It is just, said he, "that the "English should for ever remain as free as their own thoughts." (92) And "in an assembly of parliament he enacted this "for a perpetual custom, that a parliament should be called "together, at London, twice every year or oftener in time of "peace, *to keep the people of God from sin*, that they might "live in peace, and receive RIGHT by certain usages and "holy judgements." (93)

Now, as "the art of politics is nothing more than the "just application of *common sense* to public affairs," I will make the following plain appeals to the common sense of England.

Had there existed a house of commons, freely chosen *every year* by *all* the people, none of them being subject to compulsion or undue influence; and, had the parliament necessarily sat for a sufficient time *certain* in every year; could Hen. VI.'s successor, Edw. IV. have introduced the illegal precedent of raising money on the subject by *benevolences*; could he have harrassed them by *fin*es on frivolous pretences; or have made *parliament his tool*, notwithstanding "he was a great briber?" (94)

Had such a house of commons regularly existed, could a monster, like Rich. III. ever have been firmly seated in the throne;

(91) *Loff's Elements*, 157, 159.  
(92) *Hume's Hist.* i. 100. *Asserius*, p. 24.  
(93) *Mirror*, c. 1. §. 3. p. 10. *Coke's Inst.* p. 110, and 9th Rep. in the Pref. and also *Spelman, Concil.* tom. 1. p. 347.  
(94) *Baker's Chron.* 232.

throne; or preserved it even for the short time he did, by the murder of the royal family, and the *confiscations* and bloody *executions* of the innocent people?

Had such a house of commons uniformly existed, could Hen. VII. have "*turned law and justice into rapine*," (95) in order to fill his coffers, and have supported the wicked *Empson* and *Dudley* in pillaging and persecuting the people by *litigious accusations, threats, fines, compositions, mitigations, summary judgements* without juries, *packed and perjured juries?* &c. &c. &c.

Had such a house of commons regularly existed, could Hen. VIII. have sported with every obligation, human and divine, and reigned for a long series of years a monster of brutality and an execrable tyrant? could he have obtained a statute for enacting that "the king, for the time being, "with the advice of his council, or the more part of them, "may set forth *proclamations*, under such pains and penalties "as to him and them shall seem necessary, *which shall be observed as though they were made by act of parliament*." (96) And "judgement may be given against any of the offenders of this "statute by nine of the king's council." (97)

Had such a house of commons existed, could Elizabeth, with all her dignity, have forbidden *her parliament to meddle with affairs of state, as no way concerning them?* or had it suffered her to injure the public, in order to gratify individuals with *illegal monopolies?*

Had such a house of commons constantly existed, could Charles I. have ever gone such lengths in tyranny as to bring himself to the block?

Had such a house of commons existed at the dissolution of the monarchy, could any protector, or first magistrate of the commonwealth, like that villain Cromwell, have filled it with his own worthless creatures, made it and and unmade it at his will? or could he have acted the *tyrant* as he did, without having suffered the same punishment which he had been a chief cause and agent in inflicting upon Charles?

Had such a house of commons existed, could Charles II. have been long permitted to fully the throne of a free country, and debauch the nation by unbridled licentiousness and abandoned profligacy? would he have ventured on the exercise of a dispensing power; or could he, with impunity, have *betrayed* the interests of the public, or used his authority against the rights of his people; and, by impious perversions of law, taken away the lives of their best friends and benefactors?

Had

(95) *Baker's Chron.* in his life, 264.  
(96) 31 Hen. VIII. c. viii. (97) 34 & 35, c. xxiii.

Had such a house of commons existed, would James II. have dared to attempt the re-establishment of the *absurdities* and the *tyranny* of popery, and all the mischievous nonsense of the *divine right* of kings? or could he have butchered multitudes of his subjects by the means of such infernal wretches as *Jesuits* and *Kirk*?

Had such a house of commons existed at the abdication of James II. would the parliament have had need of any foreign *deliverer*; and might they not, with the utmost composure and security, have conferred the crown upon William, or whomsoever they thought most fit, and upon far better conditions of future security to the constitution than were demanded?

Had such a house of commons existed, would this DELIVERER, within a few days after he had been presented with the crown, have dared, in violation of *magna charta*, to have seized and imprisoned whomsoever he pleased to suspect of not liking him? Or would such a house of commons humbly have thanked his majesty for desiring them to overturn the very foundations of the government, in order to preserve his government, and instantly have suspended the *habeas-corpus* act? (98) Better ten thousand times had they left the government to have run all risks than have set so diabolical a precedent! *Necessity of state* is the mere device of a tyrant, or the plea of a fool; for, "it is better to endure all adversities than to assent to one EVIL measure;" (99) and, "the necessity of JUSTICE is eternal, is supreme." (100) No such example had been set even by James II. when there was an actual rebellion under *Monmouth* in the heart of his kingdom: (101) and, indeed, the expedient of annihilating liberty, under the pretence of preserving it, is too preposterous not to be rejected, as doing violence to reason and nature, by every sober, unprejudiced, mind. To suspend at once all law for personal protection, is to dissolve the government and proclaim a tyranny: it is a *charter of slavery*; exposing every man to the malice of informers, to the enmity of ministers, and the vengeance of kings. A nation, so insulted, ought to fly to arms that instant; and the perpetrators of so horrid a treason be brought to answer it before the injured majesty of the people. A government, that is not safe under the protection of the constitution and the law of England, must be a bad government indeed. A government, that cannot subsist without tearing up the very foundations of that law and constitution, ought not to subsist one moment. And I am bold to say, there never did exist, there never can exist, a necessity for such

(98) *Detection of the Parl. of Eng.* 108. (99) *Prin.* 37.  
(100) *Prin.* 36. (101) *Detection of the Parl. of Eng.* 201.

such a suspension: but that, in every instance in which it has taken place in this country, it was a mere contrivance for the security of ministers places, who, governing on the narrow principles of *faction*, create enemies to themselves, whom they affect to call enemies of the state. (102) I will not even except the rebellion in 1745; for, no such rebellion had ever happened, had not the government been uniformly conducted by a system of corruption and faction, which rent the kingdom into divisions, and taught the proscribed parties to execrate the government, and become enemies to the prince on the throne.

And, again; had such a house of commons, as I first described, been in existence at the time of the Revolution, would such a king as *William*, (for he had nothing in him of the tyrant but what is incident to human nature when put in possession of power *not duly poised* and *controuled*;) would *William*, I say, have dreamt of disfranchising six parts in seven of his free subjects, and so garbling, and disproportioning, and undermining, the representation of the remaining part, as utterly to render it inefficient to any good purpose, and then to have proceeded even to have denied them the possibility of imagining themselves represented at all, except one year in three, by joining with the members, in fixing them in the legislature the other two years by his and their own act and deed without election? Or could king *William*, had he been the most confirmed tyrant in his heart, have awed SUCH a house of commons into his measures? Could he have prevailed with SUCH a house to have betrayed their trust, to have surrendered their own dignity

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(102) December 8, 1696. "The committee, appointed to examine the petition of one *Mary Griebe*, made their report; by which it appeared, that *Conrade Griebe*, husband of the said *Mary Griebe*, having undertaken to deliver two petitions, in behalf of certain officers and soldiers turned out of count *Stanbock's* regiment, to the king and parliament, was, the day before, seized by one *Kisfon*, a messenger, by warrant from Mr. secretary *Trumbull*, charging him with treasonable practices; that he was kept in the said messenger's hands *ten days*; during which time he had been several times *refused an examination*: and, that, at last, about *two or three o'clock in the morning*, he was taken out of the custody of the said messenger by a party of the *Dutch* guards, who carried him on-board a *Dutch* vessel, from whence he was conveyed to *Brussels*, where he was thrown into a *dungeon*, and is subsisted on bread and water." And his *Dutch* majesty, the deliverer of England and the protector of *English* liberty, in his message to the house of commons in answer to their address on the occasion, avows the act as his own; saying, expressly, "he did order the duke of *Wirtemberg*, who was then going to *Flanders*, to transport him thither," &c.

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and independence, and to have sacrificed the rights and liberties of their constituents, by agreeing to have constituted that branch of the legislature, as it was in fact constituted by the triennial bill, with its *sittings*, and even its *existence*, entirely at the mercy of the crown, and subject to be dissolved in the midst of the most arduous national affairs, by way of playing a state trick to save the place of a minister, or carry a general election by surprise, to disconcert the measures of the people for redress of grievances, or as a *punishment* for daring to do its duty in withstanding the encroachments of the crown? It was in *William's* power, by what is *pretended to be* the prerogative, to have prevented the parliament from sitting three days in their term of three years: and the like power is still retained by the crown. Let it only be supposed, for argument sake, that a diamond-mine were discovered in *Hanover*, sufficient to pay fleets and armies, civil lists, and all other regal expences. In such a case, what security have we that a parliament should, according to the *bill of rights*, "be held *frequently*, for redress of all grievances, and for "the amending, strengthening, and preserving, of the laws?" or, indeed, that it should meet at all? And yet you suffer hired lawyers and venal members of parliament to cram this down your throats as a necessary part of the royal prerogative.

Having mentioned the exercise of *dissolution*, as a punishment of uncourly parliaments, I will take this opportunity of making some extracts from *A Detection of the Parliaments of England*, printed in 1744.

In the introduction, referring to the writer of *A general View of Government in Europe*, when he speaks of *English* parliaments, the author says: "Had their meetings been *necessary*, not dependent on the grace of the crown, he had pronounced us wholly out of the reach of danger," &c. P. 80. "But, notwithstanding this spirited parliament had weight enough with the court to carry their petition into a law, [the petition of right,] the king so far resented their subsequent attempts to obtain a more effectual and comprehensive *redress of grievances*, that he dissolved them without even requiring the attendance of the commons, whom he stigmatized, in his speech, as *undutiful* and *sedition*; (103) and "for twelve years after he never summoned another." P. 83.

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(103) The tables are now turned. Our modern parliaments would have been after *Charles's* own heart, and cherished as the apple of his eye: for they would have told him the people laboured under no grievances, and they would *dutifully* have given him all he asked. What the king then applied to the parliament, *the king's servants*

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"In the thirteenth year, however, his majesty's wants got the better of his prejudices, and parliaments were again brought into play; but without the desired satisfaction either to the king or the nation: the first being *abruptly dissolved* after it had sat but three weeks and one day." P. 83.

"These men [in the parliament that fixed *Charles II.* on the throne] encouraged the court to undertake this work, and promised their assistance and endeavours for the success of their proposal: hereupon the court resolved to push for the settling of the whole *excise*; and, by *threatening* privately the members of that house with a *dissolution*, and by giving to some *considerable places*, they got a question put, to settle, " &c." — "The other part, *viz.* to give the other moiety for life (as much as that house was influenced by the crown) was first carried in the negative; which *enraged* them to such a degree, that, the next day, a message was sent to the house, to let them know *they were to be dissolved* a month after. This was a strange and unusual message; putting men throughout the kingdom on supplanting them. If the members staid in town, (and go they could not without leave of the house,) their several interests in their counties were endangered. If they went down, the settling the *excise* for life might be carried in their absence. This was the dilemma the court had brought them to, and accordingly "it was granted before that session ended." P. 89.

When all history is full of these meannesses of kings and their arts against the people, what more than nonsense it is to hold them up as something more than mortal, and, out of a servile and superstitious reverence for them, to compliment them with any powers not absolutely necessary for the executive duties of government!

"Parliaments are like silk-worms; having spun their thread, and laid their eggs, they die: Thus even *this*, which had done so much for his majesty," [Charles II. to whom they had given the crown without a single stipulation in favour of their constituents,] "was *dismissed* at the end of its second session, having subsisted but *eight months* upon the whole; and a new one was *prepared*, which it was presumed would be yet more favourable to those court-embrios, which, in the fulness of time, were to be brought to light." P. 90.

"But, assure yourselves, if I did not think otherwise, I would NEVER SUFFER a parliament to come together by the means prescribed by that bill." (16 Car. I.) Charles II.'s speech to his parliament in 1664.

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"It servants in parliament now apply to the people; *viz.* *undutifulness* and *sedition*. So criminal it is to complain!

“ It was in their *eleventh session*” [take notice, O people of England, that the two statutes of Edward III. for *annual parliaments*, and more often if need be, were still in force, and not one tittle of them repealed] “ that they thus recollected the great ends for which they were chosen; and, in their twelfth, continuing to act upon the same laudable principles, they addressed against the duke’s second marriage with a *popish* princefs, and voted *standing armies*, French alliances, and *evil counsellors*, to be grievances; for which they were *punished* with an abrupt prorogation.” P. 100.

“ They” [the parliament of *James II.*] “ refused to countenance his arbitrary meafures, though praftised upon by all the arts that policy could devise, and were therefore *punished* with a difsolution.” P. 105.

“ Notwithstanding the crown his majesty” [king William] wore was their free gift, at the end of their fecond meeting, like the convention which reftored king *Charles II.* they were difsolved,” P. 114. “ And this is declared to have been, becaufe, by retaining and expreffing fome regard to the people, they loft the confidence of the prince.” P. 115.

“ But, fo great was the repentment which his majesty had conceived againft this untractable parliament,” [of 1699; they difbanded the army, not excepting the *Dutch* guards, — *Dutch* guards to an *Englifh* king!!! — they put a flop to the minifterial manœuvre of iffuing treasury-bills of credit; they remonftrated againft certain mifmanagements in the conduct of the navy; they paffed a bill for limiting the number of placemen in *their own houfe*, which was rejected by the lords; and they fcruutinized the grants made by the crown: no wonder then that *William* himfelf, that champion of *liberty*, that royal *patriot*, fhould grow weary of them,] “ that he firft prorogued them by commiffion, without a fpeech, and afterwards difsolved them, in hope that this unexpected exertion of the prerogative would teach their fucceffors more compliance.” P. 131.

But the fucceeding parliament trod in the fteps of the laft. They bounded parliamentary privilege; they appointed a commiffion to fettle the public accounts; they refumed one hundred thoufand pounds out of his majesty’s civil lift, and applied it towards paying the public debt, (a debt of which he was the father and contriver); they entailed upon us the bleffings of his prefent majesty’s government, by fecuring the *Hanover* fucceffion; and enacted many other wholefome laws for the common fervice of prince and people: and — “ they were fuddenly difsolved, as a fecond warning to refractory parliaments.” P. 133.

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It was for fuch cruel ufage as this, which *William* met with from thefe parliaments, that he vented, in his spleen, his memorable threat againft the people of England, of going back to his own country, and leaving this ungrateful nation without a king: which puts me in mind of *James I.*’s threat to the faucy citizens of London, that he would take away their charter; upon which a grave citizen faid, “ he hoped his majesty would leave them *the river Thames*.” So that, provided *William* had left us but our *liberty*, he could have carried nothing away with him that would have been worth looking after.

In 1701 the parliament was busy in taking meafures for ftill more effectually fecuring the *Hanover fucceffion*; “ but, before this act could receive the royal affent, the king died, and with him died the oppofition to the court:” and as, fince that period, an interrupted commerce of civility and acquiefcence has fubfifted between the *court* and the *houfe of commons*, fo I recollect no later inftance of its having been chaftifed by difolutions for any undutifulnefs; although thefe fudden difolutions have been played off, (witnefs the exit of the laft parliament,) as a piece of minifterial legerdemain, with great advantage to *thofe who are in the fecret*.

Would not returning to fuch a parliament as the triennial one of *William*, be in fact returning to the vomit of *Stewart* tyranny, inftead of the principles from which the Revolution derives all its merit? Would it not be to feek our falvation in the *defects*, in the *blemifhes*, of the Revolution, inftead of its *reflorative powers*?

Had fuch a houfe of commons as the above-mentioned exifted, could *George I.* have found a faction capable of ftriking a dagger ftill deeper into the vitals of the conftitution, and of eftablifhing a parliament, which, in addition to fuch rottennefs, fhould have had more than double the duration?

Had fuch a houfe of commons exifted, could *George II.* and this nation have been curfed by fuch a minifter as *Walpole*? who, by a long praftice of the moft abominable treafon, completed the foul fcience of corruption, and did his utmoft to eftablifh a doctrine, which, if it were true, could only ferve to eftablifh an opinion, that all governments whatfoever were factions preying upon the common interefts of fociety; and fo, by deftroying all confidence in governors and in one another, tend to introduce a total anarchy and ftate of war amongft men?

Had fuch a houfe of commons exifted, would *George III.* have loft thirteen colonies? Would thofe colonies, by the pitiful politics, the tyrannical defigns, the vindictive tempers, and the deplorable wickednefs, of a faction, have been drenched

drenched with the blood and manured with the carcases of fellow-subjects, fellow Christians, friends, and kindred? Could such a faction itself, for no other apparent merit than its pliancy, have so long holden the reigns of government, while nothing but the decay and ruin of the empire have marked its administration?

And, had such a house of commons existed, I mean regularly and constantly existed, would this enlightened, commercial, enterprising and gallant nation; the genius and learning, the arts and industry of which, have been the peculiar ornament of Europe; which, upon the wings of navigation, hath made every clime its own, and abundantly stored its hive with the honey of commerce, and the revenues and power of which have been the admiration of the world: would such a nation as this, I say, have been at this moment overwhelmed with a debt of near *two hundred millions*, mortgaged almost beyond redemption, still farther distressed by the daily decay of its manufactures and the cutting off its sources of wealth, and at the same time dishonoured in its arms, sacrificed to the rapacity of blood-suckers in a thousand shapes, and finally mocked and insulted by the tyrant faction *which governs, as Walpole did, by votes bought with the people's own money*, with a total denial of any accounts which can enable the people to discover whether their affairs have been managed with fidelity or with treachery?

Let the COMMON SENSE OF ENGLAND decide upon these questions.

I will then ask again: Provided the commons, ever since the reign of *Henry VI.* had kept full possession of their *liberty*, or their *legislative rights*, guarded by wholesome laws, against the *possibility* of being sacrificed by the venality of their representatives, whereby they had always truly constituted one branch of the legislature, so that no single act of government in all that time could have taken place contrary to their real wishes, judgement, and interests, would it not necessarily have happened, as an effect proceeds from its cause, that, instead of the tyranny, oppressions, abuses, and calamities, which I have just enumerated, and the ten thousand times ten thousand which I have not named, that the state must at all times have enjoyed internal tranquillity; — that it could never have been in danger from external violence; — that, as it improved to such uncommon perfection in all other arts and sciences, so, in the *master-science* of politics or civil government, it must likewise have made such progress that a blemish by this time could scarcely have been found in our laws and polity, and our national manners and morals must have been irreproachable; — that,

that, as it throve in agriculture, manufactures, and commerce, it would (like the prosperous merchant) have not only been always out of debt, but have had its coffers constantly filled to the brim with treasure; — that it must have possessed also immense overflowings of wealth, for the farther encouragement of industry and population; for the care of the aged, the infirm, and the sick, by medical dispensaries, infirmaries, hospitals, and alms-houses, in all parts; for the accommodating the whole kingdom with public canals, roads, bridges, and places of worship, without turnpikes or extraordinary taxes; for embellishing every town upon the island with such noble works of architecture, painting, and sculpture, as dignified the free states of antiquity; for maintaining a navy, superior to the combined force of all the despotic powers upon earth; and for giving effectual assistance, wherever it might be wanted, to defend or to establish the liberties of mankind; besides which, and self-defence, there is no just cause of war?

These, as I conceive, must have been the necessary consequences of having preserved, in their purity, that constitution, which has been acknowledged to be the wisest frame of government ever put together by human wisdom, and that law, which is defined to be “the perfection of reason:” and such as these (notwithstanding the burden of our present debt) would be the certain consequences of recurring to, and abiding by, the principles of that law, and that constitution.

Who have been the violators of these principles? — Not the unhappy *people*, who suffered from those violations, — but *kings* and their *ministers*, who have not had wisdom and virtue enough to resist the temptations of *power*; that *intoxicator of the human mind!* — On the contrary, who are to be the restorers of these principles! — Not, I fear, kings and their ministers, (although it is the first of all their duties, and necessarily implied in the coronation-oath,) but the suffering people. From them, as heretofore it has done in several memorable instances, the reformation must now again proceed. The science of civil government, notwithstanding all its depressions and discouragements, is, at length, pretty well understood; so that, as the amendments, which took place at the period of the Revolution, were improvements, in many respects, upon former provisions in favour of the constitution, and formed a good barrier against royal *prerogative*, which had persecuted the people and threatened us with despotism, we ought now to improve upon those amendments, and effectually to guard against any *undue* influence also on the part of the crown, an instrument of despotism no less fatal than the other, although more concealed; so as we may be assured that the legislature does indeed consist of



of three powers, and not of one in a triple form; and that we may know, more especially, that the house of commons is actually out of the reach of ministerial corruption, and in a condition to do its constitutional office of defending the peoples purse, and steadily repelling every attempt of the crown against the liberties or the welfare of the state, whether made through design or error; and that, according to the beautiful image of judge Blackstone, by the due action and re-action of the three springs of the constitution, each independent of the other two, the machine of government may be impelled "in a direction different from what either, acting by itself, would have done; but, at the same time, in a direction partaking of each, and formed out of all; a direction which constitutes the true line of the liberty and happiness of the community." (103)

I do not affect, as some do, to observe a profound silence as to kings, and to attribute the blame of every ill measure to their ministers; because I have a natural aversion and contempt for that political popery which would make politics a mystery, (104) and talks of "a sacred veil, which the constitution has wisely drawn round the crown, and which only the greatest occasion should remove from before the splendor of majesty;" (105) — because, in reading the lives and actions of kings, I find them the same frail immoral creatures as their subjects; more liable to errors than most others, as, by the selfish schemes of their courtiers, who are their worst enemies, they are kept more in the dark than other men; and since, lying constantly under the greatest of all temptations, power, they most commonly yield to it, more or less, and thereby too often become the scourges, instead of the defenders and protectors, of their people, as I have already instanced in the many examples of our English kings since Hen. VI.—because I do not agree with those, who say it is "a narrow, a little, a mean, idea, to consider the king as the servant of the people;" for I do consider him as much the servant of the people at large, as the lord-mayor of London is the servant of that corporation; and am of opinion, that all his majesty is solely derived from the majesty of the people, as being their first servant, or first magistrate, (for, in politics, the terms are synonymous,) and their sole representative in all the executive functions of his office, whereby he carries into operation and effect their will, as expressed in

(103) Com. b. i. c. 2.  
 (104) Mystery is one of the grand designations of Antichrist, or 'the purple and scarlet whore, with whom the kings of the earth have committed fornication.' "And upon her forehead was a name written, MYSTERY," &c. Rev. xvii.  
 (105) See a speech in the London Courant of Jan. 10, 1780.

in the laws, which they have enacted, for their own profit and security, according to the principles of the constitution; (106) — because, by the maxim, that "the king can do no wrong," is to be understood the office, and not the man. It is equally a maxim, that "the law can do no wrong;" (107) and it might, with the same propriety be said, "the parliament can do no wrong;" but yet we know, by fatal experience, that when any of these sacred (I do not mean mysterious) institutions are abused and perverted by wicked or misguided men, that much wrong is done: (108) — because I consider jus divinum, or the divine right of kings, passive obedience and non-resistance, the undefinableness of prerogative, and all the "sacred veils" with which so many have attempted to inclose royalty as in a sanctum sanctorum, only to be approached by the priests of these mysteries, as nothing better than the hobgoblin-inventions of nurses to terrify children into a servile obedience to their wills: — because I do not find that the venerable common law of England takes this irrational mode of instructing her children; but says, "the power of right is of God alone, but the power of wrong is of the devil; and the works of whichsoever of these two he" [the king] "shall do, of him he is the servant." (109) "Therefore, while he does justice he is the vicar of the eternal King; but he is the servant of the devil while he declines to do injustice or wrong." (110) — And because I think it is every honest man's duty to oppose falsehood with truth, hypocrisy with sincerity, and the jargon of imposture with COMMON SENSE; and that they, who endeavour to poison the minds of kings with extravagant notions of their own dignity and power, and teach them to set themselves above the laws, either by violence or corruption, are their worst enemies, and traitors to both their prince and country; as such courtiers proved to Richard II. Henry IV. and Charles I. who all lost their crowns and their lives by following such counsels. At the time that the confederate states of the Netherlands were about to elect Anjou their sovereign, it was a doctrine maintained by them, that a sovereign was amenable to and punishable by the supreme council of the state. (111) It was the Germanic doctrine also that the emperor might be called to a judicial account for his misdeeds; and, "in the golden

(106) Prin. 45, 46, 47, 89, 91, 104, &c. &c.  
 (107) See Prin. 12, 14, 17, 18, 19, &c.  
 (108) It is a maxim too, and a just one, that "the king never dies;" although the man submits to the stroke of death, the office remains in being. (109) Fleta, c. xvii. p. 17.  
 (110) Brañon (upon the other passage) lib. iii. c. 9. p. 107.  
 (111) Wats. Hist. Phil. ii. 109.

“golden bull,” [the *magna-charia* of Germany,] “the forms and proceedings against him are stated: it is there said to be the *custom*, and accordingly settled and agreed for law, that the electors may *impeach* the emperor in the assembly of the states; and the count Palatine of the *Rhine*, as chief elector, is to be the president or judge.” (112) And yet it was as true a maxim in *Germany*, and in the *Netherlands*, as it is in *England*, that “the first magistrate can do no wrong;” for, consummate indeed would be the folly of that people, who should create an *office*, with an express capability of doing wrong; and, according to this, are these maxims; “There is no *king*, where *will* rules and not *law*,” (113) — “Cease to reign, if you will not do justice.” (114)

But this maxim, *the king can do no wrong*, like many other excellent maxims, by being misunderstood, is converted into a most pernicious dogma. If a king himself can be prevailed upon, by his sycophant betrayers, to misunderstand it, fatal indeed is the error! Fatal to his people; but more fatal to himself. No free state can be guilty of such infamy as to inculcate into the mind of that *man*, whose virtue is of the greatest importance to them, so absurd, so wicked, a sentiment. Are we not commanded to request, in our daily address to the Deity, that we be not led into temptation? What, then, have those men to answer for who tempt their king to cast off every moral restraint; and thus do their utmost to undermine his throne, to endanger his life, and to ensnare his very soul! It was not in this strain that the prophets of old addressed their kings. Patriots as well as prophets, true to their country as obedient to their God, they taught them their own frailty; they encouraged them in virtue; they entreated and petitioned their monarchs to lighten the burthens and redress the grievances of their subjects; they boldly told them of their vices, and exhorted them to repentance; and, when incorrigible, they threatened them with punishment, and denounced against them the vengeance of an angry God for their injustice and oppressions. “Thou art the man,” were the convicting words of *Nathan* to guilty *David*, on his throne; “wherefore hast thou despised the commandment of the Lord, to do evil in his sight? Thou hast killed (115) *Uriah*, the Hittite,

(112) *Use and Abuse of Parliaments*, 43.  
 (113) *Prin.* 103. *Brañon*, lib. I. c. viii. p. 5.  
 (114) *Prin.* 104. *Loft's Reports*, p. 35, No. 492.  
 (115) Not with his own hand; not even by the hand of an assassin; but by conspiring his death. His order to *Joab* was, “Set him in the fore-front of the hottest battle, and retire ye from him, that he may be smitten, and die.” So that, though he was slain by the enemy, he was murdered by the king.

“Hittite, with the sword,” &c. (116) And to another king of Judah, *Jeremiah* (117) addresses himself thus: “Execute ye judgement and righteousness, and deliver the spoiled out of the hand of the oppressor; and *do no wrong*; do no violence to the stranger, the fatherless, nor the widow, neither shed innocent blood in this place; for, if ye do this thing indeed, then,” &c. And to another: “Shalt thou reign because thou clovest thyself in cedar? did not thy father eat and drink, and do judgement and justice, &c. but thine eyes and thine heart are not but for thy covetousness, and for to shed innocent blood, and for oppression, and for violence, to do it.” The sacred writings are full of such instances. But, if the *man* who wears the crown can do no wrong, why was poor *James* deprived of his authority when frightened out of the kingdom? why was he not desired to return, and assured that he had not done wrong, that he could not do wrong, nor be made amenable to any form of judicature? How could he *abdicate* if he could not do wrong? Why fell not the punishment upon his ministers instead of himself? — How could he be punished at all, according to the modern doctrines, laid down by certain learned lawyers, and the advocate of Geneva? But punished he certainly was, as a *traitor* to the state and a tyrant; deprived of his crown and left a wandering beggar, to subsist on the alms of foreign nations. Not having a capacity for such refined speculations, I do not comprehend why the wearing of a crown, any more than the wearing of a night-cap, is to place a man out of the reach of all human laws, and to be a sanction for criminality. I am even as dull as a German, who makes a law to bring an emperor to justice in form; if, instead of preserving the law, he seek to destroy it: but, in England, it seems, we are so wise, that, in order to punish a tyrant, there is no mode of proceeding but for the people to rise in rebellion. If successful, they are heroes and patriots; if not, they are conspirators, rebels, traitors, and die on the gibbet. Suppose *James* had been bold as he was bigotted, and had stood his ground, ought he the less to have been punished as a traitor and a tyrant? Are we to imagine that the *real* offence for which his crown was taken from him by act of parliament was his *taking fright and absenting himself*; or that, in such a case, it would have been justice to have punished him rigorously, without first desiring him to return to his duty? If his crown was really taken from him, because he was a *traitor*, I think, in that case, the convention, and afterwards the parliament, were both unwise and blameable not to avow it, and to settle a form of proceedings, whereby fu-

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 (116) 2 Sam. xii. (117) Ch. xxii.

ture tyrants might be regularly impeached like the German emperors. The doctrine of impunity necessarily follows that of infallibility; but, where this doctrine comes from I know not, unless it be from Rome. It comes not from the law of England, which is "the perfection of reason," and "will not endure an absurdity." It comes not from the law of God, a law of rewards and punishments; because, in a single chapter of the scripture, we find an account of no less than one and thirty kings, who were all condemned and executed for their wickedness at the express command of God given to *Joshua*, (118) besides of two more whom *Moses* slew for the same cause. Those who, out of sycophancy and idolatry, poison the minds of kings, by explaining away, in respect to them, all those ties and obligations of law and morality which uphold society on the pillars of justice and goodness, do worse than murder them, and have more to answer for than even the most wicked assassins.

CHAPTER V.

*The merits of the septennial act of 1 George I. the triennial act of 6 William III. and the statute of disfranchisement of 8 Henry VI.*

**B**UT I have not yet done with the *statute of disfranchisement*, nor with the statutes for *triennial* and *septennial* parliaments; as they were the instruments by which our constitution has been overturned they well deserve our attention. They did not, it is true, destroy the *form* of the constitution, but they utterly deprived it of its *spirit*; and it appears to be a dead carcase, or at best a morbid one, by the *corruption* which hath overtaken it. They did not (as in *Spain*, in *France*, in *Denmark*, and in *Sweden*, have been done) declare the king sole legislator and despotic ruler of the state, because that would have been far too violent a shock for *English* feelings; but they have effectually enabled the king to make his will the law, whenever he may be so inclined; for they have annihilated the power of the commons, by depriving them of their *legislative rights*; so that the machine of government now necessarily moves in a direction which is not "the true line of the liberty and happiness of the community."

The preamble to the *statute of disfranchisement* runs thus: "Whereas the elections of knights of shires, to come to the parliaments of our lord the king, in many counties of the realm of England, have now of late been made by very great, outrageous, and excessive, number of people, dwelling

(118) Chap. xii.

*Ld. Mansfield's P. 197*

ling within the same counties of the realm of England, of the which most part was of people of *small substance* and of *no value*, whereof every of them pretended a voice equivalent, as to such elections to be made, with the most worthy knights and esquires dwelling within the same counties, whereby *manslaughter, riots, batteries, and divisions*, among the gentlemen and other people of the same counties, SHALL VERY LIKELY RISE AND BE, unless convenient and due remedy be provided in this behalf. Our lord the king," &c. &c. (119)

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An outrageous number, I take to be nonsense; and I take it to be something worse than nonsense, when hard epithets are foisted in; which, although totally void of grammatical sense, yet carry with them an evil meaning, for the purpose of insinuating a crime when none had been committed. If it had been committed, the fact must have been notorious. But, upon the face of this lame and laboured preamble, it is evident no such fact could be produced. Neither did this inhuman insult itself cause them to become outrageous; for, discontented and resentful as they were, THEY SUBMITTED TO THIS EDICT OF DESPOTISM. The great number of the inhabitants (a circumstance that ought to afford pleasure, if the strength of a state consists in the number of the people) was then to be mentioned in the most harsh and insidious turn of expression; but that in the number there was an excess, as is stated, the very next words contradict, which say they were "all dwelling within the same counties;" and, therefore, the proper number which had a right to vote in the election was not exceeded, as it is again insinuated. "Of small substance;" — if this were a good reason for depriving them of their liberty and of their right to representation, then, I presume, we must reverse the maxims, and lay it down for the future, "That law does not speak to all with one voice; but speaks sweet things to the rich and bitter things to the poor."

(119) "It is a rule of law, that the preamble must be taken for truth." See *Ruffhead's Pref.* xxii. A want of truth in the preamble vitiates the enacting part of the law, which proceeds upon the grounds stated in the preamble; and, consequently, if those grounds are erroneous, the law hath lost its foundation. And, when such a want of truth is discovered and made manifest, so that a statute cannot be enforced without a violation of justice, our courts of justice, if faithful to their trust, will pay no regard to it, and have this answer to make: — We are subservient to the legislature for justice, not for injustice; we are sworn to "deny to no man common right, by the king's letters, nor none other man's, nor for none other cause."

“ poor.” “ That those shall be taxed who are *not* represented:” “ That laws shall bind *all*, though assented to by *few*. — “ *And of no value* ;” that is to say, in modern language, “ *sturdy beggars* ;” (120) “ *scum of the earth*.” (121) But who were these persons of no value? The very persons who seated in parliament the *worthy knights and esquires* that bestowed upon them this kind epithet, and then as kindly stripped them of that essential franchise which distinguishes the freeman from the slave. — “ *Pretended a voice equivalent* ;” this was presumption indeed, when they had no better authority for it than the *law of nature*, the *immemorial custom* and *common law* of the land, and an express *act of parliament* passed just twenty-four years before. (122) Is it for impious man to say that his fellow-creature is of “ *no value* !” Not so are the poor esteemed in the eye of their God, but as equal partakers of the dignity of human nature; as equal pretenders, even “ *with the most worthy knights and esquires*,” to the capacities of innocence, integrity, and piety; and, to the exaltations of eternal life, they are accounted of equal value, but they are assured of the *more particular guardianship of Providence, because of their being poor*. — “ *Whereby manslaughter, riots, batteries, and divisions, shall VERY LIKELY RISE AND BE.*” It is a little unfortunate for this wise and honest parliament, that they could not produce so much as a single instance which *had* happened; and that this “ *convenient and due remedy*” of theirs should have been the very cockatrice, whose eggs have produced the actual riots, batteries, debaucheries, and manslaughters, (123) at elections, which have done such infinite mischief to the morals of our people, and have been a reproach not only to our constitution but to our humanity, from that time to this; (124) and so immediate was this effect, that in *the very next year*, as I have shewn in p. 32, these disorders began. — “ *SHALL VERY LIKELY RISE AND BE.*” Most excellent court reasoning! If more nonsense, untruth, and evil meaning, were ever couched in so few words as in this preamble, it never fell under my observation. Yet, upon these pleas, my countrymen! — *fellow-citizens*, alas! I can call but few of you; — the bulk of the nation, as I have already observed, were converted by this iniquitous statute from *persons* into *things*; from *men*, capable of speaking through their

(120) Sir R. Walpole's epithet for the people.  
 (121) Ditto of a courtier of George III.  
 (122) 7 Hen. IV. c. 15.  
 (123) We might have added *murders*, and the *pardonning of murderers* when they murdered *only* the friends of freedom.  
 (124) See Prynne.

their representatives, for good laws and the removal of grievances, into mute *sheep* and *cattle*, which have no voice to say, “ *why are we bought and sold? why are we yoked? why are we fleeced and led to the slaughter?*”

So totally deficient, therefore, was this statute in equity, — without which there can be no statute, (125) and so diametrically opposite to the principles of the constitution, that in law it is a mere nullity, and shall be holden for nought, utterly incapable of divesting a human being of that liberty which is inherent in him by the unalterable law of nature, and which the constitution and the law of this realm always did, DO NOW, and ever must, declare to be his sacred birthright, which not the union of king, lords, and commons, in parliament, have authority to take from him: — nay, not even the deprived people themselves could of right, or without a most unnatural criminality, have voluntarily surrendered, for their own lives, a right of nature; for, of such no man can be divested, until his criminality hath made it necessary to the public security, that he be cut off from society; but, to maintain that such an act of madness (had it even been committed, which it was not) could have been binding on their posterity, would be the same as to say, that, if the people at any time should consent to surrender the right of wearing both their ears or both their eyes, and voluntarily suffer one ear to be cut off, or one eye to be put out, in order that they might be known as *English* subjects, or for any other reason, their posterity also would be bound to make the same surrender, and to carry the same disgraceful badge of their own servitude and their ancestors baseness and folly.

This abominable statute, as I have shewn, reduces the number who are represented to *one-seventh* part of what it should be: but, by the farther abuse of adding to this *disproportion* an enormous *inequality* amongst those who yet vote, a still more alarming consequence follows; as will appear by the following numerical proofs:

In England and Wales there are, souls, - -	6,000,000
A fourth part are males of age, competent to vote, - - - - -	1,500,000
Those who are now permitted to vote, including freeholders, burgesses, &c. - - -	214,000
Deduct these from the others, and it appears there are enslaved, (126) - - - - -	1,286,000

In

(125) See *Prin.* 12, 14, 15, 17, 18, 21, 22, 23, 27, 28, 29, 30.

(126) See *Prin.* 52, 53, 54, 55, 56.

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In Scotland, souls, - - -	1,500,000
Males, competent, - - -	375,000
Competent, as before, - - -	1,500,000
In Great-Britain, total competent, - - -	1,875,000

The whole house of commons consists of 558 members; of which 280 make a majority; but 254 are more than a majority of the fullest house that ever sat; and, therefore, 254 have always had it in their power to make the laws. (127)

Now 254 members are chosen by the votes of only 5723 electors; being the aggregate of the several borough majorities that choose the said 254. (128)

A majority of the whole house of commons ought to have, in order to place them there, the votes of the majority of all the competent persons in the nation. Those competent persons, being 1,875,000, a majority (allowing 500 more than half) is 938,000. From hence it will be found that our laws are made by men chosen by a number of electors which ought to be one hundred and sixty-three times as great as it is. (129)

I presume then it is time to restore an equal and a complete representation. And, to the learned author of the *Commentaries* and the very numerous advocates for an incomplete representation, who alledge that the poor ought to be excluded, because their poverty exposes them to bribery, I beg to reply, that, if examples of venality and prostitution are to be our rules of exclusion, we may as well begin amongst the rich as the poor; for we see, by an experience that has brought this country to the verge of ruin, that riches, by corrupting the morals and removing the restraints which are checks upon the passions, tend rather to expose men to temptation than to preserve them from it, and that it is not wealth but conscience which preserves integrity. But the very idea of any human creature being excluded from the common rights of humanity is shocking

(127) See *Polit. Disq.* c. 4. (128) *Ib.*

(129) 5723)938000(163

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34338

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17169

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( 57 )

shocking to nature. It is a prejudice ingrafted into our minds from those very habits of injustice and oppression which it ought now to be our business totally to abolish. Shall any one of us, while contending for our own liberty, and vindicating, by appeals to all the fundamental principles of our law and constitution, our own rights to that liberty undiminished, — shall any one of us, I say, while so employed, either propose or assent to its being denied to any fellow-subject, to the humblest peasant in England? God forbid such a thought! Besides, in point of policy, nothing can be so clear as that numbers are the grand security against bribery. It may be practicable enough out of the nation's purse, and by means of endless offices under government, to bribe 5723 persons, to put all our law-making and the powers of taxation into the hands of a corrupt minister; but, to suppose that the whole nation can be bribed to give these powers, without controul, into such hands, is as unreasonable as to suppose that the minister could bribe the whole nation to throw themselves off Dover-cliff into the sea. Let it also be remembered, that the particular class of men which would remain enslaved, provided a line of exclusion were drawn, so as to take in none but householders, is a body infinitely less subject to influence and intimidation than most householders themselves. The manufacturer, through the necessity of credit to extensive dealings, depends upon his banker almost absolutely: the opulent farmer, although perhaps worth 40l. or 50l. or 100l. a year freehold, is yet too dependent upon his landlord, of whom he rents his farm, to vote contrary to his commands: — I am sorry to say commands; for to that degree of despotism is the power of land-owners too generally exercised. Even the gentleman of fortune does not blush to say, 'I must vote for Mr. Courtier, because I rent of him an adjacent field, which makes me a conveniency;' nor the wealthiest merchant, 'I shall vote for the minister, because of my contract or my subscription.' On the contrary, the mechanic and the labourer depends almost wholly upon himself. His service is so extremely necessary to the success and opulence of his employer, that he need rarely fear being turned adrift: or, if he be, there are enough glad to receive him, and give him as good bread as he had before. Besides, he feels not the same dread of the consequences of disobliging any employer as the farmer or the manufacturer does; for he fears no ruin or distress while there is a recruiting-officer in the kingdom, or an America to give him welcome to her abundant soil and unoccupied plantations. And these, in my opinion, are considerations of the most serious nature; for, if we wish not that Englishmen should too easily reconcile their minds to a standing

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standing army, by looking towards it as an asylum from oppression; nor that they should be readily induced to depopulate their own country, by the prospects of more freedom and prosperity elsewhere; we should give them every possible interest in their native land, and bind them to it by the ties of affection and partiality. We should cause them to *feel* themselves free citizens of a free country; to know that being an *Englishman* is to partake in the government of the state, and to be secure from any arbitrary power whatsoever; and, by thus keeping them in the exercise of those rights necessary to political self-preservation, we should teach them to understand their nature and their inestimable value: of which not only the excluded part of the community are now almost totally ignorant, but the major part of the freeholders do by no means comprehend them. The cause is obvious. For want of a BALLOT, to guard them from the despotism and the vengeance of landlords, they are, through fear, as much induced to make those landlords the lords of their consciences as the army can be supposed (upon the modern hypothesis of *passive obedience* to command, superseding every obligation of law, morality, or religion) to take for its conscience the conscience of a minister, on whom preferment depends. An honourable condition, truly, for *English* soldiers and *English* freeholders! Besides this cause of perversion, they see very clearly, and they feel, that, if they should vote according to their consciences, it would produce no good, so long as the rotten boroughs have monopolised all the powers of legislation, and, by 5723 venal votes, can set aside the votes of above 208000 electors (130) and render them of no effect. Good God! let us not remain in this melancholy bondage, that marks us no less for idiots than for slaves! — By equalising representation, and making every man the free, unawed, disposer of his own vote, you will convince him that that vote is as weighty as any other man's, and of equal importance to the state; and that the prosperity of the state will be the prosperity of himself and his children, as part of the great family of the nation; you will make him see the folly (which now he does not) of selling his birthright for a mess of pottage; you will teach him to disdain the unprincipled act of sacrificing the interest of his country to the gain, or the pride, or the caprice, of his landlord; and to be ashamed of appointing any one for his representative in the legislative council of the nation, whom he knows to be a fit companion only for hounds or pointers, or whom he would not trust for five pounds in any transaction of a private nature.

Before

(130) It is always to be remembered, that the number, in *England* only, which ought to vote, is 1500000.

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Before I enter particularly into the merits of the *triennial act* of 6 William III. I shall only observe that the acts, so called, in the reigns of Charles I. and Charles II. for preventing the long intermission of parliaments, did neither of them enact the *continuance of one and the same parliament* for three years. The ancient law, for new parliaments to be holden once a year, or oftener, was in no wise repealed by either of them; for the first of them expressly enacts, “*That the said laws and statutes be from henceforth duly kept and observed;*” (131) and, by the other, they are *commended*; and, if there should be occasion for parliaments more often than once in three years, it is enacted that the king shall issue his “*writs for calling them;*” which need not have been, if he could have kept alive the same parliament by prorogations for three years. Neither of these laws, either by words or possible implication, having then repealed the ancient statutes for annual parliaments, it was, therefore, in the reign of king William that our *unalienable right* to annual or shorter parliaments was, upon the wretched plea of *expediency*, taken from us by the *forms of law*, and the innovation of a parliament of *three years continuance*, commonly called a *triennial parliament*, was introduced. So that the Revolution, although it ridded us of a gloomy and bigotted tyrant, was yet so far from *restoring the constitution*, which had been for the most part destroyed by the *statute of disfranchisement*, that it gave to that abominable statute a *three-fold* extent and operation, enlarged the sphere of *corruption*, and served as a *precedent* for the monstrous exercise of a power in the representative to *disfranchise his constituent* for such a period of time as the representative should judge *expedient*. And yet, it is in a return to triennial parliaments, under *this* statute, that some men place their hopes of national salvation! In any but a philosopher and a politician, I honour even a prejudice in favour of such events as the Revolution, since it is an honest prejudice begotten upon a noble principle: but I dread the idea of the prejudice, instead of the principle, becoming a rule of conduct in reforming the present corruption. How truly glorious had it been in the conductors of the Revolution, had they but restored to us the venerable, simple, equitable, and consummately wise, institution of our ancient parliaments, instead of resorting to *expediency*, that *ignis fatuus* of statesmen, and trusting to the unconstitutional and puerile invention of a triennial parliament for securing the liberties of the nation! But let us see how this triennial act was thought of at the time. A more unexceptionable opinion, perhaps, cannot be taken than that of Dr. *Samuel Johnson*, who, by

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numerous

(131) *Scobel's Collec.* 16 Car. I. c. 1. *Johnson*, 282.

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numerous writings in defence of liberty, under the arbitrary reigns of Charles II. and James II. (of so much merit as to bring upon him poverty and all the rigours of persecution, an attempt to assassinate him in his bed, and an imprisonment for life,) had been a very principal instrument in the hands of Providence in bringing about that Revolution; and who was a man of singular merit and probity, as appears by the testimony of his fellow-sufferer, Mr. *Hampden*, who says thus of him: "Being two years with him in the same prison, I had the opportunity to know him perfectly well, and I never knew a man of better sense, of a more innocent life, nor of greater virtue." (132) What ought also to give Dr. *Johnson's* opinion the greater weight is this; — that he had applied his studies to the particular investigation of the constitution in respect to parliaments, and, at the very period of the Revolution, composed his "Essay concerning Parliaments at a Certainty; or the Kalends of May;" which is dedicated to the barons and commons of England, in parliament assembled," in these remarkable words: "May it please your honours: you either knew more of the matter contained in these papers, or less, or the same. If you knew more, I should be glad to see it in your laws, which you mean to establish; or, which is better, in your *declaration of the constitution* (133) If not, no body can find fault with my poor office of bearing a light, but *they that have very ill eyes*. I am the known servant of you and of my whole country, S. J." And, in his conclusion, he says; "I do not speak thus doubtingly concerning *annual* parliaments, for I am positive in them." Again, "I was afraid that this government would float and move upon the face of the waters till we were at a certainty about our *parliaments*; and, therefore, when I waited upon my lord *Devonshire* before the coronation, and it is my fault I have not done it often since, I said that *we were never the better for this Revolution* till we had a settlement of parliaments, and our ancient right was *anniversary* parliaments, and that *nothing else could set the government to rights*. Knowing how much he had assisted the king, and seeing the white staff in his hand, I concluded upon his interest with the king, and therefore said, my lord, you may make a compliment of this matter to the king, and tell him that we must have good laws in a good reign or never, for we cannot have them in a bad one," &c. — He gave me the hearing," and "a certain knight pulled me by the sleeve; which had no other effect than to make me

(132) Preface to Johnson's works.

(133) Bill of rights.

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me speak the more, and the more earnestly," &c. "Likewise, when Mr. *Johnson*, told me in the court of requests, that the *bill of rights* was going up to the house of lords, I wished at that time that all the rights were reduced to *one line, which was our right*, to have a [new] parliament every kalends of May. I tell these stories to shew that I was always of one mind, and that no *court neglects* nor disappointments have altered me; and I will love this court whether they will or no, for I am sure I laid the bridge that brought them over."

There was also a protest in the house of lords against the passing of the triennial bill, signed, *Devonshire, Ailesbury, Halifax, Weymouth*, and it stands in these words: "We do dissent from this vote; because it tendeth to the continuance of this present parliament longer than, as we apprehend, is agreeable with the constitution of England; besides, the ill consequences which, in many respects, may attend it."

We now come to the consideration of the act for *septennial* parliaments.

Upon the accession of the house of Hanover, that fatal PRECEDENT, introduced by William, of giving a *discretionary continuance* to parliaments, was not overlooked by the court. If, said the ministers, *expediency* can justify a *triennial*, so it may a *septennial*, parliament. I agree with them: and, provided we do not seriously and instantly set about restoring the sacred and powerful barrier of *right*, against this same *expediency*, and every lawless encroachment, let us not complain if, ere long, we should see a *one-and-twenty-years-parliament*, or a perpetual parliament; or, indeed, any thing the court pleases to establish, on the *very same plea of expediency* that was urged in favour of a *septennial* parliament, as it may with equal force and justice. And whereas, says the *septennial* bill, it has been found, by experience, that the said clause [that no parliament should have continuance longer than for *three* years.] hath proved very grievous and burthensome, by occasioning much greater and more continued expences, in order to elections of members to serve in parliament, and more violent and lasting heats and animosities among the subjects of this realm," &c. &c.

And, whereas, (it might now be said, by the same rule of reasoning,) elections ought to be as seldom as possible; and, if there were none at all, these heats and animosities would be the more effectually cured: be it therefore enacted, that we, (meaning the majority only,) who have no idea of responsibility to the people; — we, who hold half the lucrative places under the crown; — we, who are many of us pensioners, contractors, and jobbers with the treasury; — we, who are suspected of

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of receiving fat douceurs at the end of every session, (134) for being at all calls, and voting down evidence and demonstration, and strangling all motions of enquiry by the previous question, besides receiving occasional premiums at every hard push; (135) — we, who supported the junto in those measures which have lost thirteen flourishing colonies, who embued our hands in the blood of those colonies in an unjust attempt to have the taxing of *their* property at *our* discretion, and who have spilt rivers of *British* blood in this bad cause; — we, who have uniformly given the minister *double* the sums for secret service, for extraordinaries, for contingents, &c. &c. (136) that ever were given by former parliaments to former ministers; — we, who in *five years* time, have incurred very nearly *one-fourth* part of a national debt which hath been accumulating for *ninety-two years*; (137) — we, who are certain of being opposed with great heat and animosity, should we suffer this parliament to expire and offer ourselves as candidates for the next: — be it therefore enacted, as before stated, that we do continue for life the legislators of Great-Britain, with power to bequeath our seats in parliament to whomsoever we please. — Translate but the *septennial* act into plain English, and it will be of a piece with this specimen of what the present parliament might say in justification of their making a conveyance of the seats in the house of commons to themselves and their heirs for ever. The majority, in the year 1716, had not indeed so much personal merit to plead as the majority in 1780 would have; but their ground was precisely the same, — *a traiterous expediency, in direct violation of the constitution.*

Had the whole parliament been unanimous on that occasion, it could not have communicated one particle of validity to so unjust a statute; but in neither house was there any thing like unanimity. Reason, justice, and sound policy, however, were obliged

(134) Mr. Byng, both at the Middlesex meeting and in parliament, has spoken of a list of *the faithful*, which, at the end of every session, is made out by the minister, or his immediate confidant, and submitted only to the eye of a very great personage, for his approbation of the sums set respectively against the names upon the list. This point of cabinet politics being adjusted, the money is paid, and the list burnt. Let those, who doubt, ask Mr. Byng where he picked up his suspicions.

(135) Perhaps a certain baronet, who dropped a minister's obliging note in a certain banker's shop, not seven miles from Charing-cross, on the morning after a *hard push*, when he changed a *three-hundred pound* bill, might be able to throw some light on this dark expression in our essay.

(136) See a pamphlet, entitled *Facts*.

(137) See *Facts*.

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obliged to give way to a minister and his corrupt majority. It was on the 10th of April, 1716, that the bill was proposed, in the house of LORDS, by *the lord-steward of the king's household*. How the lords were suffered to originate a bill for new-modelling the elections of the *commons* is only to be accounted for upon that modern principle of government, called *influence*. The claim of the commons, to originate all bills which affect the pockets of the people, would, in my opinion, have much intrinsic wisdom in it, had we an uninfluenced representative of that people: but still, to make it an indisputable rule of legislation, a concession is requisite on the part of the lords, who are not exempt from the payment of taxes. But, in matters of elections, the case is otherwise. Here the lords have nothing at all to do. The business does not concern them, and any interference is a violation of a clear, undoubted, right. In respect to any law touching elections, they are not to originate, they are not to alter, that are not to model, it in any degree; but singly to assent or to dissent. I mean not to say that individual lords are not, in parliament, to assign *the reasons* of their vote; nor that, out of parliament, they are not to *advise* an elector which of two or more candidates he ought to prefer; because I think it is perfectly constitutional in a peer to do both, and a freedom, without which he would be unnecessarily debarred the means of making his knowledge and love of virtue and good government useful to his country. But, to return from this digression, it was, on the 14th of April, that it was proposed to commit the bill. This brought on a long debate: and so conscious were the court-lords that their side of the question was unfit for the ears of the people, that the strangers, who had crowded with great anxiety into the house, were ordered to withdraw; and some of them, for eluding the order, were taken into custody of black-rod. The resolution, to commit, was followed by a protest of *thirty-one* lords. On the 18th the bill passed the lords, and a second protest was entered by *twenty-seven* of them. With what honour to parliament this bill was passed, let the first protest entered against the commitment declare:

*Dissentient,*

I. " Because we conceive, that frequent and new parliaments are required by the fundamental constitution of this kingdom; and the practice thereof, for many ages, (which manifestly appears by our records,) is a sufficient evidence and proof of this constitution."

II. " Because it is agreed, that the house of commons must be chosen by *the people*; and, when so chosen, they are truly the representatives of the people: which they cannot

" so



“ so properly be said to be, when continued for a longer  
“ time than that for which they were chosen; for, after that  
“ time, they are chosen by *the parliament*, and not the people;  
“ who are thereby deprived of the only remedy which they  
“ have against those who either do not understand, or through  
“ corruption do wilfully betray, the trust reposed in them;  
“ which remedy is, *to choose better men in their places.*” (138)

III. “ Because the reasons given for this bill, we conceive,  
“ were not sufficient to induce us to pass it, in *subversion of so*  
“ *essential a part of our constitution.*

“ I. For, as to the argument, that this will encourage the  
“ princes and states of *Europe* to enter into alliances with us,  
“ we have not heard any one minister assert that any one prince  
“ or state has asked, or so much as insinuated, that they  
“ wished such an alteration. (139)

“ Nor is it reasonable to imagine it; for it cannot be ex-  
“ pected, that any prince or state can rely upon a people to  
“ defend their liberties and interest, who shall be thought to  
“ have given up so great a part of their own; (140) nor can  
“ it

(138) We have seen 60000 freeholders petition the *crown* for a  
dissolution of parliament; or, in other words, that *their servants*,  
who had *betrayed* their trust, might be dismissed, and they be per-  
mitted “ to choose better men in their place;” but, his majesty,  
relying on the wisdom and justice, and approving of the conduct  
of his parliament, did not think proper to listen to these petitions.  
The court-members even denied that the people were discontented;  
and spoke of the petitioners as a factious few not to be regarded, al-  
though their number was ten times as large as that of those, who  
elected a majority of the fullest house of commons that ever sat.  
When the people, after trial of their representatives in one session,  
cannot themselves dismiss them and choose others in their room, if  
they see occasion, without the good pleasure of the crown, *the con-*  
*stitution of England is gone*, and the lower house is become a house of  
tyrants instead of a house of commons.

(139) Had such a wish been insinuated, it would have been the  
strongest argument for rejecting an alliance, as more dangerous to  
the state than hostility: for, it must have proceeded from jealousy  
and envy of our greatness, not a desire to give that greatness stabili-  
ty. But, corrupt ministers, who have a venal majority to vote  
whatever is to gratify their selfish ambition, and to call it the good  
of the nation, do not hesitate to use arguments that the most profligate  
pettifogger would be ashamed of.

(140) The wisdom of this remark is now evinced to our cost;  
and, to the eternal disgrace of those who pleaded the confidence  
of other states in your councils, as an argument for septennial par-  
liaments. *America* (an alliance infinitely more to be coveted than  
that of all the world besides) has constantly declared she could have no  
confidence

“ it be prudent for them to wish such an experiment to be  
“ made, after the experience that *Europe* has had of the great  
“ things  
“ K

confidence in your ministers, because of the corruption and servility  
of your parliament. What parliaments ought to be, she tells you  
by *her own example*. Hers are *annual*; elected by the free, un-  
biased, suffrages of *the people at large*, chosen by *ballot*, with regu-  
lar appointed sittings, not in the power of the first magistrate to pre-  
vent, nor *dissolvable* at his caprice. — But, let us hear what an  
American himself says with respect to an *English* ministry and an  
*English* parliament. *William Tudor*, esq. one of their lawyers, in  
an oration, spoken before the inhabitants of Boston, thus delivers  
himself. “ In a limited monarchy, where the prince, as supreme  
“ executive magistrate and first branch of the legislature, is invested  
“ with the important prerogative of making peace and war; is  
“ constituted the sole fountain of honour, and becomes the exclu-  
“ sive disposer of every lucrative and honourable appointment, ci-  
“ vil, ecclesiastical, and military; his influence becomes too enor-  
“ mous to be compatible with the public liberty: but if, to such  
“ extravagant powers, he should superadd a detestable system of  
“ corruption to bribe the representatives of the people, the worst  
“ species of vassalage must ensue. That equipoise between the  
“ respective branches of the legislature (in which the seeming, the  
“ theoretic, excellence of the English constitution consists) will be  
“ totally destroyed; the executive will involve the powers of the  
“ legislative, and, whilst the letter and formalities of the constitu-  
“ tion are retained, its spirit and intendment will be totally lost;  
“ an *absolutely arbitrary*, with the forms of a free government (that  
“ worst and surest of all tyrannies) will gradually succeed and be  
“ finally established, unless a total

[The American  
“ speaker probably used the word *revolution* in this place: but refor-  
“ mation will be the word that an English transcriber will prefer to  
“ use.] is happily effected by the timely exertions of the people,  
“ before the has strengthened himself with a mercenary army,  
“ and for ever closed their chains.

“ But this tyranny is already established in Great-Britain: for,  
“ what hopes can Britons entertain of effecting a [reformation,]  
“ whilst the [crown,] by the multiplicity of gifts in its power,  
“ can maintain an infamous majority, in each house of parliament,  
“ to *legalise*, and a standing army to enforce, its projects, however  
“ imperious, inhuman, or unjust. In vain a few wise and vir-  
“ tuous men see and lament their dishonourable situation. An ar-  
“ my of forty-thousand soldiers in time of peace, and a still more  
“ numerous band of placemen and pensioners, properly disposed  
“ throughout the kingdom, effectually stifle in their birth every  
“ effort of patriotism to restore the constitution to its primæval  
“ principles.

“ Such is the boasted constitution, such the , and such  
“ the present condition, of the people of Great-Britain. Unhappy  
“ nation!

“ things this nation has done for them, under the constitution, which is now to be altered by this bill.

“ But, on the other hand, they may be deterred from entering into measures with us, when they shall be informed, by the preamble of this bill, that the popish faction is so dangerous, as that it may be destructive to the peace and security of the government; and may apprehend, from this bill, that the government is so weak as to want so extraordinary a provision for its safety; which seems to imply, that the gentlemen of *Britain* are not to be trusted or relied upon, and that the good affections of the people are restrained to so small a number as that of which the present house of commons consists.

“ II. We conceive, this bill is so far from preventing expences and corruptions that it will rather increase them;

“ nation! — thus constitutionally enslaved, — thus legally undone! Unworthy descendants of illustrious ancestors! — thus to suffer your most essential rights to be bartered away; your government not only corrupted, but perverted to purposes diametrically opposite to its original intention. A parliament, at first constituted to watch over and preserve your rights and immunities from the encroaching steps of ambitious princes, you have permitted to become an engine, in the hands of ministry, the more effectually to abridge or nullify those rights. A parliament, constituted the stewards of your property, who, instead of guarding it from the insatiable grasp of royal avidity, you patiently see lavishly indulging the utmost extravagance of legal profusion; granting enormous sums for effecting the most pernicious purposes; traiterously leaguings with the servants of the crown in loading you with intolerable taxes, and sharers in the spoil; prodigally complying with the most unbounded demands of ministerial rapacity, while they at the same time treacherously unite to screen the most infamous defaulters of the public money.

“ Degenerate sons of great forefathers! is it possible that you can console yourselves for the loss of essential rights because you still retain the empty privilege of lampooning your king and mobbing his ministers, whilst you are destitute of that public spirit, and solid virtue, which should purge your corrupted government and reform your wretched constitution?”

If this be the language of an enemy, it were desirable, methinks, to have many such enemies amongst us. When I made “ the restoring of the constitution at home” [*Appendix to the Legis. Review*, 238, 247.] an essential part of the plan for recovering *America*, which I had the honour of presenting to his majesty three years ago; it was commonly treated as quite foreign to the business; and I do not remember that it made any part of the plans, for the same purpose, offered in either house of parliament: but I have not seen cause to change my opinion.

“ them; (141) for, the longer a parliament is to last, the more valuable to be purchased is a station in it; (141) and the greater also is the danger of corrupting the members of it; (141) for, if ever there should be a ministry who shall want a parliament to screen them from the just resentments of the people; (141) or from a discovery of their ill practices to the king, (141) who cannot otherwise, or so truly, be informed of them, as by a free parliament, it is so much the interest of such a ministry to influence the elections, (141) (which, by their authority, and the disposal of public money, they, of all others, have the best means of doing,) (141) that, it is to be feared, they will be tempted, and not fail to make use of them; (141) and, even when the members are chosen, they have greater opportunity of inducing very many to comply with them than they could have, if not only the sessions of parliament, but the parliament itself, were reduced to the ancient and primitive constitution and practice of frequent and new parliaments; (141) for, as a good ministry will neither practise nor need corruption, so it cannot be any lord’s intention to provide for the security of a bad one.

“ IV. We conceive, that whatever reasons may induce the lords to pass this bill, to continue this parliament for seven years, will be at least as strong, and may, by the conduct of the ministry, be made much stronger before the end of seven years, for continuing it still longer, and even to perpetuate it; which would be an express and absolute subversion of the third estate of the realm.

(Signed)

- “ Poulet, Guilford, Bathurst, Willoughby de B.
- “ Dartmouth, Ashburnham, Bruce, Berkshire,
- “ Bingley, P. Hereford, Weston, Abingdon,
- “ Strafford, F. Rossen, Osborne, Aylesbury,
- “ Montjoy, Somerset, Compton, Nottingham,
- “ Trevor, Shrewsbury, Foley, Bristol,
- “ Northampton, Anglesey, Gower, Tadcaster.”
- “ F. Cestriens, Mansel, Salisbury,

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In

(141) Perhaps many of my readers will suspect that I have framed this protest myself, as it may appear incredible to them, that, sixty-four years ago, it should be possible to describe so exactly what was to happen; but I can assure them they may find it, word for word, in the Journals of the house of lords of that year, page 331. — But, if they will consider for a moment, the case will speak for itself; and they will be satisfied that no other inspiration was necessary, for enabling the protesting lords to foretel such consequences, than integrity and common-sense.

In the debates of both houses many powerful arguments were also used against this abominable bill; but all to no purpose. (142) The junto of the time declared it to be *expedient*, and that was sufficient. That an *Addison* should have been amongst its advocates (143) is greatly to be lamented, as it brings a humiliating reflection upon human nature. It has been observed that the infinite services he rendered *his country*, by the noble lessons of morality contained in his *Spectators* and other periodical essays, were regarded with perfect indifference by the court; but, he no sooner employed his pen in the service of *ministers* than he was noticed and rewarded, and soon became a secretary of state. (144)

The *septennial* bill he "is particularly pleased with, as it will make us not only a more safe, a more flourishing, and a more happy, but also a more virtuous, people." Now, amongst the *one and thirty* protesting lords, there certainly was not one who possessed so fine a *genius* as Mr. *Addison*, nor one who has left behind him such testimonies of extensive knowledge and ability as a speculative *moralist*; nor, indeed, have the *one and thirty* put together equalled him in this respect: and yet we see, that by holding fast their integrity, they had a light to guide their judgements; which his unworthy conduct, in

(142) See the quotations already given, p. 37.

(143) See *Freeholder*, Number 37.

(144) Had he confined himself only to *their good deeds*, and endeavoured to establish the new family on the throne by *none but constitutional means*, we may, without any breach of charity, conclude, that he had never attained that elevation, which was conferred on him for siding with the ministry to undermine the constitution. His sixteenth paper is a master-piece of jesuitical writing on government. It begins with professing "a design to reconcile men to their own happiness;" but, in the very next paragraph, you find the drift of the paper is to reconcile them to the suspension of the *habeas-corpus* act: a happiness with a witness! In the course of his argument, he is even so disingenuous as to insinuate, that the claim to a *habeas-corpus* was quite novel, — a mere modern *expedient*, to be adhered to, or not, as occasion may require. "The *habeas-corpus* act," says he, "was made but about five-and-thirty years ago, and, since that time, has been suspended four times before his present majesty's accession to the throne; twice under the reign of king *William* and queen *Mary*; once under the reign of king *William*; and once under the reign of queen *Anne*." How ready he is to quote these ill precedents! But, to represent a statute as the *origin* of a *claim*, which he knew to be no other than a *declaration* of a *right*, acknowledged in *magna charta*, traceable as high as we have any evidence of our constitution, and founded in the law of nature itself, was unpardonable treachery to the liberties of his country,

in becoming the mere partisan of a faction, who disgraced a good cause, had deprived him of.

I shall finish this enquiry into the validity and merits of the *septennial* act with another quotation from *A Detection of the Parliaments of England*, v. I. p. 251: "We are now come to the last session of this assuming parliament; which, having been returned for THREE years, continued themselves, by their own authority, for SEVEN; and, though composed of *wiggs* within that time, went farther in the impoverishing and enslaving their fellow-subjects than all their predecessors together from the Restoration. (145)

Upon a review of the foregoing arguments, against the principles of the *triennial* and *septennial* statutes, I conceive they will be found, like the statute of Henry VI. to have no foundation whatsoever that can give them the smallest pretensions to validity. "An unjust law is no law," and "shall be holden for nought." They are all three in direct violation of the constitution, they tear up by the roots the foundations of freedom, and set at nought every maxim which maintains that laws to be binding must have the assent of those who are bound by them. They are consequently NULL and VOID, to all intents

(145) Towards the close of this volume, p. 329, after the author has traced this septennial parliament, through all the paths of iniquity, as far as the year 1727, and quoted some addresses, in which the minister endeavours to stigmatize his opposers as a treacherous faction, and makes his majority assure the king, they will stand by and support his majesty in all such farther measures "as his majesty shall find necessary and expedient," &c. &c. &c. He breaks forth with this exclamation: "Could the senate of *Tiberius* have said more? Could the parasites of any court whatever have licked the dust of the royal footstool with more servility? Did the stupid and incorrigible *Jews* sin more against common-sense, when they set up their calf, and proclaimed, *I these are thy gods, O Israel?* And yet this was the voice of those, who were become the representatives of *Great-Britain*, to a sovereign of their own choosing. — My stomach turns as I write: but, however sick, he that is embarked must proceed to the end of his voyage." What would have been this writer's feelings, had he lived to see a parliament vote *double*, *quadruple*, and *tenfold*, the sums that were then voted for the same articles! and, in ONE year, grant as much for the extraordinaries of an army (not greater than in the days of *William* and *Anne*) as then was allowed, for the same service, for TWENTY! See *Facts*, p. 42. In p. 67, also, we have an account of the amount of bills, annually drawn by governors, from 1755 to 1778. In the first of those years, when America was full of our governors, it was 850*l.* in the last, when we had scarcely either governors or colonies left, it was 94490*l.*

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tents and purposes, as though they had never been enacted: they are not "statutes, but corruptions:" — "they be not prescriptions, statutes, nor customs; but things, void and against justice." (146) If the commons of England, therefore, ever had a right to elect a new house of representatives "once in every year, or more often if need were," that right is in no wise destroyed nor diminished by the *triennial* or *septennial* acts, but is undoubtedly theirs at this moment; and every man of them, notwithstanding Henry VI.'s *statute of disfranchisement*, has, in like manner, a right to vote in such elections. These rights are *essential* to freedom. If essential, to take away the enjoyment of them is to take away freedom. That which is not only essential to freedom, but has express law declaratory of the people's right to it, needs, in strictness, no new law to justify them in exercising this right; although a declaratory act, respecting these rights, is become necessary for general information. The essentials to freedom, which we are treating of, are expressly recognised by the 7th Henry IV. c. 15; which enacts, that every man shall vote: and also by the 4th Edward III. c. 14; which enacts, that a parliament shall be holden every year once, and more often if need be. (147) Add to this, that, in no one of the three spurious statutes, passed with a view to destroy our freedom, is there a single word for the express repeal of one tittle contained in these glorious laws of liberty. To abrogate a nation's liberty, without taking any notice of the statutes provided in its defence, was, it must be confessed, an ingenious way of avoiding those stumbling-blocks; but I believe it was not very parliamentary, had the matter been even of the most indifferent nature. I have said, and I beg leave to repeat, that *that which is not only essential to freedom, but has express law declaratory of the people's right to it, needs no new law to justify them in exercising this right.* Upon this ground, the commons of England, including all who are arrived at man's estate, (148) at the expiration or dissolution of the present parliament, will be clearly justifiable, by the law and constitution, in electing in each county, respectively, as many representatives as shall fall to their share, in proportion to the number of inhabitants, without paying any regard to the number

(146) *Prin.* 28, 29, 21, 22, 27.(147) By *Arthur* and *Alfred* also; 5 *Ed.* II. 36 *Ed.* III. c. 10. and 50 *Ed.* III.

(148) "All those that there be present, as well sureties duly summoned for this cause as others, shall attend to the election of their knights for the parliament; and then, in full county, shall proceed to election freely and indifferently, notwithstanding any request or commandment to the contrary." See p. 19.

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number of members mentioned in the writ to the sheriff: and in like manner, without regard to the *septennial* or *triennial* bills, they will have a right to limit their members to a single session, and to secure their resignation by *bonds* and *sureties*; as formerly they secured a member's attendance in parliament by the same means. (149)

There are but two ways that I see whereby the ruinous expences, the debaucheries, the bribery, perjury, riots, and still more fatal mischiefs, of our elections can be remedied. I believe both ways to be effectual. One is, to leave the nomination of members to the crown: the other, to recur to the first principles of the constitution. In the minds of many, *annual* parliaments would cause these evils to increase in a seven-fold proportion. So they might, if we left the monstrous inequality of representation and all other corruptions of our legislative fundamentals as they are. But it will be seen, in the next chapter, that, by restoring the whole to the rules of law, justice, and the constitution, the people, in all parts, will undoubtedly conduct themselves, at elections, with as much quietness and sobriety as they do now when they meet at church; and for this simple reason, — THEY WILL HAVE NO TEMPTATION TO DO OTHERWISE. I have already referred to the *annual* elections for common-council-men (or the house of commons) of the city of London, chosen by all the house-keepers. A seat in the common-council is a mere office of trust, honour, and fatigue, *without profit*. There are no bribes to be obtained by the members; and, therefore, they offer none to the electors. It is the commerce of corruption that is the sole cause of all election evils. Destroy corruption, and these evils must cease. Surely, it is matter of humiliation to the friends of the houses of *Hanover* and of *Orange*, that their accessions to the throne should severally be marked by violations of the constitution, more serious in their consequences than any that were committed by the *Stewarts*, inasmuch as one breach in the *citadel* of freedom is more dangerous than many in the *outworks*. But the fact is, that the *citadel*, by which I mean the house of commons, has scarcely a found spot about it. I do not mean an indiscriminate attack upon the characters of its members. I intend only to shew the decayed and ruinous condition of the institution. The whole number of males competent to vote for England and Wales is 1500000. The whole number who have votes is 214000, or about  $\frac{1}{7}$ th.

Now,

(149) The elected person was compellable to find *manuaptors*, or sureties, sometimes four, five, or six, for his executing the office of representative; and, if he failed, his goods were distrained. See *Leg. Ri. vin.* 142. *Prynne, Bre. Par. Red.* 137.

Now, I must premise, that if the ancient annual parliaments, together with an equal and complete representation, which constitutes the whole of our legislative rights, were in use, our liberty would be entire. This sum total of liberty shall be accounted equal to 49 : of which, if six competent men in seven be deprived of their right to vote, that sum of liberty must be reduced to an equality with 7 ; and then, if those, who retain their privilege of voting, be debarred the exercise of it for six years in seven, it is equally evident that the said reduced sum of liberty is again reduced to a seventh part, or to an equality with 1 only. Hence it is demonstrable, that, provided parliamentary representation were equally divided amongst the 214000 electors, yet that, by the joint operation of the *statute of disfranchisement* and the *septennial act*, we should have only a *forty-ninth* part of our legislative rights or our liberty left. Now, a citadel that had but one part sound in forty-nine would not be very fit to trust to. And, to shoulder it up with buttresses, to patch and repair it, in hopes of making it tenable, would only be throwing away time to an ill purpose. Let it come down, in God's name, clear away the rubbish to the very rock of the constitution on which our ancestors placed it ; relay its foundations on that rock with the corner-stones of justice ; inclose it with out-works of law, of the best construction ; and garrison it with the whole people of Great-Britain. Then, and not till then, we shall be a free people. But I am greatly imposing upon my readers, if I make them believe that even one part in forty-nine of this citadel is sound. This calculation goes upon a supposition that there was no inequality in our representation ; but I have proved an enormous inequality is the fact ; a majority of those, who are competent to elect, being one hundred and sixty-three times as many as the number which actually chooses a majority of the fullest house that ever sat. To calculate upon this inequality, instead of the other, as we ought to do, it would appear that only one (150) part in eleven hundred and forty-one of our representation is perfect. Astonishing ! — Well ; have we got to the bottom of the mischief now ? Nothing like it. — This is only the rottenness of the institution itself, before we come to one particle of the influence upon certain of the members, after seated there. As a specimen of that, I shall state, from the London Courant, of February 28, 1780, the account of the division upon lord North's amendment to sir George Savile's motion, for a full disclosure of

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of the pension-list ; by which the *secret* part of that list was still kept in *the dark*. It is well known that the minority that day, including tellers, was 188 ; the majority, including tellers, 190. Now, from the account referred to, I have divided the said majority into distinct classes, and find them stand thus :

Pensioners, avowedly so, — — — —	6
Contractors, — — — —	14
Sons of placemen and other very near connections, — — — —	} 26
Placemen, — — — —	
	—
	140
Members, under no visible influence, —	50
	—
	190

Good God ! Is this possible ? Am I not dreaming ? Or, is this sober, serious, truth ? And, even yet, I have not touched upon prostitute *expectants* ; nor adverted to the India-company, the mighty fabric of the funds, and other extensive fields of influence ; (151) which are all in aid of ministers, against the constitutional efforts of an injured people. Let those, who call themselves *temperate* and *moderate* men, and who, after signing a petition, sit down again by their own fire-sides in their accustomed tranquillity, without thinking an association necessary at this juncture ; let these *temperate* and *moderate* men, I say, well consider what they are doing, or rather what they are neglecting to do ; and point out to us by what other means this country can be saved than that of *associating* ; because I apprehend we must do *something* ; and *associating*, in my humble opinion, seems best calculated for preserving that *peace* of society which cannot be too highly estimated, except when put in competition with *liberty* ; and, without liberty, there can be no peace that is not worse than death.

As, in a former work, I have exposed the total want of foundation for any petty borough whatsoever to elect more than its due share of representatives, so I shall now only say on that subject, that, to suppose a royal charter can communicate to any body of the commons a right to vote is RIDICULOUS. Much less can it give a right of voting to the *four stones* in lord Montague's

(151) Quere, how many generations, or reigns, or years, or months, may be supposed, upon a reasonable calculation, a requisite time for this inundation of influence, if not drained off, to overwhelm this whole land of liberty, as once it was called, and establish an avowed despotism ?

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*tacite's* park-wall, at Midhurst. Neither can it authorise half a dozen pot-walloppers to become the exclusive electors of as many representatives as the whole county of Yorkshire. That the constitution, the law of nature, and endless maxims of law, shall invest *the commons* with an actual participation in the legislature, and yet six in seven of them shall be excluded from this right, and a number, too small to be legally entitled to have *two* representatives, shall nevertheless elect *two hundred and fifty-four*, who make a majority of the fullest house that ever sat; (152) — that “none shall be bound by laws to which they do not assent,” and that “taxation and representation are inseparable,” and yet *one million two hundred and eighty-six thousand*, in England only, shall nevertheless pay their taxes without having a single vote for representatives, either to grant those taxes for them, or to give assent to any one law whatever, are, I say, contradictions and absurdities that must be done away by laws to restore the rights of the people *undiminished*. I will not disgust nor weary the reader with any farther recital of these absurdities: but I will assure him that, if he be one of the excluded persons, and shall be called upon to pay any tax to government, he is not, *by the law of the land*, compellable; and if, when his property shall be seized for the tax, he appeal to a court of *justice*, and the *judges* shall have a due regard to their *oath*, and the *jury* to the principles of *equity*, which are binding to every honest man; whereas “an unjust law is no law,” and consequently not binding at all; he will be defended from the oppression of being taxed at the arbitrary will of persons whom *other men have set over him*. Juries of *Englishmen*, seeing they are deciding in every such cause upon the liberties of their country, and pronouncing themselves and their posterity either freemen or slaves, will soon learn which, as honest men and as *Englishmen*, they ought to prefer. And thus it is that (to use an honest member of parliament's words (153)) the associated people of England may *walk down* their oppressors, and trample corruption under-foot, without disturbing the public peace. The sheep and oxen, the horses and loads of hay, that will be seized on for the taxes, will prove a currency rather too cumbersome to pass through the exchequer: and, if they be put up to public sale where seized, it is probable a people, associated to oppose this tyranny of taxation without representation, may take it into their heads to enter into mutual agreements *not to buy*; as their

American

(152) See p. 56. *Leg. Ri. vin.* 120. 5848 is the number proportioned to 2 representatives. 5723 do elect 254 representatives.

(153) Mr. Turner.

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*American* and *Irish* brethren did, with success, *not to import*. And, as this kind of resistance, which every friend to his country may carry on, and sit all the while quietly at his own fireside, *must prove effectual*, and make it *impossible* for any wicked ministry or corrupt parliament to pick their pockets before they shall have redressed their grievances, it at once removes every shadow of an objection to entering into a national association in defence of our rights. It is a resistance in which even the *Quakers* will join: for, what can be so peaceable as letting the collector of the land-tax seize and carry off my cow; or the exciseman take away my cart or my waggon without molestation? What can be so peaceable as appealing to the judge of assize, and a jury of the county, for their legal decision upon the seizure? It will be time enough to think of other measures when this appeal to the laws of our country shall fail us.

Neither does this doctrine contradict what I have advanced upon the enormous power of the crown, whence it might be inferred that even the decisions of the courts of justice must be at its command; because it is not now by the red right-arm of open despotism that we are governed, but by the weasel, under-ground, thief-like, but no less effectual, arts of influence. Our money is not yet taken with a pistol at our breasts, nor a sword at our throats, as by a Charles I. but it is far more abundantly filched out of our pockets *with all the forms of law*; and experience has shewn, that the English nation may be *duped*, but cannot be *dragooned*, into slavery. I shall close this chapter with another quotation from *Jeremiah*, the prophet, expostulating with and reprehending the rulers of *Israel*, who first corrupted and then oppressed the people. “Is *Israel* a servant? Is he a home-born slave? Why is he “spoiled?”

## CHAPTER VI.

*Reformation practicable, and not to be delayed. The whole plan may be comprised in two acts of parliament: drafts for those two acts.*

“LET reformation begin with the body of the people. “**L** The principles of electors are corrupt: let them return to virtue, and let them choose for representatives discreet and dispassionate men: such men as are recommended to their choice by the writ of election.”

This is now the language of many: these are the words of the man, who “believes the king to be the only patriot in this country.” They are words fit enough to accompany such

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a declaration. Whether the king or the people are most obliged to him for his good opinion I shall not take upon me to determine. It is certain, however, that he has not attempted to deceive nor impose upon the *people by flattery*. But as his is a common answer to those who suppose that some state-reforms are necessary, let us duly examine its truth and its drift. Is it true then that "the body of the people" of England are so corrupt, and so stupid, as neither to desire nor to ask for a better representation in parliament? Let their petitions testify. They complain of abuses in all branches of the expenditure of public money; and, consequently, they charge their representatives with being corrupt and with betraying their trust. They pray for extensive reforms touching places, pensions, and other emoluments, which are given to those representatives, in order to bribe them from their duty: and, consequently, it is their wish to have honest men in their places, and that none of their servants may be so seduced for the future, and have a better interest in wasting their property than in defending it. They pray that the unconstitutional influence of the crown may be done away, so that parliament may be restored to a state of independency; and, consequently, it is not *their* design that any but discreet and dispassionate men, such as the writs of election recommend, should be seated there; because such are the men to form an independent parliament. But the gentleman, who tells you, "he had dedicated his time to the study "of our constitution," must have known, if he knew any thing, that that constitution is so fallen into decay, that the election of a parliament is no longer in "the body of the people," but in a handful of electors exposed to every possible temptation, in the aristocracy, and in the minister; therefore his language was at once the most cruel insult on the character of the people, a mockery of their misery, and only calculated to impose upon his auditory by a misrepresentation of facts, and pointing to a remedy which, until the petition he was opposing should be substantially successful, could not possibly have any sphere of operation. Such are the pretensions to truth, and such the drift of this gentleman's language! But, in what school of philosophy or morals did this court-oracle learn, that national reformation is to begin with "the body "of the people," and to ascend to their rulers and teachers! Does the member of parliament, the nobleman, or the bishop, look down to the peasant for instruction, or feel the influence of such an example? How absurd the idea! — But let us close issue with these *retrograde* reformers, who hereby admit that the people have not at present an adequate representation, because the choice of such a representation is the proposed  
cure

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cure of the national disease; and who acknowledge also that the right of choosing is in *the people*, because it is to the choice and virtue of *the people* that we are referred for reformation. To stigmatize the whole nation with venality as the cause, and to propose that the reformation should begin with the whole nation, — "the body of the people," — as the remedy of the evil, — is absurd, if the whole nation are not concerned in constituting the legislature. — Then let THE BODY OF THE PEOPLE, thus called upon, instantly request his majesty to rid them of their unfaithful servants, in order that they may proceed to a new election. Let them shew whether they be thus corrupt or not; — whether they be disposed to sell their birthright for a mess of pottage, or to preserve it as their most sacred possession; — whether they approve of all the solid interests of their country being sacrificed to wild ambition and insatiate rapacity, its existence hazarded by vindictiveness and obstinacy; — and its character branded for universal selfishness and prostitution, or of a reformation that would restore the public prosperity and reputation! Let them shew whether their petitions are mere effusions of faction, or the sincere overflowings of their hearts! To whom can they address themselves, in the cause of reformation, with so much propriety as to their patriot sovereign? Will he not aid them in this good work? will he not assist them in this attempt to purify their house of commons? will he not henceforth refrain to bestow upon any representatives of theirs, any profitable employ in *his* service; lest it should tend to bias their judgement and corrupt their integrity, since "no man can serve two masters." Will he not forbid his minister, on pain of his highest displeasure, to carry on any commerce of corruption with these men, whereby they shall fleece the people, under pretences of public services, and then divide the spoil? Will he not give every countenance, and finally his royal assent, to laws for restoring to "the body of the people" their BIRTHRIGHT of an equitable representation in an annual parliament? A patriot prince can do no other. Happy, then, that people who have such a prince on the throne, when they are praying for this reformation!

But what do I hear? — Do not I hear some persons say, "But the people do not ask for these things. Just as they are "in themselves, and undoubtedly their birthright, yet they do not ask them; and, therefore, it is premature to give "them. We perfectly agree with you in the principle, and "that nothing else will cure the political malady of corrupt "influence, but *this is not the time*, and we ought not yet to "administer this medicine." If asking for an *independent* parliament

liament be not asking for a parliament to be chosen by *the body of the people*, in fair and equal proportions, and to exist for a year only, it is asking for nothing. I know all the arguments for rotten boroughs, for septennial and triennial elections; and I know they are unworthy of a sensible man's attention, or of an honest man's regard. I have, in my possession, quires of these arguments; which I have never been able to consider in any other light than as monuments of human infirmity, and the unhappy prejudices of men, whom, in other respects, I sincerely respect and greatly admire. Nay, limited as is my superficial knowledge, and inferior as my humble talents are to those of men eminently distinguished for learning and genius, who may be against such a reformation, in respect either to its rectitude, its general expediency, or this being the time for it, I am yet bold to dare the greatest of them to come forth in his own person, on the public theatre, and to dispute with me any or all of these points. I observe, however, that, brilliant as are such men's parts, they are, at this time, very modest upon these questions; and I observe too, and observe it with infinite satisfaction, that whenever they are decided by fair debate, either in private mixed companies, or in large assemblies, such as this metropolis now abounds with, that the voice of reason and reformation is triumphant. And so will it be in the general meetings of your counties, whenever the points shall be fully and fairly discussed. If I could doubt it, I must doubt human rationality; I must doubt even that men have a regard to their own interest. In asking for an independent parliament, I maintain that the people have asked for those things without which it is impossible to grant their request. It is wretched trifling, it is mere chicane, to say otherwise. This being the time in which they petition, this, I maintain, is the time to contend for an equitable representation and annual elections. When the sick man asks his physician to remove his fever, I conceive he asks for those medicines that are proper to his cure, although he knows not particularly which are best. Will the physician, in such a case, say, 'My patient has not demanded antimony, emetic tartar, nor the fever-powder; and, therefore, I will only give him a turnip.' If the sick man be likely to die, and having only desired in general terms that his fever may be removed, not knowing himself the best medicines, nor manifesting any particular appetite for drugs, and possibly feeling some disgust at the thoughts of any, will the honest physician declare, *this is not yet the time; because my patient is not grown fond of drugs, and does not call for them by name, and in the necessary composition and quantity?* What is the use of a physician

if the patient is to prescribe for himself? Where the utility of committees, or the use of a general council of deputies, if nothing is to be proposed, in the way of reformation, that the people at large have not called for and defined? Although these arguments, against the opening the eyes of the people, which originate with the disingenuous, and infect the timid and the credulous, are circulated with infinite industry by the interested opposers of the public good; yet he, who shall hazard them before the people of England, assembled in any of their public meetings, to hear the fate of their petitions, and to know what their committees have to propose for their future security against oppression, will, in my opinion, be as bold a man as he who told the Yorkshiremen, that a minister ought "to keep up the taxes, on the return of peace, to the greatest height of a war-establishment."

So strong is the impression of the peoples rights upon my mind, and so clearly do I see one mode of recovering them, without entrusting so important an object too much to others, which, in my humble opinion, is perfectly constitutional, that, ere I proceed, I will state it to my reader. I have proved, I trust, that it is every Englishman's right to vote in elections of members to serve in parliament; that these rights being equal, and the claims of protection equal also, every county is entitled to representatives in proportion to the number of the inhabitants; and that it is our right also to create a new house of commons once at least in every year. I have likewise proved, as I conceive, that the *three* statutes, encroaching on these inherent rights, are *null and void*; and, consequently, that these rights are maintainable by even the *statute law of the land*, as it now stands; for the act of 7 Henry IV. c. 15. and the acts of 4 Edward III. c. 14. and 36 Edward III. c. 10. are (if we are to receive justice, and the king and the judges to observe their oaths) at this moment in full force. There is no law to set them aside, except those three *void* statutes; and, even in those, there is not a syllable for repealing any part of them. Besides, whenever the commons' house of parliament is dissolved or expires, every power, to that house delegated, expires with it; and the commonalty, in their aggregate capacity, become once more *de facto*, as they are, at all times, *de jure*, *the third estate of the realm*; totally independent of the other two, and not bound by any limitations of their franchises or privileges, to which their representatives may at any former period either faithfully or unfaithfully have consented. Hence it follows, that it is for them and them alone to say, whether to the next parliament they will send exactly five hundred and fifty-eight members,



members, or more or less. (154) It is also for them to say, that, when they shall have deputed their *attornies* to appear in parliament on their behalf, expressly limited to act in that capacity for one session only, it is not for any power on earth to prolong that term. It is clear, therefore, I apprehend, that if an acknowledged majority of the people should think fit, by common consent, to assert their right to a complete and equal representation, and to parliaments of one session; and, at the expiration of the present parliament, should proceed to elect and to limit their representatives accordingly, even although no previous act of parliament for that purpose should pass, they would act constitutionally and legally in the strictest sense of those words. It matters not that the writs would specify the numbers to be chosen in each county respectively. The writs, being erroneous, might be returned corrected, with the reasons assigned. No one of the three branches of the government owes its existence or its independence to *parliament*. Each must necessarily have had its independent existence before parliament had a being; because it is the union of these three distinct powers which constitutes parliament. When, therefore, any one of the three estates asserts and exercises that independency, to which, by the constitution, it is entitled, and without which the just balance of our government is destroyed, there is not any authority in parliament to question such exercise of inherent power, nor can it do it without subverting the foundations of its own independency; which is nothing more than the aggregate, or sum total, of independency belonging to the three distinct branches separately. I will illustrate this by supposing that a king of England might again, (as in ancient times it happened more than once, particularly in the case of Henry VI. in whose reign was passed the statute of disfranchisement,) through imbecility of understanding and the intrigues of great men, become not only the dupe and puppet, but the actual prisoner, of some such great men; and should be brought to parliament to ratify bills against his own just rights and his independency of action: I will suppose that he should thus give the royal assent to laws, forbidding himself to interfere in

(154) It is mere custom, not the constitution, which hath fixed the representation of England and Wales at 513. In the first parliament of *Hen. VIII.* the number was 298. In ancient times it fluctuated much. *Kings* added to it as they saw occasion: hence, the numbers poured in from Cornwall, which was the demesne of the crown, by charters of incorporation. In 23 *Ed. I.* that county sent 12 members; now it sends 44. *Hen. VI.* privileged 17 boroughs; *Ed. VI.* 22; *Hen. VIII.* 17; *Mary,* 14; *Eliz.* 31; and *James I.* 14. See *Polit. Disq.* c. 5.

in the education, maintenance, or safety, of more than one in seven of his own children. I will suppose that, with regard to those household servants whom he had hired for a few months, or a year at most, he should assent to a law, depriving himself of a power to dismiss them in less than seven years, notwithstanding his cook should provide, and his maitre d'hotel set before him, nothing but stinking viands, dirtily dished up, while they and their fellow-servants should feast on every dainty; notwithstanding his pages should leave him only a single suit of tattered garments to wear, nor should even give their smallest attendance on his person, but adorn themselves in his wardrobe, and spend all their time in pursuing their own pleasures; that his grooms should deny him a horse to ride on, but keep a noble stud for their own use, selling them at their pleasure, and pocketing the money, while he paid for all that were bought in; and that the treasurer of his privy-purse should keep him without a sixpence in his pocket, while he himself was laying house to house, and field to field, building palaces, and indulging in every excess of luxury, voluptuousness, and extravagance. Supposing, I say, a king should be so weak as to submit to all these indignities, and that, acting under the tyrannic influence of wicked men, he should pass *acts of parliaments* for perpetuating the like upon all his successors, to the latest generations, and then should die: — Would his successor, I ask, be bound to pay regard to acts of parliament of such iniquity and absurdity? Would he hesitate a moment to assert his own independency; to interest himself in the welfare of all his children; and to act as became the master of his own menial servants? Would he suffer these worthless servants of his predecessor to hold their places in defiance of him, until the expiration of their seven years, or until the absurd act of parliament, which had corrupted them, were formally repealed? Assuredly he would not. He would consider that *an absurd law is its own repeal*; he would act accordingly; and his parliament would not only confirm, but applaud, that exercise of the powers inherent in himself, by which he acted worthy of his own dignity, and as became one of the three component parts of an independent legislature. Supposing, therefore, the present parliament at an end, the people themselves, without other concurrence, have not only a right to resume their election franchises and privileges in their full extent, but it is their duty so to do; the law of the land and the constitution of their country require it of them. If they do it not they betray both. By proceeding to election, under the illegal limitations of the void *statute of disfranchisement*, and all the corruptions of *inequality* which have grown out of it, they

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they would expressly offend against the act of 7 Henry IV. c. 15. and, by choosing representatives, without an express denial of their right to sit in parliament for *seven* years, and telling them, in so many words, that it will be at their own peril they shall presume so to do upon the authority of the septennial bill, WHICH IS NO LAW, against the sacred laws of the realm and the unalienable BIRTHRIGHT of their constituents, they would offend also against the aforesaid statutes of Edward III. Besides, it is a contradiction, it is an absurdity, to elect men members into a *septennial* parliament, and leave it to them afterwards to limit *themselves* in duration. When the house of commons shall expire, every power they possess, as before observed, will expire with them, and revert to the people. The powers of a new house of commons must be derived from the people, and from the people only, who are the creators of that new house. The members can derive no powers from any former house of commons: for they succeed not to their powers by *inheritance*, but by *delegation*, and delegation *only*. Now I should be glad to know what powers a delegate can possess, which did not belong to his principal. It is manifest then that the people must ever have a right in all elections to limit the service of their representatives to the term of a single session; and to take bonds and sureties for their not exceeding that term, as formerly they took the like compulsory means to enforce their attendance. But it will, perhaps, be said, that supposing this were done at the next election, the parliament would vote all such bonds illegal, and the courts of justice could not proceed upon them. The parliament, it is true, might vote, or might enact, such bonds to be illegal; it might enact too that courts of justice themselves were illegal; it might enact that the people had no rights; it might enact that you have no constitution; and that magna-charta is treason: — and, if the people shall be mad enough to create *another* septennial parliament, they may expect to see more than all this enacted; they may expect to be consigned, by such a parliament, to an Egyptian bondage for ever, and told that they and their lands are the property of the king, to be disposed of at his will and pleasure. If, on the contrary, they shall make it an article of their association to take these bonds and sureties of all candidates before election, I am persuaded the parliament, they shall thereby create, will not venture to dispute the legality of such an act, nor attempt to prolong its existence beyond the duration assigned it by its creators. There is this very material difference, between this mode of binding the candidates, and that of doing it by a mere promise that *they will use their endeavours* to obtain an act for an annual parliament: in the latter case, no-

thing

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thing more is necessary for continuing the tyranny of a septennial parliament than that individual members shall elude their promises, by *mock motions* and *concerted defeats* of their own *insincere endeavours*; whereas, in the other case, the parliament will have no possible means of continuing its own existence against the sense of the people, but by OPEN DEFIANCE, and by declaring that *the election of the people* is not necessary to *the existence of a house of commons*. The cause will then be fairly at issue between the people and that crown influence which corrupts their representatives; they will no longer be kept in the dark, nor amused by sham battles between the crown and an opposition; but the really honest men will secede from a parliament in which they will have no right to sit; and the people, knowing of a certainty who are their enemies, their numbers and their force, will know what farther measures to take for vindicating their rights.

When I urge, both in this case and in the case of being taxed without being represented, that the people should bring their cause into the courts of law, I am not afraid to meet the boldest champion for parliamentary omnipotence in argument; because I know the courts of law are competent to the jurisdiction, and have no need to fear the menaces of a house of commons, nor are even bound to obey the whole legislature, in any attempt to stop the due process of law and justice. It is the oath of a judge, that he will “deny to no man common right, by the king’s letters, nor none other man’s, nor for *none other cause*.” and the common-law says, “*Contra justitiam nihil possumus*.” In the law of God they are also told, “Ye shall not be afraid of the face of man, for THE JUDGEMENT IS GOD’S.” (155) and the law of God is the second foundation of the law of England. Besides this, the defence of the people against every species of oppression, come it from what quarter soever, is clearly laid down to be the duty of the judges in the oath; for it is proposed to them, in these remarkable words, “Ye shall swear that well and lawfully ye shall serve our lord the king and HIS PEOPLE in the office of justice,” &c. Even acts of parliament will not screen judges, much less are they sufficient to warrant them, in passing judgements contrary to the principles of law and the natural rights of men. This was experienced by those two time-serving judges of Henry VII. *Empson* and *Dudley*; who, for passing judgements to the wrong and oppression of the subject, although it was under the express authority of *acts of parliament*, were afterwards both tried, condemned, and executed. (156)

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From

(155) Deut. i. 16.

(156) Lord Coke, 4 inst. c. i. p. 41. *Sharp’s Declaration*, 178.

From the principles, given in the first chapter, it is evident that unconstitutional and unjust acts of parliament are not laws; and we do not want precedents to shew that they have been disregarded accordingly. In the reigns of Henry VIII. and Edward VI. four statutes passed, whereby it was expressly enacted that persons committing treason in Ireland might be tried for it in England: but when, in the reign of Elizabeth, the thing was attempted, it was maintained by the judges, Wray and Dyer, and Gerrarde, the attorney-general, that IT COULD NOT BE; because an offender could not have his trial here by his peers, nor by any jury of twelve. (157)

We have seen that it is, in the power of less than six thousand electors in the boroughs to nominate our efficient law-makers; and, consequently, to dispose of the property of all the landed, opulent, and commercial, men in the kingdom. It is no wonder, then, there is money found to bribe them with. This alone is a sufficient ground for the rest of the electors to refuse paying any taxes until the representation were equalised. Those, who have no votes, have more especially, and at all times, this justification for the like refusal. If, with regard to the county-electors, the propriety of such a refusal should be doubted at all, that doubt could only exist during the continuance of the first session after a new election; because, beyond that period, no parliament can have a constitutional existence; and, consequently, every man in the community must then be unrepresented.

Amongst those, who at this time are very warm for political reformation, as an abstract proposition, and in general terms talk of it as necessary, there is, as must needs be, a great variety of limits to which different persons propose to carry it; while very few indeed, almost none, who pretend to be informed upon the subject, deny that annual parliaments are the right of the people, and that the extreme inequality of our representation ought to be done away, if the attempt would not make enemies, to the cause of reformation, of those persons who are particularly interested in the boroughs. This is the apprehension artfully thrown out to damp the ardour of the sincere contenders for the rights of the people; and it is added, that nothing can be done without unanimity. For my own part, I would far rather have all such men the open, than the concealed, enemies of our cause. If it be their object to stop the reformation short of correcting those abuses which serve their own interested and ambitious purposes, they are the worst of enemies to the public; and it should be the particular effort of every honest man to contend for such essentials, as shall either separate these

(157) Dyer's Reports, 360. Sharp's Declaration, 193.

these tares from the wheat, or excite in their bosoms a generous resolution to sacrifice their selfish ends to the public good. As to entire unanimity, it is a chimera. A decided, a considerable, majority is all we want. It is the evident interest of a very great majority that the reformation should be radical; and therefore I, for one, have no fears, no reserves, but will trust to the good sense and to the virtue of the people, at large, to save themselves from impending ruin. The ingenuity of some men in parliament, in justifying themselves from proposing or assenting to an equal representation, is admirable. 'Were we to vote, say they, for an equal representation, as a right of the people, we should deny the very authority by which we sit in parliament, we should take from ourselves the ground we stand on; and, before we can give such a vote, we must declare that we have discovered we have no right to sit in that assembly, and must vacate our seats accordingly. But, if we be satisfied of the validity of our own elections, as doubtless we are, and should vote for granting to all men that peculiar privilege of our constituents, which is now theirs exclusively; what would those constituents say to us when we might again offer ourselves as candidates at a future election? Would they choose men who had laid open their inclosure to the common?' It would be a waste of words to reply to such shallow sophistry. But those, who use it, would do well to consider whether such arguments will pass, with the Searcher of hearts, as an excuse for not maintaining the cause of justice and of their country; and whether they can truly serve their constituents by continuing that narrowness and inequality of representation, which is a primary cause of that unconstitutional influence, under the pressure of which the whole kingdom is sinking into ruin and slavery. No; no: it is not a regard to the rights of their constituents, it is not a real tenderness to their prejudices, but it is a less laudable motive, which inspires this language.

Unfashionable as it may be to refer to scripture (158) authority, I shall nevertheless be content to draw instruction from that source, and quote a few words that afford very remarkable encouragement in favour of all rational and sincere attempts at national

(158) Amongst the internal evidences of the Scriptures not being mere human inventions, nor a scheme of priestcraft to obtain the dominion of men, it is a very striking one, that they maintain the equality of all mankind, and vindicate the liberty and just government of nations upon the purest and sublimest principles: invariably casting the severest reproaches, and denouncing the heaviest vengeance of God, against unjust judges and oppressive tyrants.

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national reformation of government; and, as they proceed from a perfect knowledge of human nature, so I doubt not they will afford satisfaction to the intelligent. It must be remembered that the laws of Moses included both religion and civil government; so that, to say such an one 'restored religion,' was the same as saying he 'restored the constitution.' Thus *Hezekiah* began his reign with restoring the decayed constitution of Israel. He bitterly laments that the law had been perverted, and vice and corruption introduced; and in words but too applicable to the present condition of this injured and dishonoured country; — "Wherefore, says he, the wrath of the Lord was upon Judah and Jerusalem, and he hath delivered them to trouble, to astonishment, and to hissing, as ye see with your eyes. For, lo! our fathers have fallen by the sword; and our sons, and our daughters, and our wives, are in captivity for this." "Carry forth the filthiness," (159) says he, "and let us renew our covenant with the Lord:" (160) — "my sons, be not now negligent." (161) But it was then, as in modern times, that a reformer was, by the sons of profligacy, esteemed a ridiculous enthusiast, and national reformation a chimerical project: for, "so the posts passed from city to city; but they laughed them to scorn, and mocked them." — Nevertheless, divers humbled themselves and came to Jerusalem. Also in Judah THE HAND OF GOD WAS TO GIVE THEM ONE HEART to do the commandment of the king and of the princes." "And the Lord hearkened to Hezekiah, and healed the people." "And Hezekiah rejoiced, and all the people, that God had prepared the people;" [as the same Providence seems now to have prepared the people of England; and, I trust, will give them one heart also;] "FOR THE THING WAS DONE SUDDENLY." This virtue and patriotism were rewarded accordingly. The prosperity of the people soon enriched the prince. "And Hezekiah had exceeding much riches and honour; and he made himself treasuries for silver and for gold, and for precious stones," &c. &c. &c. And this prosperity lasted for his life.

Then, after a long space of ill government, the constitution seems to have been in a manner forgotten again, and the same torrent of corruptions as before had deluged the state, when the virtuous *Josiah* came to the throne at eight years of age. At sixteen, "he began to seek after God;" and, at twenty, he set about a reformation of the state; but the guardians and preceptors of his youth had been so shamefully deficient in their duty, that they had not once laid before him that book, in which was preserved the constitution and the law of his realm.

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(159) 2 Chron. xxix. (160) xxx. (161) xxxii.

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When he was twenty-six years of age, it was accidentally discovered and brought to light, by those who, by his order, were repairing the temple. "Hilkiah, the priest, found the book of the law of the Lord, given by Moses." "And Shapan carried the book to the king, saying, Hilkiah, the priest, hath given me a book. And Shapan read it before the king. And it came to pass, when the king had heard the words of the law, that he rent his clothes." — "Go, enquire of the Lord for me," said this virtuous and feeling prince, "and for them that are left in Israel and in Judah, concerning the words of the book that is found; for great is the wrath of the Lord that is poured out upon us; because our fathers have not kept the word of the Lord, to do after all that is written in this book." "And the king went up into the house of the Lord, and all the men of Judah;" [not the noblemen, gentlemen, clergy, and freeholders, but] "all the men of Judah, and the inhabitants of Jerusalem, and the priests, and the Levites, and all the people, GREAT AND SMALL; (162) and he read in their ears all the words of the book of the covenant, that was found in the house of the Lord." "And he caused all that were present to stand to it." "And all his days they departed not from following the Lord, the God of their fathers."

Now, as the bosom-confident of majesty has assured us that "the king is the greatest and best patriot in this country," it were sincerely to be wished that we had a *Shapan* at court, to carry to his majesty the book of the constitution. Any one can tell him where to find it. A patriot prince must be the patron of reformation. He would not say, as that gentleman has said, let reformation begin with the "body of the people;" but he would "rend his clothes" with grief, — he would exclaim, "O my people, they which lead thee cause thee to err;" (163) "carry forth the filthiness" of legislative corruption! And then, like *Hezekiah* and *Josiah*, he would set the example, and be zealous and active in his own person to restore the constitution. But, if it shall come to pass that this book of the constitution shall not be read before the king, and the king shall not become the leader of this reformation, for which the people shew so strong a disposition, they will only have the greater reason

(162) This liberal and constitutional principle was duly attended to, and clearly expressed, in the respective advertisements for calling the late meetings in the counties of *Suffex*, *Essex*, and *Notts*. In other counties the advertisements were in general terms, without distinguishing any particular classes, and consequently excluding none; as in *Huntingdonshire*, &c.

(163) *Isa.* iii. 12.

son to unite and associate as one man, *with one heart*, to assert their right of an equal and complete representation in annual parliaments, as recommended to them in the admirable *Address to the Freeholders of Middlesex*. Provided they be sincere in their wishes for just and legal government, and unite with virtuous inclinations to promote this reformation, (without which property can be holden only by the sufferance of the crown, and liberty must totally perish,) they may despise the foolish threats of wicked men, and may depend upon having as much obsequiousness shewn to them as has been lately shewn to their associated brethren in Ireland. No pensioned majority, no previous question, will here serve the turn; but their demand MUST be complied with; and "THE THING WILL BE DONE SUDDENLY." It will, therefore, behove the gentlemen of the several committees (and especially such as may be singled out for forming a second general deputation in London, if that measure should be thought adviseable, in order to facilitate and dispatch the business) to be prudently and conscientiously upon their guard against any similar error with that into which they unhappily fell who new-modelled the commons' house of parliament soon after the Revolution. With them it was far too much a matter of *speculation* and *expediency*. Ours has been the bitter experience of their error, in not having resorted to the original, the unalterable, and *only safe*, principles of the constitution. Whatever is a *self-evident* or *demonstrated* RIGHT of men must be inflexibly adhered to by every friend of reformation and the liberties of his country. It is time that that kind of patriotism were exploded, which pretends to *serve* the people by with-holding from them their *rights*; and that the equivocal doctrines of *expediency* and *necessity*, which are to palliate the *smallest departure* from RECTITUDE, be utterly rejected with disdain and abhorrence by all honest men.

- " There is no moral necessity that can justify an ill action." *Lofft's Elem. of univ. Law, p. 227.*
- " Nothing can be necessary that is not even permissible." *Ib.*
- " Nothing is permissible that is inconsistent with justice to be done."
- " Nothing can be *necessary*, — because nothing allowable, — *to be omitted*, which it is an *obligation of absolute justice* to perform." *Ib. Co. Litt. 127.*
- " *Public necessity* is greater than *private*."
- " THE NECESSITY OF JUSTICE IS PARAMOUNT TO BOTH."
- " THE NECESSITY OF JUSTICE IS ETERNAL, IS SUPREME."
- " He, who assumes a *necessity*, to authorise him to do *evil*, draws after the evil committed a *worse evil*, and an *heavier necessity*. And thus alternately, and in a kind of geometri-

" cally-

" cally-progressive series of *accumulated wrong* and *calamity*, " NECESSITY produces a new EVIL, and the EVIL a new NECESSITY." *Ib. 228.*

No maxim was ever more amply nor more literally verified than this is at this moment; when a corrupt parliament is become, as it were, THE ONE GREAT EVIL OF THE STATE, that, like a mother of serpents, it seems to contain a most prolific brood of other evils in its maw, and to skreen them there, as its own genuine offspring, against all who attempt to root them out. *It had its origin in pretended NECESSITY*. It was the *pretended necessity* of preventing certain *possible* evils which might "very likely rise and be," at free and constitutional elections, which gave birth to the accursed *statute of disfranchisement*: that statute produced the evils: whence arose *new necessities*; and they again teemed with *fresh* evils. They come *triennial necessities* and *septennial necessities*, and in their train innumerable evils; and other endless necessities succeeding each other alternately; until our laws against election-evils, our litigations and trials concerning them, (things almost unknown before these innovations,) would now fill many volumes in folio; and parliamentary corruption is become that ONE GREAT EVIL OF THE STATE, so destructive of property, so subversive of liberty, so baneful to morals, and so totally inconsistent with the safety and happiness of the community, that the nation can no longer endure it, but is associating in all parts, and seems determined to unite as one man, with "one heart," to do itself right, and (without being the dupes of any faction) to establish its liberties upon the broad foundations of the constitution, equally favourable to all men.

As *expediency* is one thing with one man, and another thing with another, and differs more or less in almost every mind, it would let in a torrent of opinions and open such a door to uncertainty, to sophistry, and to the specious arts of smiling betrayers, that it must not be thought of where *essentials* and *fundamentals* are concerned. RECTITUDE alone can produce UNANIMITY. Upon what is SELF-EVIDENT, upon what is unanswerably DEMONSTRATED, upon what is undeniably JUST, there can be no diversity of opinion. Upon that ground we must erect the standard of reformation. There we shall be immovable and invulnerable: and, having there collected our strength, we shall be certain of success. Ours is no appeal to men learned in the law; to subtil politicians; to insidious and treacherous factions, whom we distrust; nor to monopolisers of power, with whom we are compelled to compound for part of our rights: but it is an appeal to THE COM-

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MON SENSE of THE NATION in favour of COMMON RIGHT, and the security, liberty, and happiness, of THE WHOLE.

Having said thus much, I think nothing remains but that I offer what occurs to me as *the means* to the end proposed. This I shall do according to the best of my ability; and with great submission to better judgements. The business is, in my opinion, a work of great simplicity; and now that there is a disposition to enter upon it, its facility will soon appear. Notwithstanding I consider the people themselves as competent to the act of resuming their rights and privileges, yet, as a declaration of those rights and privileges, by the present parliament; and an auxiliary statute for securing them, would be far the more eligible mode, on many accounts, and remove at once every cause of complaint on every side, I shall suppose the reformation to take that course; and with this hope shall offer the draft of the proposed declaratory bill, and heads for the materials of the other.

These bills, if passed, would doubtlessly reconcile the present jarrings between the crown and the people, and terminate every jealousy. The people could no longer suspect any design against their liberties; and, an independent parliament being given them, they would rest assured that their taxes would be reduced, and their grievances redressed, as far as possibility extends. On the other hand, in a truly independent parliament, the crown would know that no insidious faction could find support in giving it disturbance or vexation. A thorough reconciliation must take place; ministers would then be mere men in office, and equally assisted by all parties, so long as they did their duty ably and faithfully; and that unanimity, so wanting to this distracted nation, would return.

*A draft of a bill; which, if passed, might be intitled, An act declaratory of the legislative rights of the commonalty of this realm.*

WHEREAS it is a fundamental principle of free government in general, and of this constitution in particular, that the obedience which free men owe to the laws of their country ariseth from their being in a capacity to assent to the same, either in person or by their representatives in the legislature; and it is a maxim, that 'law speaks to all with one voice;' from whence, it is certain, that it is the undoubted right and franchise of the commons of this realm that they be fairly, equally, and completely, represented in parliament: And whereas subjects can only give assent to the laws of the state,

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state, as they individually and successively arrive at the years of manhood; whence it is also the undoubted right and franchise of the said commons to elect a new house of representatives once at least in every year: And whereas an act, which passed in the parliament, holden at Westminster, in the eighth year of the reign of king Henry VI. setting forth *what sort of men shall be choosers, and who shall be chosen knights of the parliament*; as also an act, which passed in the sixth year of the reign of king William and queen Mary, entitled, *An act for the frequent meeting and calling of parliaments*; as also an act which passed in the second year of the reign of king George I. entitled, *An act for enlarging the time of continuance of parliaments, appointed by an act made in the sixth year of the reign of king William and queen Mary, entitled, An act for the frequent meeting and calling of parliaments*; do all and each of them militate in the strongest manner against the aforesaid fundamental principles of the constitution, and have very greatly abridged and violated the aforesaid unquestionable rights and franchises of the commons of this realm; to the reproach of our free constitution, to the grievous injury of the said commons, and to the unspeakable damage of this realm; by undermining the independence of parliament, and exposing its decisions to an undue and corrupt influence on the part of the ministers of the crown: Now, for the remedy thereof, be it declared by the king's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that the aforesaid several acts of the eighth year of the reign of king Henry VI. of the sixth year of the reign of king William and queen Mary; and of the second year of the reign of king George I. and every article, clause, matter, and thing, in them contained, are corruptions, not statutes; things, void and against justice, not laws; and, inasmuch as they are incompatible with the constitution, are, and shall be adjudged, holden, and taken to be, null and void, to all intents and purposes, as if the said acts had never been had or made. (164)

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II.

(164) That which never was a law cannot be repealed. To repeal these void statutes would be to acknowledge that they once had validity; — that they were not contrary to the constitution, but were merely *inexpedient*. This palliative must not be admitted. For, if it were, we might live in fear of their return. There is no way of rendering justice and satisfaction to the injured people, nor of vindicating the constitution, but by expunging these spurious acts, as utterly void in their own nature. If a friend in parliament shall not be wanting to the people to maintain this doctrine, I trust the people

II. And it is farther declared, by the authority aforesaid, that all and every of the royal or other charters, grants, powers, or authorities, whatsoever, by or under which any city, borough, corporation, cinque-port, university, town, place, or community, do now claim or exercise, or ever did claim or exercise, any exclusive privilege of electing and sending one or more members to serve in parliament, separately from the inhabitants of the county at large in which such city, borough, corporation, cinque-port, university, town, place, or community, is situated; so far as the said charters, grants, powers, or authorities, relate to the elections of members to serve in parliament, are against the just rights, franchises, and privileges, of the commons of this realm, and are all and each of them hereby, so far as afore is said, annulled and made void to all intents and purposes whatsoever, as if the said charters, grants, powers, and authorities, or any of them, had never been granted, issued, had, or made; any thing in the said charters, grants, powers, and authorities, or any of them, or in any act of parliament confirming any of them, contained to the contrary, in any wise notwithstanding.

III. Provided always, and be it enacted by the authority aforesaid, that no words or declarations in this present act contained, shall be taken, construed, or understood, to impeach, invalidate, set aside, or bring into question, any authorities, acts, laws, statutes, proceedings, rights, immunities, privileges, or franchises, heretofore at any time, in or since the eighth year of the reign of king Henry VI. aforesaid, or now or hereafter has been, is, or shall be, legally claimed, enjoyed, exercised, enacted, made, done, or executed, by the parliament, or the house of commons, of this realm, or by any city, borough, corporation, cinque-port, university, town, place, or community, within the same, in any case, circumstance, matter, or thing, that doth not relate immediately to the elections of members to serve in parliament, or to the continuance of parliaments; but that all and every of the said authorities, acts, laws, statutes, proceedings, rights, immunities, privileges, and franchises, so far as they have no relation to such elections, nor to the continuance of parliaments, shall be confirmed, adjudged, taken, and understood, to have been, and now and henceforth to be, valid, competent, good, lawful, and sufficient, to all intents and purposes whatsoever.

IV. And be it enacted, by the authority aforesaid, that the lords spiritual and temporal, and commons, now assembled at Westminster, shall be adjudged, taken, and holden, to be the

two people will not be wanting in gratitude to such a friend, nor in vigilance and fidelity to themselves on the occasion.

two houses of parliament, with full power and authority to make and repeal laws for this realm, to all intents, purposes, and constructions, whatsoever, notwithstanding any want of validity in the three recited acts of the eighth year of king Henry VI. of the sixth year of king William and queen Mary, and of the second year of king George I. aforesaid; or in any other act or acts of parliament whatsoever; or in any royal or other charter, grant, power, or authority, as aforesaid, whatsoever; and, notwithstanding any defect or irregularity in the election of any or all of the said commons whatsoever.

V. And be it also farther enacted, by the authority aforesaid, that this present parliament shall cease and determine on the thirtieth day of June next, unless it shall be sooner dissolved by his majesty.

*Draft for a preamble, and heads for the enacting clauses of a bill; which, if passed, might be entitled, An act for securing the legislative rights, franchises, and privileges, of the commons of this realm; for repealing certain statutes relative thereto; and for more effectually preventing divisions, riots, batteries, and manslaughters; undue influence and oppression; false returns, partialities, and other abuses; in elections of members to serve in parliament.*

I. WHEREAS frequent and new parliaments tend very much to the happy union and good agreement of the king and people, (A) and are necessary to the general weal and profit of this realm, for the redress of all grievances, and for the amending, strengthening, and preserving, of the laws; (B) and it will be expedient also that in part they be holden at a certainty for time and place: and whereas it is just that the freedom and independence of the commons' house of parliament should, in all points, be secured as far as may be, not only by wholesome provisions against bribing, corrupting, or influencing, its members; but by so ordering and regulating their elections as to prevent the electors from being seduced, through mercenary considerations, to give their votes contrary to their judgements and consciences, as well as to protect them against the resentment and oppression of any, for honestly discharging that important duty of citizens, without which it is in vain to expect a virtuous and disinterested house of commons: and whereas it is notorious, notwithstanding the many statutes now

in (A) The several notes referred to here (not to interrupt the reading of the bill) will be placed at the end of this draft.

in force as remedies against election disorders, that bribery, seduction, and oppression; heats, animosities, and divisions; excessive drinking, rioting, and tumult, sometimes ending in batteries and manslaughter; (C) are still the common attendants upon elections; to the violation of all peace and order, to the dishonour of our laws and nation, to the ruin of those sober manners and uncorrupt morals which are the proper characteristics of a free people, to the great grief of all virtuous persons, and to the extreme danger of our liberties; inasmuch as such scandalous practices tend to bring election itself, without which no freedom can exist, into discredit and disuse: and whereas it is likewise notorious, notwithstanding the several statutes now in force for preventing false and double returns, partialities, and other the like abuses, that such abuses have not been effectually restrained: and whereas the expences at elections and in litigating doubtful returns still continue to be grievous and burthenfome (D) to many candidates, and ruinous to some, notwithstanding no such expences ought to be incurred. Now, for remedy of all these evils and inconveniences, and for the general weal and profit of this realm, as aforesaid, be it enacted by the king's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that an act which passed, &c. also an act, &c. [Here the now-unnecessary acts preceding 8 Henry VI. as well as all the acts that were auxiliary to the statute of disfranchisement, the triennial and septennial bills, and those for giving representatives to Durham, Chester, and the Welsh counties, to be enumerated, (E)] be repealed, &c.

II. That, in order to remedy the present injurious inequality of representation, each county in Great-Britain, the cities of London, Westminster, and Edinburgh, and the borough of Southwark, do elect representatives, in the following proportions: *Viz.*

	Number of males who have attained to 21 years of age, and upwards.	Number of representatives in proportion to the number of males.
Bedfordshire, — — —	12170 (F)	5
Berkshire, — — —	16996	6
Bucks, — — —	18688	7
Cambridgeshire and Ely, — — —	18629	7
Cheshire, — — —	25592	10
Cornwall, — — —	26613	10
Cumberland, — — —	15279	6
Derbyshire, — — —	24944	10
Devonshire, — — —	56202	21
Dorsetshire, — — —	17859	7
Durham		

Durham Bishopric, — — —	} 53345	— — 21
Northumberland and Berwick, — — —		
Essex, — — —	40545	16
Gloucestershire, — — —	34476	13
Herefordshire, — — —	16744	6
Hertfordshire, — — —	17488	7
Huntingdonshire, — — —	8713	3
Kent, — — —	46674	18
Lancashire, — — —	46961	18
Leicestershire, — — —	20448	8
Lincolnshire, — — —	45019	17
Northamptonshire, — — —	26904	10
Nottinghamshire, — — —	17818	7
Norfolk, — — —	56579	22
Oxfordshire, — — —	19627	7
Rutland, — — —	3661	2
Salop, — — —	27471	10
Staffordshire, — — —	26278	10
Somerset and Bristol, — — —	45900	18
Southamptonshire, — — —	28557	11
Suffolk, — — —	47537	18
Suffex, — — —	23451	9
Warwickshire, — — —	22700	9
Worcestershire, — — —	24440	9
Wiltshire, — — —	27418	11
Westmoreland, — — —	6691	3
Wales and Monmouth, (G) — — —	77921	30
Yorkshire, — — —	121052	46
Surry and Southwark, (H) — — —	40610	16
Middlesex, — — —	} 111215	— — 45
London, — — —		
Westminster, — — —		
University of Cambridge, — — —	1319215	2
University of Oxford, — — —		2

Round number, 1320000 (I)

Total for England and Wales, — — —	513
Scotland, — — —	45
Total for Great-Britain, — — —	558

N. B. Edinburgh, and the counties of Scotland, to have their shares of representation also in proportion to the numbers of competent electors.



III. Any county, &c. not having its due share of representation, by following the above apportionment, to petition the house of commons; and the said house to be empowered to give redress, by making a new apportionment.

The same for Scotland.

IV. Each county, &c. as hereafter in this act is directed, to be respectively divided into as many districts of election as it shall send members to serve in parliament; so that each district may elect one, and no more. (K)

V. The sheriff, together with all justices of the peace, (whether for the county at large, or for the county of any town within the same, &c.) mayors, aldermen, and magistrates, to form in each county a grand-inquest for allotting the districts in due proportion to the male inhabitants (L) competent to vote; and, for denominating the same; the said inquests to be called together, on or before the day of next, by the sheriffs, or by any three of the said justices, &c. and meet at the usual place for holding county-elections; and the districts being agreed on by a majority, the same to be registered in the offices of the and the . And the most central and convenient place within each district to be fixed on for holding the general poll-court, as hereafter in this act is directed; in order to collect the respective polls of the several parishes, as in this act hereafter is prescribed; and the said place of the poll-court to be mentioned in the registry.

VI. In case of any inequality, and a petition thereupon to the house of commons, the house to have power to order a new inquest and division. (M)

VII. So long as there be a failure of an inquest being holden and division made, the county not to be entitled to send members to parliament; and penalty on the sheriff of 500 l. for neglect of duty; and of 100 l. on every justice, mayor, alderman, &c. who shall not have attended for fixing the districts.

VIII. London, Westminster, Edinburgh, Southwark, and the two universities, to be divided in like manner.

IX. That no writs of election (N) do henceforth issue; but the commons of this realm, without other authority than this act, regularly to proceed on the first Monday in August, in every year, freely and indifferently, to elect representatives to serve them in parliament, in the manner and under the restrictions and regulations hereafter in this act prescribed. (O)

X. The election in each district not to be made by the electors being assembled in one place, but by all voting in their own parishes respectively. Before the poll begins, a constable, or some other person, appointed by the presiding parish-officers,

officers, to make the following proclamation: viz. "All men of this parish; know ye, that we are this day to exercise our right of voting for a member to represent us and serve us in a commons' house of parliament, to be forthwith chosen by the commons of this realm, and to continue a house of parliament until the last Thursday in June next, and then to cease, determine, and expire: proceed we, therefore, to the election, and give our votes freely, impartially, and honestly, notwithstanding any request or commandment to the contrary." (P) — "God save the king and this realm." — The election to be void wherever this proclamation shall not be made at the opening of the poll. The poll to be taken in the vestry of the church, or other convenient place, agreed on by a majority of the electors of the parish. And the poll to commence, between six and eight o'clock in the morning, under the management of the parish-officers, and not to continue later than six in the evening. If not finished, to be renewed the next morning before eight. The house of commons to have power to order small contiguous parishes to be united. (Q)

XI. Any parish-officer, guilty of taking the poll unfairly, or knowingly making a false report of the same, to suffer a penalty of , and be incapable of voting for a representative in parliament for seven years.

XII. The electors in every parish, prior to the voting for a representative to serve them in parliament, to have power also to elect a parish agent, for one year ensuing, whose business it shall be to see that justice be done in taking the poll, and to represent them also in the poll-court of the district; in order to see that the respective polls of the several parishes within the district be fairly collected and stated, and the election declared in favour of that candidate who shall have had most legal votes.

XIII. As soon as the poll in each parish shall be closed, two reports of the same to be immediately made out, and signed by all the parish-officers who presided at the poll, including not only the name of the elected candidate, but of him also who had the greatest number of votes for succeeding in case of a vacancy. One of these to be delivered into the poll-court of the district by some one of the said parish-officers; the other is to be delivered immediately to the parish-agent, as a cheque upon the parish-officer.

XIV. In every parish an exact roll of the competent men to be kept, under a proper cheque, to be corrected down to the 14th day of July in every year. Each person, so enrolled, to be entitled to a cheque certificate of the same; and his competency,

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tency, as an elector, to be decided at the poll by the parish-roll, or this certificate, or both, and by no other means. (R)

XV. If the parish-officers, (or some one of them,) appointed to keep the roll, shall not attend with it at the poll, to suffer a penalty of ; and, if any person shall lose his vote through the fault of any such parish officer, or officers, each person offending to suffer a penalty of .

XVI. The poll-court, in every district, to be holden on the second Monday of August in every year; and to be composed of the parish-agents and a register: These agents to elect three of their own number presidents; the three presidents to receive from the officers of the respective parishes their reports of the parish-polls, and therefrom to complete the general-poll of the district, in the presence of the other agents, and in open court, free to all who choose to attend: The poll being completed, cast up, and duly examined, by the several agents, the senior president to proclaim on whom the election hath fallen, and who is most approved to succeed in case of a vacancy. (S)

XVII. In case two or more candidates shall have equal numbers of votes, then the election to be decided by lot; and the lot taken in the open poll-court by the presidents.

XVIII. The constables of the parish where the poll-court shall be holden to be obliged to attend; and any two of the presidents to have power to order into custody any disturbers of the peace of the court: the said offenders to be carried before a justice of the peace, and be punishable.

XIX. The proceedings of the election to be entered on the records of the court by the register; and a report thereof to the sheriff to be made upon parchment, (in a form prescribed,) signed by the whole court, or a majority at least.

XX. This report to be delivered into the sheriff's office, by the register, on or before the Saturday next following, on pain of losing his wages. The sheriff to transmit the same to the clerk of the crown, within seven days, under a penalty of ; and the names of the elected persons to be published, by the said clerk of the crown, in the London Gazette of the Saturday next following the receipt of every such report. The sheriff also to certify to the successful candidate his election; and the same to him also who was elected his successor.

XXI. The register of the poll-court of the district to hold his office during good behaviour; to be elected by all the competent men of the district, in the same manner as a member to serve them in parliament; and only to be dismissed by the same authority: To receive a certain fee at the sheriff's office, when he delivers in the election-report, as his wages: This fee to

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to be fixed by the justices at their general quarter-session. The sheriff to be reimbursed by the treasurer of the county.

XXII. A register in each district to be elected for the first time on the first day of August next; and whenever a vacancy shall hereafter happen, an election of a new register to be made at the next election of a member for the district. But, in case of alleged misbehaviour, his dismissal not to be put to the vote, unless the agents of one-third part of the parishes in the district sign a requisition to the district for that purpose, and appoint a day for the same; which shall not still be effectual, unless a copy of the said requisition, and the signatures thereto, shall have been delivered, duly authenticated by three agents at least, under their hands and seals, to some one parish-officer of every parish within the district, and one month at least before the proposed day for voting.

XXIII. Every candidate for a seat in parliament to be required to deliver to the sheriff, not sooner than the first Monday, nor later than the last Saturday, in June, a declaration upon oath, in the following form: viz.

*' To the district of in your county of*

*' I, A. B. do hereby offer my services as a representative in  
' the parliament next ensuing; and I declare, that neither I,  
' nor any for my use, to my knowledge, do now enjoy the  
' benefit of any pension, annuity, salary, office, or employ-  
' ment of profit, holden at the will of his majesty, or any of the  
' royal family, or of any lord of parliament, or of any per-  
' son or persons in office or authority under his majesty; ex-  
' cepting only my pay and commission, and allowances, as an  
' officer of the militia of (if that shall be the case); and  
' that, if elected, I will not, during the continuance of the  
' parliament for which I undertake to serve the said district,  
' either by myself, or by any other for my use, to my know-  
' ledge, accept of any such pension, annuity, salary, office,  
' or employment of profit, as aforesaid: (T) and I declare that I  
' have not, with any hope or expectation of reward whatso-  
' ever, promised to his majesty, or to any of the royal family,  
' or to any lord of parliament, or to any person or persons in  
' office or authority under his majesty, to give any vote or  
' votes in parliament, if I shall be chosen a member of the  
' same, which I do not verily and sincerely believe it would  
' be my duty to my constituents and to the commons of this  
' realm to give. I farther declare that I have not already given,  
' and that I will not either directly or indirectly knowingly  
' give, to any elector of the said district of any money,  
' meat, drink, apparel, or other thing, with a view to bribe  
' or*

or influence him to vote in my favour at the election now next ensuing, or as a reward for having so voted; nor have I, nor any for me, to my knowledge, already paid, or promised to pay, nor will I directly or indirectly pay, or cause to be paid, the travelling expences of any elector, in order that he may be present at the election; neither have I endeavoured, directly or indirectly, to threaten and intimidate any elector from voting against me; nor will I endeavour to damage, injure, or punish, in any way whatsoever, any elector, whom I may hereafter either know or suspect did vote against me, for having so done; but, in all particulars, I will, to the best of my knowledge and ability, preserve the freedom of election, in which it is every man's right and privilege to vote according to his own free will: and I do farther declare, that no member of the commons' house of parliament can lawfully or justly sit or vote in the said house for a longer term than that for which he was at first elected; and, if I be chosen, that I will not vote for, nor consent to, the parliament's being prolonged beyond the day now fixed by law for its expiration. So help me God.' A. B. (U)

County of      to wit. Sworn before me, this      day of  
C. D. One of his majesty's justices of the peace of the said county.

XXIV. On the first Wednesday in July, the chief constables to attend at the sheriff's office, for certified lists of the candidates for the respective districts; and the constables of parishes, in like manner, to attend the chief constables for the same on the first Saturday of the same month. (W) To be as many of these certificates as parishes, and all made out at the sheriff's office.

XXV. On every Sunday in July, and at the usual time, while assembled for divine service, for giving notice of parochial business, the clerk to proclaim to the congregation the names of the several candidates for serving the district in parliament for the year ensuing; and the parish-officers to affix them to the church-door.

XXVI. To be unlawful to take any parish-poll for a member to serve in parliament except by ballot. (X)

XXVII. The ballot to be taken in this manner: Let there be in every parish (and kept in the church) seven ordinary deal balloting boxes. In the center of the lid of each, let there be an aperture, and the same surrounded with a ledge or inclosure, and the aperture covered with a slider, at the foot of the ledge; which, by being moved backwards or forwards, will close or open the aperture at pleasure. Appropriate to every candidate one balloting-box, and place his name, in large fair characters,

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on the front of it. Place all these boxes, so distinguished, upon a table, in a row, before the parish-officers presiding at the poll, in full view of the electors; and let the electors and the said presiding officers be upon the same floor or level. Let there also be kept, for each parish, as many sets of balloting-balls as there shall be electors, every set containing five balls, an inch and a half diameter each, turned in beech or other light wood, and painted as follows; one of the five painted white; one other painted half white and half black; and the remaining three painted black. As many candidates as there may be, so many balls must be prepared for each elector; taking care that he has only one white ball, and one painted half white and half black. Let every ball be in a coarse linen bag, just wide enough to receive it, and at least four inches deep, with a string to purse up the mouth. In order the more effectually to prevent any collusion, let these balls, in their bags, be pinned together in sets by the parish-officer; and, being placed in a box at hand, let them be taken out by the agent, and given by him to each elector, as he comes to poll. When the elector has looked into his bags, and seen the colour of his balls, let him lay a ball upon the slider, within the ledge, and over the aperture of every box; this done, let the parish-agent, or his deputy, draw back the sliders and let all the balls fall into the boxes. The white balls to be the balls of election; the black ones to be the balls of rejection; and those painted half black and half white to be the balls of approbation, for succeeding the member if he die, or become incapable of holding a seat in the house of commons, before the end of the parliament. The linen bags to be all of one colour, size, and shape, and not to have any hole or fracture through which the by-standers can see the colour of the balls. The elector, after receiving the balls in their bags, is not to depart from the place, nor to put them into his pockets; but to examine them upon the spot, and ballot immediately. Neither is he to shew the balls to any by-stander, nor to make any mark upon his bags, on the penalty of losing his vote: and, in order that he may be secure from being overlooked, there is to be a square space in the front of the table above-mentioned, of nine feet square at the least, inclosed with rails or bars, into which he shall not enter until the preceding elector shall have voted, and quitted the said inclosed square. (Y) Any, who violate this rule, to forfeit their votes. If any attempt to be riotous or disturb the peace of the election, the parish-officers to charge the constable with them, and order them before a justice of the peace; who, upon oath of two witnesses to the crime, shall commit the offenders to prison till the

the

the next affize, there to be proceeded against at the suit of his majesty, for violating the freedom of election.

XXVIII. Besides such pecuniary penalties for giving or receiving bribes of any kind or description, in respect to voting in these elections, as by this act shall be ascertained, the candidate (being the party) to be, for ever after, incapable of sitting in parliament; and the corrupt elector, as well as any agent employed to bribe him, to be, in like manner, for ever after, incapable of voting for a representative in parliament. This incapacity to be entered against his name on his parish-roll, and transferred with it to any other parish to which he shall remove.

XXIX. Provided there be more than five candidates for any district, (which is not near so likely as that there may not be one,) the number to be reduced to five, thus: On the last Monday in July, let each parish assemble and appoint its agent. On the Wednesday following, let these agents meet and form a poll-court, and therein immediately reduce the number of candidates by ballot. Their names, on papers of one size, being mixed together, and holden by the register, one of the presidents to draw a name. Being declared, and each agent having a white ball and a black one, let the senior president put this question; "Is it your pleasure that A. B. do stand upon the list of candidates, or not?" Those who approve will put in their white ball, and return the other to the keeper of the balls; those who disapprove will put in their black ball, and return the white one. The number of white and of black balls, respectively, which are put in, are to be written down against this candidate's name. Another is then to be drawn, and voted upon in like manner, and so on till the whole are disposed of. Those five, who have most white balls, to stand as the five candidates in that district.

XXX. Provided there should not be one candidate for the representation of any particular district, (which is far from improbable,) who shall have declared himself to the sheriff in due time, and in the form prescribed by this act, the deficiency to be thus remedied.

The sheriff having certified, on the first Wednesday in July, as aforementioned, that there are no candidates for serving the district of ———, and this certificate having been communicated, through the chief and petty constables, to the several parishes of the district; there should, in consequence of it, be holden a *folk-mote* (Z) of the district, on the second Wednesday in July, at the place appointed for the holding of the poll-court, and a president chosen; and there, the electors of the district having nominated and agreed upon three or more persons, as

as eligible for members of parliament, their names should be certified, by the president and the register, (whose duty it should be to attend,) to the several parish-officers; and the parishes should accordingly proceed to election on the first Monday in August, as before directed.

XXXI. The agent and one parish-officer, at least, should be obliged to attend the folk-mote under a penalty of .

XXXII. Every such involuntary person, being either originally elected a member, or called up afterwards to fill a vacancy, should be obliged to do parliamentary duty; and, upon his first admission into the house, if he had not already taken the candidate's oath, prescribed by this act, and lodged the same with the sheriff, to take an oath, as follows; viz. I, T. W. being elected to serve the district of \_\_\_\_\_, in the county of \_\_\_\_\_, as its representative in this parliament, do declare, that, since the second Wednesday in July last, neither I, nor any for my use, to my knowledge, have received any pension, annuity, salary, office, or employment of profit, to be holden at the will of his majesty, or any of the royal family, or any lord of parliament, or any person or persons in office under his majesty, nor any gift, gratuity, or present, upon any condition whatsoever, relative to my voting in parliament; and that neither I, nor any for my use, enjoy any such pension, annuity, salary, office, or employment of profit, holden before the said second Wednesday in July last, or had any promise of such, other than what I do now in writing faithfully discover and deliver to this house, subscribed with my name: And I farther declare, that if, during the present parliament, I, or any person for my use, to my knowledge, should accept, from his majesty, or from any of the royal family, or from any lord of parliament, or from any person or persons in office under his majesty, any pension, annuity, salary, office, or employment of profit whatsoever, I will immediately disclose the same to this house in writing, subscribed with my name: (AA) And I also declare, that, since the aforesaid second Wednesday in July last, I have not given, and will not give, directly or indirectly, to any elector of the district of \_\_\_\_\_ aforesaid, any money, meat, drink, apparel, or other thing, as a bribe, or a reward, for voting, or having voted, either for or against my election to serve the said district in this present parliament, or for purposely absenting himself, or having absented himself, therefrom; nor have I, nor any for me, to my knowledge, already paid, or promised to pay, nor will I, directly or indirectly, pay, or cause to be paid, the travelling expences of any elector who was present at my election; neither did I endeavour, directly

or indirectly, to threaten or intimidate any elector from voting according to his own free inclination, nor will I endeavour, if it should ever lie in my power, to damage, injure, or punish, in any way whatsoever, any person, who gave a vote in the said election, for having voted according to his own free inclination, as aforesaid, according to his just right and privilege: So help me God. T. W.

Upon producing a certificate from the sheriff of having taken the candidate's oath, and lodged it in his office, then to be exempt from taking this oath.

XXXIII. If the elected person refuse to serve in parliament, or refuse or neglect to take the foregoing oath in the house, as aforesaid, to suffer a penalty of for every offence, unless he have served as a member of parliament, the three last years successively, in which case to be exempt.

XXXIV. On condition of serving, to be entitled to one guinea per diem, besides is a mile travelling-expences, between his usual place of abode, in the country, and London, up to town and down again, to be paid him in hand, by the district, before the end of October, and to be levied by a distinct rate for that purpose. If the parliament should be holden sitting beyond its fixed period, he should, at the expiration of his service, be entitled to the additional pay, and receive it before the next election.

XXXV. All members to be entitled to the like wages.

XXXVI. It being reasonable that those, whose private business protracts the sitting of parliament, beyond what is necessary for the public business, should pay more, towards the attendance of the members, than those who do not occasion the long continuance of the session, the fees upon private acts, instead of being made an enormous perquisite to the speaker, to form a fund in aid of the public; and, so far as the wages of the members could be paid out of that fund, so far their districts should be exonerated.

XXXVII. And whereas it is becoming of the collective wisdom of the commons of this realm, in parliament assembled, that their proceedings be carried on with due gravity, order, and solemnity; and that, before the representatives of the people enter upon the important duties of amending, strengthening, and preserving, the laws of this Christian land, they daily attend to the primary duty of prayer to the Father of nations, in order to obtain his favour and protection, that they be not led into temptation, but enabled to direct all their endeavours to his glory, and the peace, prosperity, virtue, and happiness, of the people of this realm in particular, and, as far as may be, of mankind in general; be it enacted, &c. that divine service

vice be regularly performed, by the chaplain to the house, or his deputy, precisely at eleven o'clock every day, on which the house shall meet to do business.

XXXVIII. That the hours of attendance, daily, be from prayer-time in the forenoon, till (three) in the afternoon, or (four) at the latest; that, when prayers begin, the doors be shut, and every member then absent (if not through illness, or by permission) to be fined six shillings and eight pence; the said six shillings to the fund in abatement of wages, and the eight-pence to the door-keeper; and every one who should afterwards be absent, two hours or more, from the duty of the day, to forfeit two guineas to the fund aforesaid. A standing committee of seven to be vested with the power of granting leave of absence, and to fine the negligent members; and the door-keepers sworn to report all absent members, &c. (BB)

XXXIX. Practising physicians, surgeons, apothecaries, attornies at law, shop-keepers, and sick persons, should be exempt from this duty.

XL. No man whatsoever to be entitled to vote in two parishes; nor capable of enrolling himself in a fresh parish, without producing a certificate, in due form, of his name having been erased from the former roll. (CC)

XLI. In cities and very populous towns, where all the electors, or near it, in the district might live in one or two parishes, the parishes should be subdivided, so that not more than two hundred should ballot in one place.

XLII. The parliament, by virtue of this act, without summons, to meet on the first Thursday of November in every year; (DD) on the Thursday before Christmas, to adjourn for three weeks; then to sit again, and so continue till the last Thursday in April, (adjourning only for one week, from Thursday to Thursday at Easter, when it falls within that period,) and then to adjourn sine die. (EE)

XLIII. But, if his majesty have occasion for them, at any time before the first Thursday in November, let them be summoned; (FF) and, in like manner, let them be subject to his command for continuing to sit after the said last Thursday in April, (GG) even till the day of their expiration, if the public affairs require it. (HH)

XLIV. If, on the other hand, the house should, before the said last Thursday in April, apprehend there were no business likely to require their attendance so long, a proclamation, as in ancient times, should be made of an earlier adjournment, if no new bills should be brought before them.

XLV. And if, after such adjournment, there should happen a demise of the prince upon the throne, or authentic advices

should be received by the crown of an actual embarkation of troops having been made in some enemy's port within the narrow seas, with intent to invade some part of the British islands, under the protection of a naval force of twenty sail of the line, or upwards, and the said troops not being less than twenty thousand men, then, in either of those cases, the crown to have a power of reassembling the said parliament at fourteen days notice, provided such notice be given at least twenty days before the last Thursday in June; (II) but, when so called together, the house alone to have the power of adjourning again; and there should not exist, any where, a power of annihilating a parliament, by dissolution, before the period fixed by law for its regular annual expiration. (KK)

XLVI. And whereas it is against reason and experience to imagine that men, in the receipt of daily wages at the will of the crown, should be fit persons to represent the commons in parliament, or would be likely to prove firm resisters of unnecessary demands, made by the ministers of the crown upon the purse of the said commons; and that it is also the true and evident intendment of the British constitution that the house of commons, both collectively and individually, should be independent; be it therefore enacted, by the authority aforesaid, that from and after the 30th day of June next, no person shall be eligible to be a member of the house of commons, or shall be capable of sitting or voting in that house as a member thereof, who, at the time, shall hold, possess, or enjoy, either directly in his own name, or indirectly through the agency of any other, with his knowledge, any pension, annuity, salary, office, or employment of profit, at the will of his majesty, or of any of the royal family, or of any lord of parliament, or of any person or persons in office or authority under his majesty; excepting only a commission and pay as an officer of militia. (LL)

XLVII. Bribery, corruption, intimidation; as elector, candidate, member, or other person, interfering; and irregularities, neglects, omissions, and disobedience of any article in this bill; to be severally provided against with suitable penalties: which, from the simplicity and universality of this institution, would only furnish matter for a few plain clauses in place of the numerous code of fruitless election laws proposed by this bill to be repealed.

XLVIII. And whereas it is contrary to the principles of law that any should be judges in their own case, and it is inexpedient and unconstitutional for the house of commons, or any committee of the same, to be, in any case, erected into a court of judicature, (MM) whereby the legislative and judicial functions

functions of government are not kept sufficiently separate and distinct; be it therefore enacted, by the authority aforesaid, that, from and after the passing of this act, all election-causes, and causes of privilege in parliament, in which any member or members of the house of commons shall be a party or parties, shall be tried before the sworn judges and jurors of the land in the courts of justice, according to the due process of law; saving that in all such causes there be no appeal to the house of lords. (NN)

XLIX. That any member, charged with breach of trust to his constituents, by giving any vote in parliament for any bribe, or pecuniary or other reward, or the promise of any bribe, or pecuniary or other reward, or charged with perjury, upon the oaths required by this act, to be taken by candidates and members of parliament, may be prosecuted and tried for the same in the ordinary courts of justice, at the suit of any one or more of his constituents, according to the due process of law; any privilege of parliament to the contrary notwithstanding.

L. That, besides the other oaths prescribed by this act, every member, when he takes his seat in the commons' house of parliament, and before he give any vote, do take the following oath: viz.

' I, G. H. do protest before God, and this house of parliament, that I am not a minor, and, to the best of my knowledge and belief, I am duly elected (OO) to represent and to serve the district of in the county of in this present parliament, until the last Thursday in June next; and that I will truly and faithfully serve the said district accordingly, in all things that I honestly may, without injustice to others the commons of this realm: And I do declare, that the said commons by me shall be protected and strengthened, and the just laws and customs of this realm be maintained, to the honour of God, according to the utmost of my power. So help me God.' (PP)

Ll. That, in case any member of the house of commons shall die, or otherwise vacate his seat, before the expiration of the parliament, the speaker do certify the same to the sheriff of the county; and the sheriff, transmitting a copy of that certificate to the person, who, in the district of the late member, was elected his occasional successor, and a notice likewise signed by himself that he succeeds and must supply the place of the said late member during the continuance of that parliament; he to take upon him immediately the duties of representative for the said district accordingly, and be subject to all penalties for refusal, or neglect, or breach of trust, the same as if he had been the original representative. (QQ)

LII. That, in case such succeeding representative shall also die, or otherwise vacate his seat, no re-election to be made during the continuance of that parliament. (RR)

LIII. All persons belonging to and serving in the army, and at that time quartered in Great-Britain, upon producing a cheque-certificate of their settlement, to be allowed to give their votes for the parishes they severally may belong to, before the parish-officers of the parishes in which they shall be so quartered, and according to the rules for balloting by this act prescribed. Two certificates of the same to be made out and signed by the said parish-officers, and a commission or non-commission officer, who shall attend for that purpose: both certificates to be sealed in the presence of the electors, and one delivered to the electors themselves, to be transmitted, if they think proper, to the agent of their parish; and the other to be transmitted, by the said parish-officers, to the officers of the parish for which the election was holden. Upon the receipt of these certificates, (which shall be on single sheets,) the postage to be remitted at the last office of delivery. These ballots to be taken on the first Tuesday or Wednesday in August, and on no other days. Parish-officers refusing, to suffer a penalty of

LIV. All persons belonging to and serving in any of his majesty's ships or vessels of war, being at anchor, or otherwise secured, in any of the ports of Great-Britain, upon producing a certificate of their settlement as aforesaid, to be allowed to vote for their respective parishes, before a commission-officer of every such ship or vessel, as follows: The clerk, or other person or persons, so directed by the commanding-officer, to give to every elector, as he comes to poll, the names of all the candidates for the district in which his parish lies, on papers of the same shape and size; and the officer, appointed to preside at the ballot, is to place before him three boxes or vessels, one for the elected candidate, the second for him who is to succeed in case of a vacancy, and the third for rejected candidates. The elector is then to deposit, in their respective vessels, the two names he most approves, and put all the rest into the third. At the close of the poll, the names of the rejected candidates are to be publicly destroyed, and the presiding officer is to sign and seal up two certificates as aforesaid; one of which he is to give to the electors, and the other to transmit, as aforesaid, to the parish-officers. The commanding-officer, or others, refusing to grant such ballot, or breaking through any of these regulations, to be subject to penalties respectively, besides being amenable to a court-martial, at the complaint of any injured person. (SS)

LV. Each

LV. Each university to be divided into two districts, each college to vote separately, and exactly as the parishes by this act are directed to vote; except that the heads of colleges (not less than three) shall superintend the poll: and college-rolls, answering to the parish-rolls, to be kept of all males belonging to the colleges, from the highest to the lowest, who are of age, and consequently competent to vote for a representative.

LVI. And whereas it is fit and expedient, that all the commons of this realm, the lowest as well as the highest, should have full information and satisfaction given them, touching the conduct of their representatives in parliament, before they proceed to a new election; and that a regulation, for that purpose, would conduce much to the good of the public, and tend to the happy union and good agreement of upright members of parliament and their constituents, at the same time that it would prove a powerful check upon those who might be disposed to neglect their duty; be it therefore enacted, by the authority aforesaid, that, on the last Thursday in May of every year, a folk-mote shall be holden in every district of this realm, at the place and in the manner before directed by this act, in order that every elector, within the same, may have an opportunity of entering into such public enquiry and discussion of his representative's conduct in parliament, as he shall see occasion for, and that the collective body of the district may pass their judgement upon it, and consider of a proper person to represent them in the next parliament. (TT) The member to pay no man's travelling-expences, nor to treat any one, under a heavy penalty, and incapacitation ever to sit in parliament again.

In the foregoing draft of a bill, for securing the rights of the commons, I have purposely omitted to propose any landed or monied qualification of members; because I apprehend that this bill would render every such qualification totally useless. If so, their continuance would be an injurious abridgement of the people's freedom, and might exclude from parliament the fittest men in the kingdom for the duties of a laborious unprofitable office, not ministering to the aristocratical pride of its possessor.

"The chief reason given, by the promoters of queen Anne's law, of landed qualifications of members to serve in parliament, was this: 'That no man should sit in the house of commons, who was not a man of known independent fortune; and, consequently, not liable to temptation, or open to the corruptions of the court.'

"These

“ These, indeed, are words of goodly import, but of no meaning here; and are as foreign from the *private* reasons of passing that act as truth is from falsehood. There is not a man in the British empire who does not see the fallacy of this reasoning.”

“ Our constitution hath not placed the independency of the house of commons upon the riches, honour, or virtue, of the members of that house; but she hath placed it upon an IMPOSSIBILITY of its being corrupted. She hath placed it upon the abundant number of electors, and the constant annual exercise of their constitutional powers of election.”

“ Had king William, at the Revolution, intended to have established an independent house of commons, he would have restored the constitution to its first principles, and established annual parliaments, and a new house of commons every year. This would have been an infallible remedy against all corruption; because no corruption can stick upon a body of men that is continually changing. As standing water soon stinks, and a running stream throws out all impurities, so a standing house of commons will ever be a standing pool of corruption; but an ANNUAL CURRENT, through that house, will restore it to its pristine purity, and preserve it incorrupt for ever.” *Hist. Ess. Brit. Const.* 149.

Although the bill, now submitted to the consideration of the public, when filled up with all the necessary technical language, would be still more bulky than in this sketch; yet it will be thought to lie in a very small compass, when it is recollected that it is intended to supply the place of about seventy statutes, which it proposes to repeal, and contains all the minutiae of a new system for conducting elections. Although its clauses are numerous; yet its principles are simple, its objects few, its provisions natural and obvious. It is the best that occurs to me. I throw it upon the candour of the public, with a sincere desire to contribute all in my power towards effecting that reform in the decayed institution of our house of commons, without which we can no longer exist as a people; for I call not slaves a people. That it may, together with the declaration of rights, which precedes it, be taken up, adopted, and perfected, by those men in parliament who do really feel for their country, is my ardent wish; and, to such gentlemen as would do me the honour to furnish me with any informations, or hints, whereby it might be amended, I should consider myself as under the highest obligations.

To every man of reading it will occur, that the essentials of it are not novelties; but those points which wise and good men have, for ages, been successively proposing and attempting, as some

some security for the liberties of mankind against the eternal hostility of POWER. In the 16th year of Charles I. a statute was passed, which enacted, that the laws of Edward III. should be duly kept and observed; that if, notwithstanding those laws, the king should fail to call a parliament for two years successively, the chancellor or keeper of the seal should, *ex officio*, issue writs of election, within six days after the 10th of September, in the third year; and the parliament, by virtue of that act, was to assemble on the second Monday in November. It also enacted a conditional dissolution, in case his majesty should attempt to prolong the existence of a parliament beyond its period; and, in case the chancellor, the sheriff, and others, should fail in their several duties, with intent to prevent the election of a new parliament, the electors themselves were, by the statute, empowered to proceed to election, without writs, on a certain day in January; and, when assembled, the king was precluded from the power of dissolving them within less than fifty days without their own consent. This act, which was intended to prevent the king from suspending two-thirds of our legislature, or from annihilating one-third of it, at his pleasure, was, by the base parliament in the 16th of Cha. II. repealed, as being in derogation of his majesty's just rights and prerogative, as mentioned in page 33.

Afterwards, during the imprisonment of Charles I. and before that detested impostor, Cromwell, had gained the ascendancy, the real patriots of that time, sir Thomas Fairfax and others, proposed to the parliament, amongst other matters, as follows:

That a certain period, by act of parliament, might be set for the ending of the parliament then sitting.

That provision, by act of parliament, should be made for the succession and constitution of parliaments in future.

That parliaments might biennially be called, and meet on a certain day, and exist for a certain time only, (less than a year,) and then expire.

That its sittings should be partly certain, and partly dependent on the king.

That, in the intervals between the biennial parliaments, the king might have power to call an occasional parliament; but the same necessarily so to expire as not to interrupt the regular course of biennial elections.

“ That the elections of the commons, for the succeeding parliaments, may be distributed to all counties, or other parts or divisions, of the kingdom, according to some rule of equality or proportion, so as all counties may have a number of parliament-members allowed to their choice, proportionable to the respective rates they bear in the common charges and burdens of the kingdom, or according to some other rule (UU) of equality, or proportion, to render the house of



“ of commons (as near as may be) an equal representative of the whole; and, in order thereto, that a present consideration be had to take off the election of burgesses for *poor, decayed, or inconsiderable*, towns, and to give some present addition to the number of parliament-members of great counties, that have now less than their due proportion, to bring all, (at present,) as near as may be, to such rule of proportion as aforesaid.”

In another “ Representation concerning the just and fundamental rights and liberties of themselves and the kingdom,” amongst other things, they required,

That some determinate period of time might be set for continuance of parliaments, beyond which none should continue, and for the determining of the then parliament, so that it might not remain “ continuable for ever, or during the pleasure of the members.” (W W)

That parliaments might not be “ *adjournable or dissolvable* at the king’s pleasure, or any other ways than by their own consent, during *their respective periods*; but, at those periods, each parliament to determine, of course, as before. This we desire may be now provided for, (if it may be so,) so as to put it out of all dispute, for the future, *though we think, of right, it ought not to have been otherwise before.*”

“ And thus, a firm foundation being laid, in the authority and constitution of parliament, for the hopes, at least, of *common and equal right* and freedom to ourselves, and all the free-born people of this land, we shall (for our parts) freely and cheerfully commit our stock, or share, of interest in this kingdom, into this common bottom of parliament; and, though it may (for our particulars) go ill with us in one voyage, yet we shall thus hope (if right be with us) to fare better in another.” See *Rushworth’s Tracts*.

I shall only now remind my reader that, in America, notwithstanding their abhorrence of *British* government, their plans of legislation are but little altered, and are all modelled by the *English* (XX) constitution in its purity.

An equal representation, annual elections, anniversary assemblies, chosen (once a year only) and meeting on fixed days, and not dissolvable by a governor, they always had from the beginning. They have also their counties divided into elective districts, and they vote by ballot. No member of assemblies, or parliaments, is capable, at the same time, of being a *minister or secretary of state* to the governor; or of holding any other public office whatever, except a commission in the militia. If such bi-frontic beings are not necessary in conducting a state on one side of the Atlantic, I cannot suppose they are necessary on the other.

Notes

### Notes of Explanation on the foregoing Draft.

- (A) THE words of the triennial bill.
- (B) Ditto, bill of rights.
- (C) The words of the statute of disfranchisement, the septennial bill, &c.
- (D) Ditto septennial bill.
- (E) 5 Rich. II.—c. 2 f. 4

12	_____	4 Ann	_____	8	
7 Hen. IV.	_____ 15	6	_____	7	4 & 25
1 Hen. V.	_____ 1		_____	23	
10 Hen. VI.	_____ 2	9	_____	5	
11	_____ 1		_____	10	44
	_____ 11		_____	11	49
	_____ 10		_____	20	8
23	_____ 10	10	_____	19	
	_____ 11		_____	23	
	_____ 14		_____	33	
6 Hen. VIII.	_____ 16	12	_____	5	
27	_____ 26	1 Geo. I.	_____	56	
34 & 35	_____ 13	11	_____	18	1
	_____ 24	2 Geo. II.	_____	24	
	_____ 26	8	_____	30	
35	_____ 11	13	_____	20	
16 Car. I.	_____ 1	15	_____	13	8
	_____ 7		_____	22	
16 Car. II.	_____ 1	16	_____	11	
25	_____ 9	18	_____	18	
1 W. & M.	_____ 2	19	_____	28	
2	_____ 7		_____	30	167
5	_____ 7	57	31	_____	14
	_____ 20	33	33	_____	20
5 & 6	_____ 20		3 Geo. III.	_____	15
7 W.	_____ 4			_____	24
7 & 8	_____ 7		10	_____	16
	_____ 15			_____	41
	_____ 25			_____	42
	_____ 27	19	11	_____	24
10 & 11	_____ 7			_____	42
11 & 12	_____ 2	150		_____	55
12 & 13	_____ 2		14	_____	15
	_____ 5			_____	58
	_____ 10	89	15	_____	36
		91	16	_____	3

About four or five acts more, passed since the 16th year, are to be added to this catalogue, the dates of which are mislaid; besides several passed and preparing this session.

(F)

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(F) This column is inserted merely to satisfy the reader that the proposed representation is neither more nor less than the counties respectively have a right to.

(G) Not only Monmouth but each Welsh county should be distinct, but I have not the necessary materials.

(H) As 12120 appears, from the Tax-office, to be the present number for Southwark, it will consequently be entitled to 5 members.

	Round number.
(I) 513 )	1320000 ( 2573
	1026
	2600 Round number.
	2940
	2565
	3750
	3591
	1590
	1539

So that, admitting the whole number of electors to be about 1320000, each member should represent about 2600, and be elected by a majority of that number. — These numbers are taken from *Davenant*; and, although they do not correspond with those given in p. 55 & 56; yet, for the purpose of ascertaining the relative shares of representation, they will answer equally well; because, any increase or decrease of inhabitants, since the year 1690, when *Davenant's* estimates were made from the hearth-books, has probably been nearly proportional all over the kingdom. It is to be observed, that the number I have given, as males competent to elect, is the exact number given, in the estimates, of houses, whether inhabited or not. And it is for this reason. Four souls, to every house that is inhabited, are somewhat under the established calculation; which serves as a counterbalance to my taking in the uninhabited houses, whereby the number is somewhat over what it ought to be: and a fourth part of the number of souls is about the proportion of males of 21 years old and upwards. The original numbers, therefore, first multiplied by 4 to give the souls, and then divided by 4 to give the males of age, will stand unaltered as the number of competent electors. Except that I have shewn a little partiality towards *Rutland*, in order to let it have 1400 members, I have made an exact division amongst the other counties: but, the fractions upon the whole leaving me an overplus of six members, I thought they could no where be so well disposed of as by giving to the universities two each, and adding the remaining two to the numbers for *Middlesex*, *London*, and *Westminster*, which, without this addition would be only 43; and these are my reasons. I presume that the colleges were not reckoned amongst the number of houses, upon which my calculations are founded; and it

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it is well known, that, in and about the metropolis, the houses are more crowded with inhabitants than in the other parts of the kingdom. By documents out of the Tax-office, the relative proportions, due to the county of *Middlesex*, to the city of *London*, and to the liberties of *Westminster*, respectively, might easily be settled. On farther examination, I find an error with regard to *Salop* and *Wilts*, as I have given to the most populous the smallest number of members.

(K) The inconvenience of electing 16, 18, or 20, members, much more 46, together, must be obvious to every one, especially if it be by ballot. It would be attended also with these evils. In the large counties, the inhabitants must necessarily vote for many men who would be entire strangers to them; and many of the members might be sent to parliament by a minority of the county-electors, which is against the fundamental principles of representation; for he, who hath not a majority of electors to choose him, is in no sense the representative of the elective body. There is no avoiding this inconsistency without electing every member singly, as at *Venice*; for, even where there are only two members to be chosen, and there shall be three candidates, the people at the same time, anxious to support their respective objects of choice, may determine to give single votes. Then, if 2500 be the number of electors; and one candidate have 1200, another 900, and the third 400; it is evident, that both the members will obtain their seats against the sense of a majority of the county. In proportion as the candidates are more numerous this evil is aggravated. Again; let us suppose 16000 electors, and 3 candidates, A, B, and C. Now, A, being more respected than the rest, has 8100 (or a majority of 16000) to give him a vote, but yet he shall lose his election. It is to be remembered, that each elector has two votes; and the friends of A, having secured him, as they think, are prevailed upon to give their second votes, some to B and some to C, while none of B or C's friends will give A one second vote. See then the state of a poll, by which he, who had the majority of the electors to vote for him, shall lose his election.

To A	8100
To B	6000
And 2120 second votes of the friends of A and C,	8120
C	1900
And 6220 second votes of the friends of A and B,	8120

But this folly and confusion would run to a most pernicious excess, if all the members for each county were to be chosen in one election, and every elector had as many votes as there should be members. Indeed, an election, where the changes were to be rung upon 14, 18, or 22, votes of 34000, 45000, or 56000, electors, would be totally impracticable. What, then, would it be upon 46 votes of 120000 electors!

Q 2 But

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But these reasons for subdividing the counties into districts, unanswerable as they are, are not all: for otherwise it would come to pass in your counties, as it does at the India-House, that you would have just two lists of candidates to take your choice of in the lump; a ministerial list and a popular list; or the duke of A's list and my lord B's list: which, being severally supported by powerful cabals, would leave the PEOPLE no other office, than to vote themselves the unhappy dupes of one faction or other.

“ By dividing the country into small parts, as our tithings were, the character of every man, that was fit to bear an office, was well known amongst his neighbours: and therefore, when the choice of an officer to preside over them was their object of election, the concurrent sentiments of an uninfluenced majority of a multitude of people would naturally fall upon those men only, who were most eminent for their wisdom and justice.” *Hist. Essay Eng. Const.* 32. See also *Plato rediv.* 264.

(L) This would soon be adjusted by help of the militia lists.

(M) Any complaints would tend to discover such frauds as may have been practised in making out the militia-lists, and to equalise that burthen.

(N) — “ Yet two laws I would have passed immediately. The one, concerning the whole regulation of the elections to parliament: which we need very much; and no doubt but it will be well done. That part of it which is necessary to go hand in hand with our settlement, and which indeed must be part of it, is; that a parliament be elected every year at a certain day, and that without any writ or summons; the people meeting of course, at the time appointed, in the usual place, (as they do in parishes at the church to choose officers,) and, &c.” And that the parliament so chosen shall meet at the time appointed, &c.” “ But, when the day comes for the annual meeting of another parliament, they must be understood to be dissolved, in law, without any other ceremony.” *Neville's Plato red.* 263. See also *Legif. Ri. win.* 176.

(O) “ There shall be an assembly [house of commons] yearly chosen, (\*\*), upon the 1st day of October for ever; and shall sit on the fourteenth day of the same month, (\*\*), which assembly shall have power to (\*\*), and sit upon their own adjournments; according to the rights of the freeborn Subjects of ENGLAND.” *Charter of Pennsylvania, granted by king Charles II.*

Without this wise precaution, a governor, by obtaining, from the English minister, money for the payment of his own salary and the support of his government, might have governed the province for ever without issuing his writs for electing an assembly. And if, in this or any future war, the crown should wrest from Spain any country producing gold enough to defray the expences of government, we might again be governed without parliaments, so long as the power of giving them existence shall be dependent on the crown, and might see the standing-army increased, until the liberties of our country should be at the mercy of him who commanded it. As so dangerous

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dangerous a power is contrary to the clearest maxims of our constitution, it cannot be a prerogative of the crown, and the people ought not to rest till it be surrendered.

On account of the multifarious business of the nation, public and private, and of the distance of Scotland, I purposely propose so long a session, that there shall be no need of a second within the year, and consequently no need for a new parliament. If the period for the session, hereafter proposed, shall be judged too short, it may be extended still farther.

(P) The words of the statute, 7 Hen. IV. c. 15.

(Q) See *Leg. Ri. vind.* 158. This regulation answers at once all the objections as to annually renewing the electors trouble and expence of travelling to the county-town; and, together with the other provisions of this bill, it cuts up by the roots all those election-disorders, which the advocates for septennial parliaments are so kindly anxious to prevent, and urge as arguments against annual elections.

But, while you are told on one hand that tumultuary meetings are inconvenient and improper, on the other it is said, that the people at elections ought to be brought together in great bodies; that that is the way to prevent their falling under the influence of artful and intriguing men; and that public election is favourable to freedom, and to the manly spirit which ought to distinguish a free people. In answer to the latter objections, I have only to say, that, if the influence to be apprehended can be effectually prevented without putting an elector to the expence and trouble of going twenty or thirty miles, there certainly is no occasion to call him from home; and, if the people be once put in actual possession of freedom, and be called upon, as by this bill, to a constant exercise of that power, by which they at once come to know their right and to have it in their own keeping, I shall never be in pain lest, at any future period, Englishmen should want spirit to chastise any who shall dare to invade it. But I have provided in sect. LVI. for assembling the people of the district, in peaceful consultation upon their rights, and for deliberating upon the merits of their representatives.

(R) This and the other provisions of this bill effectually answer the objections made to the motion of Mr. Vaughan, at the late meeting of the county of Middlesex, for the introduction of the ballot. I understand them to have been these: 1. Persons might intrude themselves who had no right to vote: 2. The returning-officer might be influenced: 3. Numerous impositions might be practised without the means of detection. See also *Leg. Ri. vind.* 178.

(S) A poll-court, thus composed, would be free from every objection now subsisting against returning-officers, under undue influence, and disposed to partiality.

(T) It is by no means an oversight, that I leave not an opening for any servant of the crown to become a member of the house of commons. The practice, of placemen and ministers voting in that house,

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house, is an insufferable incroachment on the freedom and independency of parliament, a contradiction to every maxim of prudence and policy, and in direct opposition to the obvious meaning of the constitution. Does the term, *house of commons*, include an idea, that it is to be composed of the servants and representatives of the crown? Is not an express exclusion of all such persons implied in the name, and understood as essential to the thing? The ministers and servants of the crown are those instruments, without which it neither can nor must act; and which are even so essential to its operations, and so intimately interwoven with its being, that they are responsible for its actions. To admit, therefore, these persons into the house of commons, as *members*, is in effect to admit in part the crown itself. But, when we recollect, that these men hold all that is gratifying to avarice and ambition, and many of them their very bread and the prosperity of their lives, at the pleasure of the king, words are wanting to express the monstrousness of their occupying those seats, which belong to the independent, unbiassed, servants of the commons, and to them only. But, such is our familiarity with corruption and absurdity, that there are not wanting men, who believe, or affect to believe, that the influence of the crown over the house of commons is in some degree necessary. If I were seized with the jail-distemper, and any one, pretending to a knowledge in physic, (for in England we are all physicians as well as politicians,) should say to me, 'Do not trouble your head about a radical cure, for, I am of opinion, ulcers in the throat and lungs, and pestilential miasmata in the blood, would in some degree be beneficial to your health,' — I confess I should suspect that this was an idea upon which the gentleman was insane, or else that he had no good design in respect to my life; and no one can think I should look to him for a cure of my distemper. Nor should I be a little surpris'd, if a goldsmith, shewing me in a scale a magnificent regal crown, holden in exact equilibrium by 558 weights put in the opposite scale, was gravely to set about persuading me, that, notwithstanding he should diminish the number of the said weights in any given proportion, and even put two or three hundred of them into the same scale with the crown, that the equilibrium would still be preserved. If this be possible, I do not comprehend it. But I have no head for mysteries and paradoxes.

In an ordinary jury, for deciding in a trifling case of property between man and man, our law has wisely provided, that any jurors, who are the near relations, the close connections, or the servants, of one of the parties, shall be excluded from the jurisdiction; at the challenge of the other party, on the presumption that their judgements would naturally be under a bias, which perhaps they themselves, with the most upright intentions, could not entirely divest themselves of. If this be the doctrine when we are contesting the property of a horse or a sheep, I presume it needs no rhetoric to prove, that the ministers, sub-ministers, servants, and pensioners, of the crown, are not the proper persons to fix the sums which the crown shall receive of the people's money; nor have

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have the guardianship of all the property, as well as the liberty of the nation, against that very power, of which they are the acting instruments. — As to the necessity of ministers being members of the house of commons because of *giving information*, that is become the most ridiculous of all pleas; since it is notorious, that one principal part of a minister's or placeman's business in that house is, not only to refuse giving information himself, but to quash every motion and attempt that leads that way. We have not yet forgotten the rejection of Sir George Savile's motion for *information* as to private pensions; nor the constant previous questions put upon all motions of *enquiry* into the public expenditure, state of the navy, and every document capable of letting the people into a knowledge of the *true state of their affairs*. — When ministers have plans to offer to parliament, let them have admission, let them speak to those plans with the same freedom as the members, and let them at any time give what information they may think fit, or is demanded of them; in short, let them have seats, as the judges have in the house of lords, and as queen Elizabeth's generalissimo, and two English ministers residing in the Netherlands, had in the assembly of the states-general of the United Provinces, but no votes. See *Watson's Phil.* 11. vol. ii. 216. In respect to officers of the army and navy, I have known several that have refused seats in parliament, because they knew they must either become the supple tools of a minister or abandon all hopes of advancement in their professions. Add to this, that, to an annual parliament freely elected, the electors would scarcely think of sending a man that might be ordered out of the kingdom at three days notice.

(U) I am no great advocate for multiplying such oaths as may prove snares to the unwary: but, since our legislators have imposed them so plentifully upon the people, it is perhaps time to require of those, who are to be invested with the greatest of all trusts, that they shall pledge themselves to act faithfully under the sanction of a few solemn oaths, that cannot prove snares to any who shall be worthy of that trust.

(W) It must strike every reader, that this arrangement of election-districts naturally suggests the idea of new-modelling our hundreds, rapes, and wapentakes, and reducing them all to the districts now proposed. They are now very unequal in extent and population, so that the duties and labours of chief-constables, &c. fall very unequally. If there were to be no other minor divisions of counties but into the proposed elective districts and parishes, it would give the utmost simplicity and equality to all county business, expence, &c. All would consist of equal numbers of inhabitants, all equally contribute to the militia, all have one representative each in parliament, &c. &c. The chief-constable, the register, the parish-constables, would none of them have any connection with any other district or hundred, but as parts of the county at large, &c. &c. See chap. i. ii. of the excellent *Hist. Ess. on the Eng. Const.* But this makes no part of our plan.

(X)

(X) I know the ballot has its enemies: but, of all the objections I ever heard to it, there is but one that has the shadow of argument. It is this: 'The man, who is inclined to give a dishonest vote, may do it without the shame attendant thereupon were he to vote openly; and therefore the ballot may become a cloke to villainy.' Now it is to be remembered, that, under a ballot, a man cannot give a dishonest vote without voting *against himself*; and has no other temptation to do this than the mere pleasure of voting for a candidate whom he thinks the least deserving, in order to prejudice a man of whom he has a better opinion.

When, added to this improbability of its being made an ill use of, we turn our eyes to that deluge of corruption it would effectually prevent, and consider it as a shield also against the vengeance of cruel power and hard-hearted avarice, which it is our duty to hold out to the thousands and tens of thousands who stand in need of its protection, every objection, I think, must drop to the ground. But is it not the dictate of common-sense? Is there an objector to the ballot, who belongs not to some club or society where its utility is experienced? Is it not even practised in our own house of commons as the means of impartial elections? Is it not the practice at the India-house? It was the mode of election in Sweden; is still in Venice and in America; and, more or less, it is in use in all parts of the known world. But, what is more to the purpose, I believe it is now generally thought in this country, that we cannot have free elections without it.

(Y) One of the objections to a ballot is, that means are found to evade its operation. But this objection would lie also against all prudent regulations whatever; against all bonds and agreements, and even against laws themselves. If a ballot be carelessly or ill contrived, it may and would be abused, no doubt. In Sweden, while the people had a share in the government, their elections were by ballot; but so ill was it contrived that it was easily eluded. Every elector brought with him, as I have been informed, the name of the person he voted for written on paper; and he, who had an interest in buying their votes, bargained with each elector to give such a price for his vote, upon condition that he should write upon his ballot (in addition to the name thereupon) some particular *word*, or make some particular *mark*; in order that, when the suffrages came to be reckoned up, he might know their ballots were properly disposed of. Having a list of the said electors names, with their respective *words* and *marks* of distinction, as each ballot was examined he marked off those words and marks as they arose; and, being satisfied that the corrupt electors had fulfilled their promises, he then paid them the wages of their iniquity. It is for the reader to judge whether such practices could prevail, under the ballot now proposed, in any such degree as to counteract its intention. But, in this enquiry, let him at the same time take into his contemplation the whole of the plan of elections, of which the ballot is only a small part, and then, perhaps, he will have reason

to

to be assured, that, if adopted, it would be impossible to destroy the freedom of election otherwise than by the sword.

To these arguments I shall only add one *fact*. At an election of a principal steward to an hospital some years ago, the president, on account of *parliamentary interest*, strongly recommended a dependant of his own, in opposition to an under-steward of singular merit whom the governors wished to reward; and he urged it, as a reason against the under-steward's advancement, that his merit was so great in the station he then occupied, that the hospital would not be able to fill it so well. Having exerted all his influence amongst the governors, consisting of about *three hundred*, when hands were holden up there appeared a considerable majority for his candidate. In that instant, the late Mr. *Hollis*, the well-known friend to freedom, demanded the *ballot*, according to a law of the hospital. When the box was opened, it was found that men had obeyed their consciences, without regard to the undue influence of the president, and there was a majority for the *honest under-steward* of five or six to one.

(Z) County folk-motes were in ancient use, as appears by Sir *Hen. Spelman's Glossary*, p. 315. "Besides, a folk-mote is used in every sudden danger, and likewise if necessity require it, under the alderman [earl] of every county." Our county-meetings, for nominating candidates, want nothing to make them folk-motes (since they are meetings of the folk) but the *name* and being made *necessary* by law.

(AA) Upon a man, forced into parliament, I think it would be unjust and cruel to impose the same oath as should be required of a voluntary candidate. As it is a laudable ambition to endeavour faithfully to serve the public in any office under the crown as well as under the people, no impediments ought to be placed in the way: but, at the same time, care should be taken to have the people informed when their representative falls under the temptation of a more powerful interest to waste than to save their property; to betray than to defend their liberty. In the long parliament of 1675, an oath of this kind got as far as an entry on the journals; but the corruption was too great to pass it into a law, or even a vote.

(BB) See *Legisl. Ri. vin. 172*. The hours for business above prescribed are sufficient for *business*, and would not deter the infirm from attending their duty. Debates in *such* a parliament would be short. But this is not an article *essential* to the bill.

(CC) *Legisl. Ri. vin. 31, 32, 174*. See also *Prin. 6 & 68*; and p. 23-27 of this work, where is established the *equality* of mankind in *natural rights*; or one man, one vote.

(DD) "When any public weighty businesses, intended to be propounded, dispatched in one parliament or great council, by reason of other businesses or shortness of time, could not be propounded or concluded therein; thereupon *another parliament*, or council, was soon after called to dispatch it, the day and place whereof was sometimes appointed *in* and *by* the parliament next preceding,

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“ preceding, before its dissolution.” *Prynne’s Brief Register*, part i. P. 432.

“ There shall be an assembly yearly chosen,” &c. See notes N, O.

The condition, made with *Anjou* by the Netherlands, was, that the states should meet annually, or oftener if necessary, *whether he should assemble them or not.* *Watson’s Phil.* II. vol. I. 69, vol. II. 117, 118.

The people of *Castile* had the like security for their liberty. *Robertson’s Ch.* V. vol. II. 240.

“ The king hath a prerogative of calling parliaments, but he hath no prerogative of not calling them.” *Johnson*, 274.

The assembly of the empire of *Germany* was yearly, and, “ at the end of their session, always appointed the time and place for their next meeting.” *Use and Abuse of Parl.* I. 54.

The statute of 16 *Car. I. c. 1.* “ wisely provides, that, in case the two first years parliaments should fail, then came a peremptory parliament, which the king and keeper might call if they pleased; but, if they did not, the counties and boroughs of *England* were forced to send.” *Johnson*, 282.

“ Nor were there any sycophants in those days, [of *Ed. III.*] who durst pretend loyalty, by using arguments to prove, that it was against the royal prerogative for the parliament to intrench upon the king’s right of calling and dissolving parliaments: as if there were a prerogative in the crown to choose whether ever a parliament should assemble or no. I would desire no more, if I were a prince, to make me grand-seignior.” *Plato rediv.* 114. See also *Legif. Ri. vind.* 175, 185, 189.

(EE) One of the childish reasons, for want of solid arguments, against annual parliaments, is, that such private bills, and other business, as required more sessions than one, could not be finished in the same parliament. What then? — But this is begging the question, and assuming, that matters of such magnitude may arise as a parliament cannot settle in almost a year; which, first, I conceive to be very improbable; and, secondly, that a business, partly finished by one parliament, might be so far ratified by a succeeding one, and then a finishing hand put to the work. And, when a free parliament shall be established, there will be an end of those long-winded orations, proceeding from the endless battles of faction, which now waste so much time. There will be an end likewise of debate after debate, upon questions of enquiry into the state of the nation, and into this, and that, and the other, abuse of power by ministers; because, ministers, then knowing that the truth must be discovered when called for, will cease to commit abuses and to neglect the nation’s interest. And there will be an end also to voluminous and embarrassed accounts; for, the sure consequence of annual parliaments will be annual balancings of all public accounts. Thus, the business of parliaments being curtailed, simplified, and freed from obstruction, as much business will be dispatched in one session as now is transacted in two or three.

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“ All reasons that are given for enacting laws, which restrain or destroy the principles of our constitution, are false, fraudulent, and delusive; and are only given as a cloke, to hide, from the people, the latent evil and venal iniquity of such laws.” *Hist. Ess. on the Engl. Const.* 148.

(FF) Were parliaments once restored to their natural freedom and dignity, we might hope to forget that they had ever been degraded so much below any thing in the shape of human assemblies, as to have their meetings dependent upon the little events, which furnished paragraphs in a Gazette, favourable or unfavourable to a minister, who himself was a member of them.

(GG) With such a regular parliament at a certainty, from the first Thursday in November to the last Thursday in April, and considering the great executive powers of the crown, it is next to an impossibility that the king should ever have occasion to call them sooner or keep them later; but, if he should, let their meeting be one uninterrupted continuance (holidays excepted) from first to last; in order that the only true, legal, and constitutional, rule, of one parliament one session, may be inviolably adhered to, and silence all cavillers, who would not fail to take a disingenuous advantage of a contrary regulation under annual elections. And, when we consider the great conveniency of always having our elections, and all the subordinate proceedings relative thereto, on fixed days, at convenient times of the year, without a possibility of its being otherwise; and that, by the annual revolution of the heavenly bodies, the annual return of seasons, and the annual renovations of the products of the earth, the whole course of human affairs is necessarily thrown into annual arrangements; we shall be led to conclude, that nature itself will most approve of an annual parliament.

(HH) *Robertson* says, of the annual cortes of *Arragon*, that, “ after it was assembled, the king had no right to prorogue or dissolve it without its own consent, and the session continued forty days.” *Hist. Cha. V.* vol. I. 181.

“ It was also soon after [the reign of *Ed. III.*] provided, by another statute, that no parliament should be dismissed till after the petitions were answered: that is, in the language of those times, till all the bills (which were then filed petitions) were finished.” *Plato rediv.* 116. “ Besides, I think it will be granted, that, for some time after, (and particularly in the reigns of *Hen. IV. V. & VI.*) it was usual for a proclamation to be made in *Westminster-hall*, before the end of every session, that all those, that had any matter to present to the parliament, should bring it in before such a day; for, otherwise, the parliament at that day should determine. But, if there were nothing at all of this, nor any record extant concerning it, yet I must believe that it is so by the fundamental law of this government, which must be lame and imperfect without it. For, it is all one to have no parliaments at all but when the prince pleases, and to

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“ allow

“ allow a power in him to dismiss them when he will; that is, when they refuse to do what he will.” *Ib.*

“ In 1768, lord Hillsborough wrote to governor Penn to dissolve his assembly, if they would not obey an arbitrary mandate, which he thought proper to send to them. Happily for that province, the wisdom of their founder had protected them from the possibility of ever being treated like such insignificant puppets. On a certain day in every year, the inhabitants assemble, and choose their representatives, who meet by their own adjournments. The governor has it not in his power to dissolve or adjourn them; by which means the people can never be deprived of their constitutional guardians, by the orders of a weak or arbitrary minister.” *Ans. to Confid. on polit. Transact. of S. Carolina, p. 54.*

In the admirable speech of T. Day, Esq, delivered at the Cambridge meeting, Mar. 25, there is this very just and important observation: “ There is no one privilege of the people, which has not been called in question; nor one, which will not be wrested from them, if they are contented to resign it.” — “ Public abuses, gentlemen, never correct themselves; on the contrary; for, having once been tolerated, they become inveterate; and, though no fairness of title, or antiquity of possession, was ever able to prevent a government from encroaching upon the privileges of their subjects, yet, to have intermitted the claim for a single instant is often made a reason against the people for refusing that claim for ever.”

“ It would be something surprising, to find the people of England continually disputing about the principles and powers, vested in the constituent parts of their government, did we not know that, at this day, it consists of a mixture of the old [Saxon] or first establishment, and the new, or that which took place at, (and SINCE,) what is commonly called, the Conquest, by William I. These two forms of government, the first founded upon the principles of liberty, and the latter upon the principles of slavery, being so diametrically opposite, it is no wonder that they are continually at war, one with the other. For, the first is grounded upon the natural rights of mankind, in the constant annual exercise of their elective power, and the latter upon the despotic rule of one man. Hence our disputants drawing their arguments from two principles widely different, it is no wonder they should differ in their conclusions.” *Hist. Essay Brit. Const. 8.*

(II) This seems, in some degree, to contradict what I have said, in note (GG), of one parliament one session; but, if it be remembered, that, from the last Thursday of April to the last Thursday in June, is but two months, and that it is fit a parliament should be in existence, in case of the king's demise, or such a threatened attack as I have mentioned, I think the objection will have no force; because, when the parliament, on or before the said last Thursday in April, is adjourned, sine die, by act of parliament, it is in effect dissolved, excepting only in still retaining, what I would

would beg leave to call, a capability of a transient revival, in a case of the most extreme urgency, but yet without a possibility of living longer than the last Thursday in June as aforesaid. Were it to be otherwise, the crown must of necessity be the judge of the occasion for calling a parliament; and ministers would so contrive these occasional callings, as to overturn all plans for holding the elections, and arranging all the business dependent upon them, on regular anniversary days, in which the public would find the greatest ease and advantages. Besides, the distance of the northern parts of Scotland, from whence we had no members when new parliaments were more often elected than once a year, furnishes a very strong argument against such a practice at this time. I shall only add to this, that, by both law and custom, we universally reckon mens ages, not by months, but by years, and he, who comes of age ever so soon after the election, must have an opportunity of voting for a representative within the year, and once in every year of his life; so that whether it be sooner or later within the year seems not to be a matter of consequence. And, for want of such a legal and constitutional provision as this, the house of lords, upon the expulsion of James II. was obliged to usurp the whole government into their hands until the meeting of the convention and the arrival of the prince of Orange in London; which certainly shewed a defect in the institution, and of necessity occasioned a bad precedent.

(KK) The staunch friends of prerogative, I know, will say, that the giving life and death to parliaments is, by the constitution, vested in the crown, &c. &c. Which words, by the constitution, some persons understand to signify, every authority in the crown for which they can find precedents in our history, and every practice which hath been acquiesced in. I can only reply, that such evidences of our constitution would prove, that the people of England ought to be slaves; which is a position I beg leave to deny; and that the power of life and death, as to parliaments, is not, cannot be, a prerogative of the crown; unless a government, consisting of three independent powers, can admit the absurdity of two of those powers depending for their existence on the third. The crown, by its negative upon all laws, is itself independent, and can effectually frustrate any attempt of a parliament to injure the constitution or oppress the people: and, in such exercise of its prerogative, it will find the support of the people; who, if such attempts have been made by their representatives, will send to its aid a better parliament next session.

(LL) It is the most pettifogging evasion of the place-bill, which was intended to exclude placemen from the house of commons, to admit again the very man, who has just vacated his seat by the acceptance of a place, on his being re-elected. The scandalous plea for this practice is, that, if the people choose to elect a placeman, it is their own act and deed. The people are mighty convenient words; and, although the polluted wretches, who thus abuse the nation, know that a free election is an idea they treat with ridicule, yet, whenever it will serve their turn, their own acts of tyranny and corruption

corruption are to be called *elections of the people*; and the poor people, who are enslaved, are, by their very tyrants, to be traduced for not acting like freemen.

As this bill proposes that each district shall have but *one* member, it is the more necessary that he be an independent one. That the great community should be so sub-divided, as that each should be represented by only one member, seems to be the most simple, natural, and rational, rule; and, I own, it is farther recommended to me, by its being the practice of our *Saxon* ancestors (from whom we derive a systematic representation) during the purest periods of our constitution. See *Hist. Ess. on Eng. Const.* 19, 21.

(MM) Be the loss and expence of an injured person ever so great, the present monstrous judicature of a committee for trying election causes cannot give him a penny damages. This injustice is too gross to be endured. See *Principles* 15, 16.

In fitting to hear and decide upon those election-trials, which, for the *two* first sessions of this parliament, fill 4 large octavo volumes, the whole committee were so far lost to the office of legislation. I conceive, the people at elections appoint *legislators* and not *judges*.

(NN) One argument, on which much stress is laid, is, that, if election-causes in an annual parliament were to be tried by the judges in the county, or the courts in Westminster, you must wait for the assize or the term, in order to decide them, and by appeals they might be protracted. In reply, I say, that, between the second Monday in August, when I propose every election to be declared, and the first Thursday in November, appointed for the parliament to meet, there is time sufficient for deciding these causes; and, in order to get rid of all difficulty, let the circuits for the summer assize always be made through every county subsequent to the said second Thursday in August, or, if that be inconvenient, make the elections one month earlier. In case there should be a dispute, as to who was duly elected for any district, let it be determined by a special jury, equally nominated by both parties, and the decision final, because of the necessity that one of them should attend in the parliament. Not but that this were a provision merely to silence ideal objections; for, had we an *equal and complete* representation, and *parish* elections, in which the parish-roll should determine, in a moment, every man's right to vote; and *annual* parliaments also, chosen by *ballot*, under returning-officers of the people's own appointing, *election-bribery* and *false returns* would be next to *IMPOSSIBLE*: and, consequently, the objection, that "a parliament would expire before the contested elections were settled," falls to the ground, and appears as frivolous as all the rest which are brought against this necessary reform. The experience of all antiquity proves its fallacy; for, "there were not above *two* or *three* cases of elections questioned, or complained of, from 49 *Hen. III.* till 22 *Ed. IV.* [that is 217 years,] for aught that appears by the returns, or parliament-rolls,

"ment-rolls, and not so much as *one* double return or indenture." *Pryme Brew. Parl. red.* 137.

(OO) Those, who succeed the original members, to swear thus: "That, to the best of my knowledge and belief, I am legally called up to this house, to succeed A. B. who was elected to represent, &c."

(PP) The latter clause of this oath is taken from the king's coronation-oath; only that, by the transposition of the sentence, it is not quite so strongly in favour of the commons; for, the king swears to grant, "that the just laws and customs, which the *commons* shall choose, shall be maintained," &c.

(QQ) In an *annual* parliament, such an expedient might be adopted without inconvenience or danger: and it is to be noted, that no such person, according to this plan, could be so elected to succeed, but by a *majority* of all the electors in the district; whereas, members for counties do now sometimes obtain seats by a *minority* of suffrages, as I have already shewn.

(RR) I do not foresee any inconvenience in this; but, if this second vacancy should happen before the session was half over, it might, perhaps, be best to have a new election.

(SS) In all probability the officers will never be desired by any elector to take this trouble: for, I am persuaded, it is evident, that this act would put an end to all strife and canvassing for seats in parliament.

(TT) But why, some will say, make a law to appoint meetings which the people may call if they please, and when they please? My answer is, That, although this folk-mote be appointed by law, there is no compulsion to attend: but that such an appointment, under the sanction of the legislature, for a periodical meeting at a convenient season, would very effectually establish a custom, than which I cannot imagine any thing more calculated to give the finishing touch to the plan of a constitutional parliament.

(UU) I trust that, in this work and the *Legisl. Ri. vind.* I have demonstrated, that representation depends on *personality* alone; and that all regulations, for making it depend on property, must be capricious, *arbitrary*, and *unconstitutional*, and involve the greatest absurdities. Coin, bank-notes, and bills of exchange, are the proper *representatives* of property.

(WW) It is evident, however, by the whole tenor of the act, and the history of the times, that the intention of this statute was only to secure the meeting of the old constitutional parliament, of a certainty, *once*, at least, within three years. Yet it seems, that, when the members saw, in that clause, the way of continuing themselves in power, they were but too ready to avail themselves of it.

(XX) It is not through inaccuracy that I make a difference between *British* and *English*. Although our northern neighbours agreed to an union of the kingdoms, and a division of the government and its emoluments, they never thought proper to adopt the *English* constitution, which is only common to the people of England and their kindred in America.

POSTSCRIPT.



P O S T S C R I P T.

WHEN we view the immense catalogue of statutes brought in aid of those bills, which, under the wretched pretence of *state-expediency*, have destroyed the constitution, by upholding partial representation and long parliaments, it is evidence sufficient of *internal defect*. And now the only idea of reformation, that seems to occur to the generality, is to go tinkering on in the same way. We have had proposals to add to this catalogue a bill for additional knights and triennial elections, a bill for annual elections, a qualification bill, a freehold bill, a resignation bill, a place bill, a bill for a ballot, and, what is worst of all, another *disfranchising* bill, together with I know not how many others. Why not act like rational and honest men, first restoring THE CONSTITUTION itself by a single act, and then passing a second statute, to guard its simple institutions by simple and SELF-INFORCING means? The efficacy, may I not say the infallibility, of this mode of proceeding, strikes and satisfies the mind like a self-evident truth; while the contrary resembles the endless shifts, *ad infinitum*, which the liar or the knave intails upon himself by one original act of falsehood or dishonesty; and presents to our view a boundless labyrinth, full of intricacies and serpentine mazes, dark and crooked paths, windings and turnings, inlets and outlets, well fitted for corruption, faction, and arbitrary power, to intrigue in, and as well calculated, first, to bewilder, and, then, to ensnare, plain integrity; while a vast majority of the nation continues all the while actually deprived of freedom, and no part of it enjoys the liberty which annual elections would give, and which is every *Englishman's* birthright.

In saying that partial reforms only have hitherto been proposed by the generality, I should stand excused, perhaps, if I did not expressly notice a different suggestion of the earl of Abingdon, who has proposed that we should settle the constitution, that is, declare what it is, and by an act of parliament. But I would first ask his lordship one serious question: Is the constitution to be settled by such a parliament as our constitution cannot acknowledge? by a kind of parliament whose very existence is a proof that the constitution is with-holden from us? I fear that such a parliament would settle the constitution with a witness. I would also entreat his lordship to re-consider what he has said upon the subject of representation in page 74 of his dedication;

dedication; and to reflect whether our first business should not be, to restore the constitution, as far as it is already settled and declared; to be a government by king, lords of parliament, and commons, or their representatives, in, as I conceive, annual parliaments; and what is the legal import of the word commons. I should wish to have a parliament before *English* rights and privileges should be defined in St. Stephen's chapel. And, when we have gotten a constitutional parliament, his lordship's excellent idea of settling the constitution should not be a hasty act, passed after two or three debates, but published to the people, and maturely weighed by every *Englishman* for many months, before it should receive the sanction of the legislature.

Here let me lament that any friend of freedom should have offered a *disfranchising* bill, as the means of restoring our liberty. Good God! let those, who supported it, but reflect on the monstrousness of those abuses, which could betray them into a contradiction so palpable, and a violation of the constitution so reprehensible, and, I am sure, they will atone for this error, by contending for laws, not only to restore, to those already disfranchised, their unalienable right and most valuable inheritance, but so to guard them in the possession and exercise, that, notwithstanding any man's dependence, as a tenant, a tradesman, or servant, he shall be perfectly free and independent, as a CITIZEN.

This ill-judged attempt, however, has done us one eminent service. It has pledged to us the minister, his assistant-speakers, and the rest of the 226 who, on that occasion, so ably and so uprightly defended the birthrights of Englishmen, for supporting any bill for restoring to their franchise all those who are now unjustly deprived of it. They asserted that the right of voting for a representative in parliament is 'the most darling and precious franchise,\* 'a sacred privilege,† and that 'there is no privilege which Englishmen could rank in competition with it; that it is their birthright, it is their pride, it is that which makes them the envy of Europe.‡ They declared also that 'such an encroachment, on the liberty of the subject, they would not consent to;§ that, 'while they lived, they would not consent to see the liberties of the people, which they were appointed to protect, incroached upon and violated. They would not therefore consent to see ANY PART OF THEM deprived of it.¶

§ They

\* Mr. Jenkinson.

† Mr. Greaves.

‡ Lord Nugent.

§ Mr. Jenkinson.

¶ Lord Nugent. According to the account of the debate in the London Courant, April 14.

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They observed, likewise, that the proposed disfranchisement, whether perpetual or temporary, even seemed to exceed the power of parliament, and would be a dangerous innovation in the constitution: that, in the infancy of society, every man is his own legislator, and this is no more than his birthright. As the circle is widened, and society grows more numerous, it is necessary for particular \* classes of men to give their voice by deputation; but the inherent right of approving or disapproving the great measures, by which ALL are to be affected, is unalienable; nor can parliament, with justice, disfranchise any man, who has not forfeited the protection of his country by crimes against the state.†

Let gentlemen recollect how many years the franchises of the electors of England have stood upon their present footing;—ever since the 8th of Henry VI. which then disfranchised a great part of the people. Was there a man in England so base-minded, as not to feel it the pride of his heart, that he lived in a country, perhaps the only country in the world, in which every man had a right, as he could not act for himself in parliament, to give his vote for the person he chose to represent him in parliament, and act for him. So that he virtually was bound by laws of his own making, and to which, by his representative, he had given his consent. Then, why stifle that pride, that honest pride? Why degrade Englishmen, and deprive them of their most glorious right? What—do it merely because they were revenue-officers? absurd and unjust!‡

With themselves they ought to make free, but not with their CONSTITUENTS. § The privilege was of so valuable a nature, they hoped it would never be taken from any, without a crime on their parts. There was no precedent to be found of an attempt to take the privilege of voting from the subject, without their having abused it, since the act of Henry VI. ¶ and there undoubtedly was a better foundation for that than for the present bill; ¶ and there was no knowing to what it would not extend, if the principle of the bill was admitted.\*\*

\* The

\* It is presumed this expression has been erroneously given to the public, and that the speech ran thus: “It is necessary for the people to give their voice by deputation:” for, as it now stands, there is an inconsistency which cannot be reconciled, and is manifestly a broken link in this chain of constitutional reasoning.

† Lord Nugent. *General Advertiser*, April 15.

‡ Lord Nugent. *Morning Chronicle*, April 14.

§ Sir Thomas Clavering. ¶ Lord Beauchamp.

¶ For this foundation look back to p. 52.

\*\* Solicitor-general.

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\* The principle of the bill, says another, is what I object to altogether, and what I mean to oppose. The principle of the bill is no less than a total disfranchisement of a large body of electors of Great-Britain, without proof of their having committed any crime, to render them deserving of so great a punishment. Would any Englishman, who would give himself time to reflect a moment, say, he was prepared to give his vote in support of a measure so violent, so arbitrary, so inimical to every principle of freedom, and so unjust?\*. And, says one, pre-eminent above the rest, ‘I am for giving the question every opposition in my power, as being of a very unjust and unbecoming nature. I can by no means think it adviseable to disfranchise so large a body of men, without any good reason assigned for it.’†

If these declarations do not form a solemn pledge, that the same men will vote for rescinding the fatal statute of disfranchisement, whenever a motion to that effect shall be made, I have no conception of the meaning of words. The bulk of the nation, without proof, or even the accusation, of a crime, were, by that diabolical act, deprived of their sacred franchise, and robbed of their birthright. Our revenue-officers, I fear, are but too justly charged with having generally voted under a corrupt influence: but, surely, a general disfranchisement, by an *ex post facto* law, is the height of injustice; and, to take away their liberty, because they may make an ill use of it, instead of providing means for preserving their independence, is subverting every principle in nature. As it was *this* plea alone upon which the former statute was passed, and which statute is now the sole bar to the universality of voting, the very same principles, the very same arguments, that have been opposed to the late bill, must, I say, be opposed to the principle of that.

\* Lord-advocate of Scotland. *Morning Chronicle*.

† Lord North. *London Courant*.

To the freeholders of Middlesex, the livery of London, and the persons at present enjoying the privilege of Election within the liberties of Westminster.

“ Be not carried about with diverse and strange doctrines.” Heb. viii. 9.  
“ Ye shall know the TRUTH, and the truth shall make you FREE.” John viii. 32.

Gentlemen,

AS this great capital of the British empire, together with the county of Middlesex, contain, within a small compass around the seat of government, near a tenth part of this nation,\* who, from various obvious causes, have it more in their power than others to exert themselves, with effect, in favour of the constitution and the liberties of their country, and have ever distinguished themselves among the foremost in their defence or their recovery, when occasion hath required; so, upon all national movements of great importance, they are entitled to more than ordinary attention. But it is not this consideration only which is my motive, Gentlemen, for particularly addressing you now; for there are also two other reasons which call upon me to do it:—The first is, that, with respect to the great fundamental principle, of a complete and equal representation, inculcated in the foregoing pages, you are far more interested in its establishment than any other body of men; the second is, that there will not be wanting persons, in the service of corrupt ministers, or slaves to some selfish interest of their own, who will be indefatigable in their efforts to prejudice you against the measure, and to persuade you that you ought to oppose it. Although they will pretend an affection for your persons, and a concern for your honour, and will address you with all the eloquence of flattery, yet I trust that you will see through their treacherous design, and treat them as the libellers of the English government ought to be treated. These persons, Gentlemen, will be weak enough to flatter themselves, that, by approaching your understandings only through the medium of those passions and natural prejudices, which tend to

\* England and Wales.

impress an idea of our own peculiar dignity and superiority over other men, that they shall make you as selfish as themselves, and enslave your very judgements to a belief of what they themselves know to be untrue.

They will first endeavour to excite your jealousy of a complete representation, as though it were a diminution of your privileges, and an abridgement of your very liberties, that others, who are now excluded, should be admitted to an equal participation with you in those blessings. But, supposing your injured fellow-subjects, who are now cruelly denied that birth-right of Englishmen, without which no man can be free, had, by the same tyrannic laws which placed them in that condition, been forbidden also to use the foot-paths of our common streets and roads, and had been degraded to a level with the beasts of burden, which are confined to another track, would you be persuaded, Gentlemen, that, to free your countrymen from so ignominious a state, would be to narrow your own privileges as men?

These insidious advisers will also endeavour to pique your pride, and to excite an alarm for your dignity, as a superior order of citizens, in whom now exclusively resides the elective power of your respective communities; nay, they will even strive to insil into your minds an uncharitable contempt for your poorer neighbours, as though they were not Englishmen, Christians, nor human beings. ‘What, they will exclaim, will you suffer your shopman and your footman, every porter, every drayman, and every scavenger, in the streets, to be put on a footing with yourselves?’ In answer to which, I hope you will have the wisdom to reply, ‘With regard to the common rights of nature we are all equal; nor can we think it any degradation to ourselves, that the poorest persons in the community should enjoy, in common with ourselves, the natural means of self-preservation, or any of those blessings which are bestowed by our Creator equally and freely to all. As well might we repine that they use the same language, that they eat, and drink, and sleep, as we do. Will the fountain be less grateful to our palate, because it slakes the thirst of the poor and laborious part of mankind? Will the air we breathe be less refreshing and beneficial to us, because of its being enjoyed in common with the cottager? nor should we conceive our rights and franchises, in any wise, abridged, our dignity lessened, or our liberty less dear to us, were every Englishman, from the prince to the peasant, to enjoy, in common with ourselves, the privilege of voting for a legislative guardian, which is the birth-right of us all. We have all one equal interest in the same God, we all enter his temples, without any arbitrary exclusions, and

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there the poorest man is allowed a voice equivalent with the richest, and is not unworthy to judge of the means of his own salvation.

“ If our footmen, and the draymen, and the scavengers, are to judge for themselves; with respect to religious salvation, equally ought they to be the judges of their own political salvation; as they are alike interested, with the rest of us, in securing liberty, obtaining just laws, and perpetuating the constitution.”

Such reflections, Gentlemen, will guard you from becoming the dupes of wolves in sheeps clothing, who will exert their utmost influence to excite, in the present electors of this country, an opposition to the necessary measure of an *equal representation*, without which it will be impossible to save ourselves, whether electors or non-electors, from slavery.

To reduce yourselves to slavery, Gentlemen, through a mistaken idea of defending your own power, would certainly be very weak policy; and it puts me in mind of the quaint saying of doctor South, who, in preaching against covetousness, observes, that “ it is bad œconomy to be damned to save charges.”

I am an elector, Gentlemen, as well as yourselves; I am a freeholder of a county, and a burgher also of a corporate town; so that, if I am advising you ill, I am doing it against my own interest: if I am endeavouring to narrow your privileges, to lessen your dignity, to circumscribe your power, I am, at the same time, endeavouring to reduce my own. But what power, what privilege, will remain to any of us, if our country sink into slavery? It is, that I may retain my privileges, and that my posterity after me may have the dignity of freedom, that I would interest every Englishman in our constitution, that I would enlarge the number of freemen, until it should be *impossible* for bribery and undue influence to operate. I want not a vote to place this man, or that man, in a corrupt house of commons, where an angel could do no good, while it shall remain unreformed: I want not a vote, to be instrumental to the pride, the selfishness, or ambition, of any man upon earth, with the mortifying reflection, that, at the moment he meanly favours upon me, and uses me as the instrument of his elevation, he is enjoying the idea, that in an instant he shall have power to trample on me for seven years to come.

Let me ask you, Gentlemen, what weight you have really found yourselves to possess in the legislature by the *eight* representatives you now send thither? Supposing the armada of our combined enemies were to pour in upon us, at different points, army after army, until our battalions should be nothing in the comparison, would you, Gentlemen, commend us, who are the professional defenders of the state, (for I bear a military com-

mission,)

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mission,) were we to be so jealous of that honorary distinction as to say, that no man should draw a sword in defence of this land but ourselves? would you not think it our duty to encourage the whole country to rise in arms, that an enemy, formidable to all, by all might be opposed? And we, seeing ourselves not able to make head against the invaders, should doubtless rejoice to behold our countrymen, the servant as well as the master, the cottager as well as the squire, he who cleaned the streets as well as he who rattled along them in his chariot, all flocking to our standards. We should give them welcome; we should give them weapons; and then we should give the enemy battle with an assurance of victory. *Go, ELECTORS, and do ye likewise!* Give every Englishman his vote, — that weapon fatal to despotism! — and ye shall drive before ye the coward clans of corruption, who now so successfully invade your property and your freedom, and threaten the total subversion of this once-glorious constitution. In this case, giving to others is literally giving to yourselves. By enriching others you increase your own store. As theirs and yours is one common cause, so their gain would be your acquisition, their power your security. As the weapon to be given could not be turned against yourselves, you must be sensible, that doing this act of justice would be so far from abridging your present privileges, that perhaps it is the only means by which they can be rendered secure and serviceable to you.

Unless you thus consent to a complete representation,† you cannot, with justice, demand an *equal* one; by which I have shewn that, instead of the *eight* members you now elect, yourselves, jointly with the rest of the inhabitants of *Middlesex* and the capital, have a right to *forty-five*. I have also shewn, that that right is not merely ideal, nor at the caprice of parliament; but it is yours, as much as the well-earned penny in your pocket, and is to be demanded, with unceasing perseverance, until you obtain it. Nay, I do once more maintain, that, the right being undeniable, when the power of your present representatives shall have reverted to you who were its only source, you will be authorized, by the clearest principles of our law and constitution, to correct the error in the writs of summons to the next parliament, and, instead of returning only *eight* members, to send as many as shall make your due proportion of the national representation. Add to the above advantages,

† In confirmation of this doctrine are these words in *Prynne's Brev. Parl. red.* 187, in the margin to *Rotul. parliam.* — An. 8. *Hen. VI.* “ Before this petition and act, every inhabitant and commoner, in each county, had a voice in the election of knights, whether he were a freeholder or not.”

vantages, that the three additional members due to *Southwark* would be in effect so much gained to yourselves; since the Borough concurs with you in sentiment, and elects its representatives upon the same unbiassed principles of public spirit. The whole then would have a claim to *fifty* members instead of *ten*. Here is an object, Gentlemen, worth contending for. This would give you that weight that a *tenth* part of the nation is intitled to. It would infallibly secure your grievances from neglect, your petitions from contempt, and your magistrates from insult: And your concurrence in that plan of general reform, upon the principles of common right and equity, by which alone you can obtain this justice to yourselves, would free your country from those disgraceful chains she now wears, and fix them for ever upon corruption, faction, and tyranny. What more can be said to stimulate English patriotism!

But for your clearer satisfaction, Gentlemen, I will bring before you a few facts which ought never to be absent from your minds. Compare, then, your own condition with that of the county of *Cornwall*. You make near a *tenth* part of the nation, *CORNWALL* less than a *forty-ninth* part: You pay more than a *seventh*, *CORNWALL* pays less than a *sixty-third*, part of the land-tax: † YOU have EIGHT representatives, *CORNWALL* has FORTY-FOUR: YOU have a right to *forty-five*, *CORNWALL* is only intitled to *ten*.

The absurdities of our present system of representation have been holden up by one of your own committees; by whose calculations and report it appears, that not above a sixth part of those who were entitiled to vote, "as the constitution stood before the restrictive act of 8 Hen. VI." are now in the enjoyment of this franchise. It also appears that

130000 freeholders elect	92 members.
43000 citizens and burgesses elect	52
41000 ditto	369
<hr/>	<hr/>
214000 total electors	513

They

† See the annual land-tax act. — In the report of the sub-committee of Westminster, touching the subsidy and land-tax paid by Cornwall, there is a double error; for, the two distinct proportions are first erroneously added together; and then, the sum total, instead of 13, is made 16; and this is stated as the proportion paid to the land-tax and subsidy, as if they were one thing; whereas they are distinct; and Cornwall (according to *Davenant*) pays land-tax 8 parts in 513; so that the highest of its contributions to the public expence is only half what the sub-committee have stated.

They also state that 340 electors choose 50 of these members; and that a number scarcely above 6000 elect 257, which is a majority of the whole *English* house of commons, and which, as qualifications now stand, ought to be the representatives of above 107000. Upon this statement I must remark, that, according to the lowest calculations in the foregoing work, no number less than 2600 ought to elect a single member; and that those, who now send to parliament these 257 members, are not entitiled to send 3: so that, although they have now above *thirty* times your weight in the legislature, they have not a right to a *ninth part* of what is your due.

Will you, Gentlemen, any longer submit to this? Does not every man see, that this, together with the unconstitutional duration of parliaments, is the root of all national evil? Now, taking an equal representation and an annual parliament together, vast indeed would be your acquisition! Although the comparative gain to the Borough would be far less than to yourselves, I shall nevertheless include it in this statement, because it will prevent fractional divisions, and thereby give clearness to our proposition. Instead, then, of the *ten* members you now elect, you would have the election of *fifty*. There would be an increase of privilege *five-fold*. Then, again, instead of *one* election you would make *seven*. Multiply this by the former gain, and the product is *thirty-five*. Thus, it is demonstrable, that your personal privilege would be *thirty-five times* as great as it now is. I will now dismiss this part of my subject in the expressive words of one who is a bright ornament to this country: "In our present circumstances, it is an insult to common sense, a mockery of our feelings, to say that we are represented; there is not a single definition which can be given of it which is not grossly violated in the election of a house of commons; nor is there a single argument, which can be brought to prove that that house represents Great Britain, by which it may not equally be proved that it represents France, Spain, Europe, or the world itself."

On the particular article of annual parliaments, I may spare to add any thing to what I have already advanced; because there is scarcely a man, to whom I now address myself, but knows that it is his birthright, and is disposed to contend for it. I must, however, express my surprize at the strange doctrine that has of late been preached; that, in order to obtain an *annual* parliament, we must first obtain a *triennial* one; and this is called proceeding step by step, and therefore we are to understand that it is the most temperate and prudent course of proceeding. Temporizing it should rather be called; and, as

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to prudent, it is the very reverse; nay, I know not but it may prove fatal.

Be not carried about, I say, with *diverse* and *strange* doctrines. There is but *one* doctrine in which there is salvation; and that is the doctrine of the *constitution*. According to that doctrine, I conceive that, if I profess to *serve* you, I must lay the foundation in restoring to you your *birthright*. It is not for me to say, that, virtuous as I am, you ought to divest yourselves of the powers of self-preservation, and transfer them to my keeping. No, my countrymen, your liberties can be safe in the hands of none but yourselves.—

Reflect for a moment on the present crisis of your country's fate; be attentive to plain facts; and judge of the whole by your own common sense. Public calamity, and the intolerable burden of taxes, have at last roused this lethargic nation; and now, for the first time since the revolution in 1680, hath it obtained a glimpse of hope, that any change essentially favourable to its liberties is likely to be effected. Whence doth this hope proceed? From the virtues and wisdom, think you, of a minority in the house of commons? Alas! my friends, the greater part of that virtue and that wisdom have been, for many, many, years, exerted in vain; nor had it now produced the smallest effect, had it not been for the approach of a *general election*, and for THE VOICE OF THE PEOPLE thundering in the ears of venal senators, and shaking that prostitute house to its inmost center. It is *the voice of the people*, then, from which opposition hath derived all its strength; it is *the voice of the people* which alone can displace arbitrary ministers; and it is *the voice of the people* which is all-powerful to restore the constitution. To say, then, that this is not the time to demand an *annual* parliament, is erroneous. When is the time, I ask, for great constitutional reforms, but when the PEOPLE themselves appear? Now, therefore, is the time for them to recover their liberty; now is the time for them to demand an ANNUAL parliament. The word ANNUAL is as easily pronounced as the word *triennial*; and, pronounced by THE VOICE OF THE PEOPLE, as easily carried into effect.

But, if *the people* be deluded into an acquiescence in a triennial parliament, and *the advocates* for annual parliaments shall be prevailed upon to join in the requisition, under the fallacious notion that it will be making *one step* towards their own object, I must venture for once to turn prophet, and to assure *these gentlemen* they will never take their *next step*, nor probably their children's children after them; and I must foretel to *the people*, that when, hereafter, any honest member shall move for this *next step*, an *annual* parliament, this will be the answer:

‘ No;

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‘ No; although that was once the constitution, it is not so now; for, in the year 1780, a triennial parliament was made the constitution by *the will of the people*.’ This fatal argument, unsound as it is, (for even the people cannot disfranchise their posterity,) will prove a stronger bar to the recovery of annual parliaments than has ever yet been provided against it, and it is already eighty-five years since we lost it. If *the people* be induced to associate for a *triennial* parliament, will they not, when that is obtained, imagine their work is done, and fall back into their usual inertness? And will the triennial men, when *the people* no longer interfere, then make good their promises to the annual gudgeons whom they have entangled in their net? He, who can persuade us they will, must convince us it is time to burn every history that has been written, and every political treatise that has been composed; for none of them warrant a people in vesting a senate with an unconstitutional power, through a silly confidence in their ever again resigning it.

Let us not, in God's name, run head-long into the snare of a *triennial* parliament, without pausing a moment to examine *what it was*, when we had it before, and, when once in, how we are to get out of it again. Need I say more of a triennial parliament, than that *it enslaved this nation to a septennial tyranny*? And shall we now trust it, forsooth, to give us annual elections and our constitution? It is a contradiction. See what historians have said of it, and then trust it if ye can! “ When the ministry was in alliance with the *whigs*, the majority of both houses was *whig*; when with the *tories*, they became *tory*.” “ In short, all was craft, faction, and perfidy: though the honour of the queen, and the welfare of the public, were talked of on both sides, neither had any thing really in view but their own private interest.” § The full detail of its iniquities shew it to have been the true progenitor of modern parliamentary prostitution.

But you will perhaps ask, had not the triennial parliament also a progenitor in the annual one, from whom it derived its depravity, as from original sin, which must cleave to every parliament? My reply to this, Gentlemen, is worth your serious attention. — *It had no such progenitor*. It was the act of *self-elected* men, who, at the time, were *no parliament*, but *usurpers*. For above a *thousand years* prior to the revolution our birthright to a *new parliament, once at least in every year*, had been confirmed to us in *the written law of the land*, by the *Edwards*, third and first, and by the immortal *Alfred*. Thus stood the law, when king *William, the deliverer*, had the crown bestowed up-

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§ *Detection of the Parliaments of England*, p. 160, 163.

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on him by the people, and *swore* to maintain their laws. He called a parliament in the second year of his reign; which parliament consequently could have no legal existence beyond *one year* at the utmost. But he had thus early learned to make light of his coronation-oath and our constitution; and he continued this parliament in violation of both. How long, think you? a month? three months? six months? a year? or two? or three? The truth is, he had the disloyalty, and they the audacity, to *exceed* the period allowed by LAW for *four years and a half*, before they passed the TRIENNIAL BILL, in which they also provided for their sitting *two years* longer; so that, upon the whole, they sat *seven years and a half*. But, at the expiration of the *first* year, they ceased to be a house of commons, and, from that instant, became a house of tyrants. Unless any body of men, seizing by violence the house of commons, may call themselves a house of parliament, and usurp the powers of legislation, I must repeat, that, after *one* year, these men were NO PARLIAMENT, and that their acts were NO LAWS. I must also assert, that so manifest an usurpation was HIGH-TREASON. And well did it suit with this conduct to enact the *triennial* bill, which was no law, but a DECREE OF DESPOTISM. It is evident, therefore, that, as the septennial act is equally NO LAW, but an act of treason against the constitution, the statute of Edward III. for *a new parliament once in every year, or more often if need be*, is in force AT THIS MOMENT, the unrepealed law of the land. If this be not so, you have no law, no constitution; and the English would have been equally bound to have obeyed the triennial bill, had it been enacted by the king at the head of his *Dutch guards*.

But a *triennial* parliament CANNOT BE MADE the constitution or the law of the land, unless we will admit what is incompatible with those eternal laws and principles of nature upon which political freedom depends, and that were of itself void; for, if the legislature may enact, that the people shall not elect a new parliament more than once in *three* years, by parity of reason they may forbid them for *thirty*, or *threescore*, or *three hundred*. Who sees not the absurdity of such doctrine, and the perdition which is connected with such a principle!

I earnestly entreat the misguided advocates for this fatal measure, seriously to reflect upon what they are doing, and to hear what their best friend, THE CONSTITUTION, has to say upon it. If they will enquire until they arrive at *truth*, I am satisfied they will find that the well-meaning freeholders of *Yorkshire*, and those who have trodden in their steps, have had a narrow escape; for if, instead of associating for a parliament of a duration *not exceeding* three years, they had expressly associated

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to obtain one that *should continue* three years, they would, as I conceive, upon the grounds already assigned, have entered into an *unconstitutional* and *illegal* association. I would to God they had pointed more directly to the true goal of freedom. It is not yet too late.

But, surely, it is the height of folly, it is as if we had no records of times past, to think of a triennial bill when we mean *reformation*. As I said before, *we have tried it*; we weighed it in the balance and found it wanting. We had also a *place-bill* in its aid. A *triennial* parliament repealed that *place-bill*; and was in the end itself repealed, *because* it had produced greater election evils and disorders *than ever were known before it was enacted*. This is the very reason assigned in the preamble of the septennial bill. And is it, my honest countrymen, once more I ask, in a revival of this wretched bill, that we place our hopes of subduing corrupt influence, and regaining our freedom?

None can require our tame or servile assent to propositions we do not comprehend, without justly exciting our suspicion. And he, who proposes to me a measure of policy for securing my liberty, although he brought it from *Lycurgus*, from *Solon*, or *Socrates* himself, must first, I assure him, satisfy my conscience and my common sense, or I shall not adopt it.

If we are to be unanimous, let truth and justice be the bonds of that unanimity, or else we shall be unanimous in seeking our own destruction. Honest opinions, Gentlemen, can hurt no good cause. Free discussion hath in all ages been the parent of civil liberty.

*I have the honour, Gentlemen, to be,*

*To the best of my ability,*

*Your friend and servant,*

JOHN CARTWRIGHT.

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ERRATA.

## ERRATA.

P. L.			
xxi. 31,	for do	read did.	
6, 4 from the bottom,	for ought	read ought.	
30, 4 from ditto,	after voting	add and in London, and other cities, all freeholders whatsoever who are not of the corporation.	
28, 10,	after say	add to.	
46, 4,	for reigns	read reins.	
49, 24,	after declines	add [from justice].	
57, 9 from the bottom,	for enough	read enow.	
74, 3,	for Yorkshire	read York.	
77, 18,	for or of a	read or prefer a	
87, 3 from the bottom,	for treachers	read treacherous.	
91, 28,	after VI	add a semicolon.	
30,	after I	add a semicolon.	
32,	after things	dele the comma.	
100, 7 from the bottom,	for seven	read five.	
106, 25,	for of sitting or voting	read of voting.	
113, 17,	for 14	read 15.	
119, 17,	after judges	read matters in chancery, attorney and solicitor general.	
137, 10 and 11,	for have not a right to a ninth part	read have only a right to a fifteenth part.	
138, 16,	for 1680	read 1689.	