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A
L E T T E R
TO
A PATRIOT SENATOR.

CORRECTIONS.

- P. 10. l. 25. *for industrious read judicious.*
 P. 21. l. 10. *after which insert it.*
 P. 30. l. 9. *after judgement; add, that I have neither bribed nor
 menaced any person whatever, directly or indirectly, in order to
 procure my seat.*

A
 L E T T E R
 TO
 A PATRIOT SENATOR,
 INCLUDING
 THE HEADS OF A BILL
 FOR A
 CONSTITUTIONAL REPRESENTATION
 OF THE PEOPLE.

Sic tibi persuade, me dies ac noctes nihil aliud agere, nihil curare,
 nisi ut mei cives *salvi liberique* sint. Quod si in hac curâ atque
 administratione *vita mihi ponenda sit*, præclarè actum mecum
 putem.

Cic. Epist. ad Fam. IX. 24.

L O N D O N,

MDCCLXXXIII.

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A

L E T T E R

TO

A PATRIOT SENATOR.

AT our last interview, my dear friend, you requested me to explain to you in writing, *with more coolness, you said, as well as perspicuity, than either publick speaking or private conversation will in general admit,* the ideas which had presented themselves to my mind on a *constitutional representation* of the people in their House of Commons; ideas, not formed by airy metaphysical abstractions, nor drawn from the republick of *Plato*, but resulting from a calmer and more patient inquiry into the original frame and texture of our *English* government and the first elements of our civil polity, than many perhaps have had inclination, or than yourself, as you acknowledged, have had leisure, to make: independently, therefore, of my general attention to your wishes, which have always been directed to some publick good, I hasten to comply

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with your present request; because I could not but condemn myself as an ungrateful partaker of the benefits already enjoyed by *Englishmen*, if I suppressed such of my opinions as might possibly be useful, on a question the most important of any that ever was agitated in this nation. You agree with me in thinking it so; and, indeed, if *happiness*, as far as our species can attain it, be the great end of all human establishments; if no happiness, becoming rational beings, can be tasted without *liberty*, which is also the parent of virtue; if true liberty, as none will deny, consist in obedience to the *laws*; and if, as none ought to deny, it be the essence of law, *to be framed by the assent of those, whose property, freedom, and lives it may affect*; there cannot be an object more noble when contemplated, more animating when pursued, or more beneficial when attained, than the restoration of our fellow-citizens to a due share in the structure of those laws, by obeying which alone they can become firm in freedom and secure in felicity. Of all tasks that can be undertaken by mortals, this is clearly the greatest and the best, and has the strongest claim to the daily and nightly labours of genuine patriots; for such there are among us, whatever may be asserted or insinuated by the splenetick or malignant; who, measuring the rest of mankind by their own narrow souls, attempt to confound all distinction between probity and baseness, and, because they are fordid or lazy themselves, will allow no one else to be generously active.

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I turn with delight from them to you, from those who impudently deny, to him who nobly proves, the existence of disinterested virtue; and I proceed to lay a foundation for my opinions on *principles* which cannot justly be disputed; but, indisputable as those principles appear to my own reason, I have so much respect for the unbiassed reason of others, and know so well the propensity of mankind, through obstinacy or caprice, but chiefly through self-love, to dissent from their fellow-creatures, that I will abstain from all disquisitions concerning the original formation of society, the natural equality of men, and the obligation of laws, thinking it safer and more prudent to argue from *the constitution itself*, which if we are virtuous enough to restore, we may be well satisfied, without conceiving ourselves wise enough to improve it. Men are never so apt to disagree as when they run into abstractions, and spin threads so subtle, as to elude the ordinary powers of intellect: hence, if we suffer ourselves to reason from what each of us may think the spirit of universal government and the transcendental rights of our species, each will have a little constitution of his own to produce, as if it were the model of a new bridge, or the plan of a publick edifice, and will be ready not only to contend, but even to quarrel, in support of the preference due to it; while, by arguing from the rules and maxims transmitted to us by our forefathers, recorded in our venerable archives, and unfolded by writers of approved authority, by a

SELDEN,

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SELDEN, a HALE, or a SOMERS, we are always prepared with this answer to cavillers—"Such is the constitutional or publick law of our country, than which no individual must esteem himself wiser:" of all political writing, political speaking, political acting, this ought ever to be the basis; and the line of old ENNIUS,

Moribus antiquis stat res Romana,

ought to be adopted and cherished by *Englishmen* with as much zeal, as if it had descended from heaven. The friends of the people know not what they lose, when they abandon this vantage-ground, on which I am anxious to place them; for nothing can be conceived more favourable to their dearest rights than the common and publick law of *England*, which neither the craftiness of the TUDORS, nor the tyranny of the STUARTS, could wholly supersede or abrogate. To this great standard I cheerfully appeal with the respectable author of the Letter to Mr. *Sinclair*, and, adopting all his just reasoning in regard to the old *Gotbick* edifice which we inherit, am able to prove, that its ancient gates are already sufficiently large to admit every independent man in the realm; but he has raised in his own mind an airy castle, which he mis-calls the venerable fabrick of the constitution: and that is the phantasm, by which, with the purest intentions, he deludes himself, while the deserved fame of his integrity may contribute to the delusion of others. As to the men who stupidly suppose, or basely pretend to

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suppose, that *the constitution* means only *the present state of things*, whatever it may be, and thence infer that no alteration should be made in it, I can neither check my indignation at their childish folly or dishonest sophistry, nor trust myself with expressing it, lest I should tell them too many ungentle and unpalatable truths.

No writer in our language has, in my opinion, reduced the subject before us into a smaller compass, or explained it with more force and perspicuity, than BLACKSTONE; and, if his name should not carry with it an absolute authority, yet I will not scruple to cite it *ad verecundiam* before any man, or set of men, now living. I have another motive for producing on all occasions with pleasure and triumph the popular passages in his inestimable works, because his own system of government was by no means democratical, and nothing but full conviction could have induced him, against his inclination and his interest, to advance principles, that had a tendency to diminish the regal or aristocratical power. Take his own words, than which none more clear or elegant could easily be found, and either acquiesce in his reasoning, or produce better from an author of equal dignity. "In all constitutions absolutely popular, or in the democratical part of any mixed state, the authority of the people in the management of publick concerns is exercised by vote or suffrage: in little republicks that suffrage has usually been given in person by every individual freeman of the state; but in ENGLAND, where

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“ where it is impracticable for *all* the freemen of the
 “ nation to debate and give their voices in a col-
 “ lective body, *they* do it by representation; and, of
 “ course, in this kingdom, the authority of the people
 “ is exerted in the choice of representatives to fit in
 “ the House of Commons. It is therefore a matter
 “ of no small consequence to the publick, to state with
 “ clearness and impartiality what persons have, or
 “ have not, the privilege of giving their voices in the
 “ choice of these representatives.”

Thus he begins his tract entitled, *Considerations on
 Copyholders*; and the remainder of his exordium he has
 interwoven, with a little variation, into that chapter
 of his *Commentaries*, where he treats of *the Parliament*;
 from which I proceed to transcribe as much as relates
 to the point immediately before me. “ The true rea-
 “ son of requiring any qualification, with regard to
 “ *property*, in voters, is, to exclude such persons as are
 “ in *so* mean a situation that they are *esteemed* to have
 “ *no will of their own*. If these persons had votes,
 “ they would be tempted to dispose of them under
 “ some undue influence or other: this would give a
 “ great, an artful, or a wealthy man a larger share in
 “ elections than is consistent with general liberty. If
 “ it were probable, that every man would give his
 “ vote freely and without influence of any kind, then,
 “ upon the true theory and genuine principles of
 “ liberty, *every* member of the community, *however*
 “ *poor*, should have a vote in electing those delegates,

“ to

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“ *to whose charge is committed the disposal of his pro-*
 “ *perty, his liberty, and his life*; but, since that can
 “ hardly be expected in persons of *indigent* fortunes,
 “ or such as are *under the immediate dominion of others*,
 “ all popular states have been obliged to establish cer-
 “ tain qualifications; whereby some, who are *suspected*
 “ *to have no will of their own*, are excluded from
 “ voting, in order to set other individuals, *whose wills*
 “ *may be supposed independent*, more thoroughly upon
 “ a level with each other; and this constitution of
 “ suffrages is framed upon a wiser principle than
 “ either of the methods of voting by *centuries*, or by
 “ *tribes*, among the ROMANS: the laws passed by
 “ the former method had usually too great a tendency
 “ to aggrandize the patricians or rich nobles, and
 “ those by the latter had too much of a levelling
 “ principle. Our constitution steers between the two
 “ extremes: *only such are entirely excluded as CAN*
 “ *have no will of their own*. There is hardly a *free*
 “ *agent* to be found, but what is *entitled* to a vote in
 “ some place or other in the kingdom. This is the
 “ *spirit* of the constitution; not that I assert it is *in fact*
 “ quite so perfect as I have here endeavoured to de-
 “ scribe it; for, if any alteration might be wished or
 “ suggested in the present frame of parliaments, it
 “ should be *in favour of a more complete representation*
 “ *of the people*.”

Such is the doctrine of a most accomplished lawyer,
 but no unambitious man, who seems reluctantly to
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have disclosed truths, which he could not decently conceal; and it appears from the guarded manner with which he constantly writes, that he had often more in his mind than he thought it prudent to express: this is the true key to the political parts of his admirable writings, from which infinite advantage may be drawn to the cause of constitutional freedom, if we construe liberally such passages as favour, and strictly such as oppose, it.

The sum of his opinions on the right of voting for delegates in parliament is plainly this: "That the true spirit of our constitution excludes no individual member of the community, who can be presumed to have a will of his own;" nor is this a new doctrine, but capable of proof from authorities so high that they cannot be resisted, and so numerous, that, if they were selected and arranged, they would fill a volume. Let me refer you to one or two of the many respectable writers, whose names crowd upon me, whenever I take refuge under authority, not from the weakness of natural reason, but from the pertinacity of those who will not listen to her voice.

LAMBARD, who was no zealot of a party, nor actuated by any factious motive, but a cool, diligent, and industrious antiquary, traces the origin of parliaments, in his book entitled *Archion*, from the old *Germans* through the *Saxon* and *Norman* governments to the times approaching his own; and cites a number of histories and records, in which such words

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of *universality* are used, as clearly demonstrate that *all the commonalty* of the realm had, what they certainly have not forfeited and could not surrender, an equal share in the legislature. "De majoribus rebus consulant omnes," says TACITUS: "*eastra witena*," say the SAXON princes: "convocavit clericum et populum," says M. PARIS of HENRY III. and again, "*omnes clericos et laicos totius regni*;" which words are also used in 4 WILLIAM I. l. 58. "*tote la commune*," says the statute 14 EDWARD II. and, if these authorities were not sufficient, a thousand more might easily be adduced to warrant the conclusion, which *Lambard* forcibly draws; "that every man is said to be bound by that which doth pass from the parliament; because every man, from the highest to the lowest, is there either in person or by procuracy." I cannot refrain from adding a very strong passage from Lord Chancellor WEST's *Inquiry into the Origin and Manner of creating Peers*: "It is no wonder," says that learned writer, "that it was always thought necessary, as well as reasonable, to consult the whole kingdom in parliament upon all affairs and demands which were extra-feudal and of a general concern; and therefore, that great king EDWARD I. was so sensible of the justice of this way of proceeding, that he inserted in his writs of summons to parliament, as a first principle of law, and as his reason for summoning parliaments, *That in every affair,*

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"which

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“ which related to the whole kingdom, the consent of the whole kingdom ought to be required*.”

Equality in the legislative power, and subordination to the executive, is in truth the grand principle of the *English* constitution; a principle, on which the peace, freedom, glory, and rational happiness of the community entirely depend, and for which that community, if they have any love for peace, if they have any love for freedom, if they have any love for glory, if they set any value on rational happiness, ought strenuously and unanimously to labour.

But is the proposition in *Lambard* true, you will ask, to its full extent; “ that all the commonalty of the realm, from the highest to the lowest, have a right of sending deputies to parliament?” So true, I answer, that every man, who has life and freedom to lose, should in strictness assent to those positive laws, by which his life and freedom may be affected; but there is an exception to the rule, which serves to illustrate and prove it. Such persons only are excluded from voting as, *by reason of their indigence, can have no will of their own*; but all are admitted, who can furnish themselves by property or honest industry with the necessaries of life; *and may consequently be, if they please, to use the words of BLACKSTONE, independent men.* Now every man must be presumed to have a will of his own, until that presumption be repelled by positive

* “ *Lex justissima, ut quod omnes tangit ab omnibus approbetur.*”
are the original words.

proof,

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proof, or by a presumption of the highest order, which is equivalent to such proof; and of this violent presumption, affecting an entire class of subjects, I know but one instance since the abolition or extinction of villenage; namely, that of persons actually receiving or demanding relief for their daily support from the charity of the publick or of individuals. If any copyholders literally held their lands precariously at the will of the lord, they too must be excluded; but the custom of the manor, which limits and fixes that will, preserves their right with their liberty, and keeps them in the class of citizens or free members of the state.

Among those, whom the principles of the constitution admit to the right of suffrage, because they may be independent if they please, numbers indeed of every rank, from the peasant to the peer, will be slavish and abject in a deplorable degree; but of this disposition, which cannot easily be proved, no human laws can take notice; nor is there any other measure of a free or a servile spirit in such men (since great or small property is a very false one) than that, which no human power can ascertain, the strength or weakness of their minds in being contented or dissatisfied with their station.

If *Sempronius* live happy on the produce of a small farm or the profits of an honest trade, without a wish to exchange his homely cottage or little parlour for the glare of wealth and the splendid servitude of an ambitious life, who shall be rash and daring enough
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to pronounce him a *dependent* man? And, if *Titius*, with his long rental and venerable terriers, have an establishment to which his yearly thousands are inadequate, and, stunned with the clamour of creditors, while the din of judgements and foreclosures rings in his ears to complete the harmony, pants for thousands more to supply his constant expenses, which habit has rendered almost necessary to his existence, who shall be absurd enough to call him *independent*? How unjust would it be to *suspect* the former of having *no will of his own*, and therefore to deprive him of the most valuable privilege; while the second is *supposed* to have several *wills of his own* in the lower house, though he have none in fact even in the upper, where he votes for any minister on any question!

Nor is there any rational distinction, as to dependence or independence, between property *personal* and *real*: if there be, it is in favour of personalty; since money will in a short time procure land, but land cannot always, without great disadvantage, be changed into money; and it is by money, that the necessaries and comforts of life are immediately obtained. They, who would argue against this opinion, must be soon reduced to absurdities. Are stock-holders to any amount, are merchants or traders in the annual receipt of many hundreds, are lessees for long terms, between whose interest and an absolute fee simple the difference is hardly assignable, *persons of indigent fortunes*, and *under the dominion of others*? Is the whole

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a play upon words, and is no man *free* but the owner of a *freehold*? Or have they discovered, by some new logick, that *free agency* is predicable only of men who have a certain title to roods and acres; whilst others, who have gold enough in their coffers to purchase ten times the value of the land, and often of the land-owners, if they were sold at a *Turkish* market, are to be *esteemed in so mean a situation as to have no will of their own*? Suppose a man desirous of setting up a trade, or of stocking a farm, to inherit a small freehold, and instantly to become an *elector of Britain*, a *citizen* in the large sense of the word, and a *freeman* in the only true sense, that is, *a person exempt from all laws to which he has not assented*: now if, wanting money to furnish his shop or purchase stock, he sell his land and hire a small house, in which he can support his family by diligence and parsimony, shall he be transformed in a moment, if he be not a member of some elective body, into a mere slave in the worst sense, that is, *a man absolutely subject to the legislation of others without his consent and without remedy*? These conclusions are enormities in reasoning, which you and I, who take no delight in monsters, will leave to such as can enjoy them.

There seems to be as little solidity in the distinction commonly made between the *landed* and the *trading interests* of the nation, since it is not for a particular city or county, but for the whole extent of the realm and its dependencies, that members of parliament are authorized

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authorized and required to make laws; and if any one of them were to consider merely the narrow views and partialities of his own constituents, at the expense of the general good, he would betray the trust reposed in him by his country, and justly incur the censure of all; though he might perhaps be applauded by a few, who could not, or would not, understand, that every private convenience must yield to the publick felicity, and that their own good is in truth promoted ultimately by this very concession. A partial interest subsisting in a nation, distinct from the general prosperity, seems a strange absurdity in a constitution; for every particular good enjoyed in society should be cherished and supported by the whole community, if it be advantageous to the whole; and, if prejudicial, it should not be enjoyed at all: but it is yet more unaccountable, that the interest of *commerce*, which alone can make this nation abundant in wealth, exalted in power, splendid in glory, and consequently secure in tranquillity, should need separate patrons against the proprietors of land, who feel inconvenience from the least decline of trade, and must be wounded to the quick by a total extinction of it.

I know, indeed, and lament, that such partialities actually exist; but I deny that the constitution takes notice of them, and insist that they ought to be discontinued, instead of being fomented.

I am perfectly aware, that all this would by some be thought paradoxical, or at least too bold an attack
upon

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upon received opinions: but *I must be justified*, as our Chancellors say, *by my own conscience*, and, if I reason amiss, give me at least the pleasure, which every lover of truth must esteem a very high one, of being fairly confuted.

I am aware too, that, in the times of feudal narrowness, when money was extremely scarce, and personal chattels little regarded, almost every elector in the kingdom was a landholder; but his landed property was *accidental* only, not *essential* to his right of voting, which stood on a firmer basis; and, if an idea of independent men without land had then prevailed, it is impossible to doubt, that such men also would have been admitted to their share in legislation: but that narrowness is now at an end, and the natural good sense of mankind has so far triumphed over it, that even our courts of private law consider personal possessions in an equal light with realty, though a strong tincture of feudal provisions may be found in our present system, and that without inconvenience, since it is sufficient for peace and security, if the rules of property, from whatever source they are derived, be generally understood and invariably uniform. There is not the same reason for retaining the miserable dregs of *Norman* polity in the great system of legislature; and it was, indeed, soon discovered, that trade was our true business, and war only necessary at sea for the protection of it; that the civil power was fully adequate to internal defence; and that the well-
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connected chain of tenancies, mesnalties, and lordships paramount, which might have been expedient in securing conquests, was no longer of use in a settled government. Even in early reigns, when commerce was yet in her cradle, the folly and injustice of excluding merchants and tradesmen from the right of sending deputies to the legislative assembly was so glaring, that when the crown exercised rather wantonly the power of erecting *boroughs*, the nation winked at a stretch of prerogative otherwise unwarrantable. That, that was the moment, had the people been wise enough to seize it, for correcting the vitiated *form* of the constitution by the genuine *spirit* of it, and recognizing at once that universal right, which every free man of the realm ought to have enjoyed, but which no power ought partially to have conferred: and here let me observe, that, if our countrymen have any regard for the purity of their language, which has a greater effect on their liberties than they may imagine, they will cease to misapply the word *franchise*, which means a *royal privilege subsisting by grant in the hands of a subject*, to the sacred right of sending delegates to parliament, which the crown can neither give nor take away.

As to the statute of HENRY VI. which is ridiculously supposed by some to have fixed what they call *the constitution*, I only wish that ancient history had preserved, what modern history must have branded with infamy, the names of those who advised such a law,

law, of those who prepared the bill, and of those who supported it. The true design and dark policy of it, which had, I confess, escaped me, were lately detected in my hearing by one of the wisest and most discerning men living, who remarked, “ that the statute for disqualifying all voters for counties, who had not freeholds of twenty pounds a year, according to the value of money at that time, was *immediately* followed by another, compelling *labourers* and *artificers*, multitudes of whom were freeholders under that value, to work at certain low wages on pain of a heavy fine.” “ If I recollect,” said a learned man in the company, who had accurately studied our history and constitution, “ the statute of *labourers* preceded that of elections by a year or two.” “ Then,” said the other, “ it was feared, that the lower freeholders, who were injured by a cruel law, would show their just resentment by voting against the supporters of it; and the surest way of preventing them was to disqualify them all at a blow.” “ You are both right,” said I; “ for a *temporary* act concerning workmen and artificers passed in the *sixth* of that reign, which it was thought politic to make *perpetual* in the *eighth*, and the disqualifying statute was contrived to intervene.” We all concurred in expressing our wonder, that so violent an abuse of power did not provoke, what it would unquestionably have justified, a general insurrection.

By the loss of so many occasions to unfold and bring to ripeness the true principles of legislation, our system has become enormous and deformed in a woful degree: it is, indeed, little more than a tawdry piece of irregular patchwork, in which the many-coloured shreds and remnants of the *family, treasury, and market, boroughs, bear a quadruple proportion*, we are told, to the uniform but narrow slips of the counties. This enormity has been so clearly displayed, and so forcibly deplored, that the subject is totally exhausted: nor are the evils resulting from it less injurious to the good sense and good manners of the nation. Seats in parliament are become as much the property of the nobles and rich commoners as their hunting-seats; and we frequently hear both men and women talk of *boroughs on their estates* with as much composure, as if they were speaking of *burrows* in a warren. Hence it is, that a man of large property, however or wheresoever acquired, steps as regularly into the house of commons as into his chariot: hence the gold of *Indian* princes, or of any foreign power, may easily have the same influence in our great national council, as that of *Philip* had in the assembly at *Athens*; whilst any *English* town may be *taken*, as *Philip* himself used to assert of the *Grecian* towns, *into which you may introduce an ass laden with gold*. I say nothing of the baneful ascendant, which the treasury has too long maintained, in consequence of this deplorable system, to the subversion of all that is valu-

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able and honourable among men. I know that you could never think of this calamity with patience; and I remember, that, when you began to read, with high expectation of pleasure, a book, which must be good, because every man commends it, you left it in the middle of the preface, where you were told, that "the crown found it impossible to carry on the business of government without a majority of voices in the house of commons;" a position, which is hardly necessary to discuss or confute. The crown cannot be all-powerful without an all-obeying parliament; but no free parliament would thwart or condemn any measures, which appeared to them just and salutary.

For all these mischiefs, so deeply felt, and so generally acknowledged, what, you will ask, is the regular, peaceful, and certain remedy? I know but one: *let us restore our genuine and recorded Constitution*. To what else can we appeal? To reason?—But reason, or what is called so, is different in different men; and, without a determinate standard, there will be no end of peevish squabbles and vexatious wrangling. As to palliatives and compromises, they will either be inadequate to the end, or add evil to evil.

Those, who, by the *inequality* of representation, mean chiefly the disproportion of members for counties to those for boroughs, and who are pleased to assume that the former are the only true friends of liberty and of the people, which I am by no means inclined

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clined to allow, have devised an infallible specifick, in their opinion, for all distempers of the state: but the *bare* adding of an hundred county-members, by way of sweetener for the corruption of the rotten boroughs, would be like perfuming a fetid apartment with musk or ambregris, when the obvious way to make it pure and healthful would be, to remove at once the cause of the stench, and to let in fresh air by opening the doors and windows.

Fifty boroughs, indeed, are by some proposed to be extinguished; and that, it must be confessed, would be a very substantial improvement, and a pretty full restoration of the balance; but, unless the members of the annihilated boroughs be allowed to vote somewhere, the measure would involve a palpable injustice; and, after all, the want of *universality* in the right of voting is a greater evil than the want of *equality* between the supposed *interests*. Other plans, all far short of perfection, have been suggested by several warm and able friends of the people; among whom one of the warmest and ablest has very ingeniously ingrafted on a most liberal and extensive system of voting a new mode of taxation, which, however eligible in itself by way of commutation for other taxes, ought clearly, in my humble opinion, to be made a distinct legislative provision, and wholly unconnected with the present scheme of reformation, which it would only serve to render complex and open to dissension.

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The bill prepared by the duke of RICHMOND, to whom I have barely the honour of being known, I have not yet had an opportunity of seeing; and must therefore claim all the praise, or submit to all the censure, that my own plan may deserve. I can have no interest in flattering the duke; and, if I had, he could not have a better security against being over-praised by me; but I will not, through fear of being thought a flatterer, withhold my just tribute of applause to a man of his abilities as well as rank, who both professes and proves himself a sincere and strenuous friend to the principles of the constitution, and to that universal right of suffrage, which they so clearly recognize.

Without more preliminaries, I send you my system in the form of a bill, though not drawn with all the clerical exactness to which it may easily be reduced, if it should meet your private approbation, and if your natural modesty should not deter you from giving it your publick support.

It is not recited in the preamble, that *annual* parliaments were a part of the old constitution, because I have, in truth, no satisfactory evidence that they were so; but I see no objection to them, which the subsequent provisions in the bill may not wholly remove: if *triennial* elections would diminish corruption, *annual* elections would destroy it.

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B I L L

WHEREAS the liberty of the people of Great Britain, on which depend as well their private happiness as the general prosperity and safety of this realm, consists in a due obedience to laws enacted by the consent of their actual representatives or delegates in the house of commons; and whereas, by the principles of the constitution, none ought to be excluded from the right of electing those representatives, but such as, through extreme indigence, are necessarily dependent on the will of others; and whereas it appears, that the form of the constitution, in regard to the qualifications of persons admitted to vote at elections for such parliamentary delegates, has in a course of ages deviated so widely from the true spirit of it, that a more extensive representation of the people in the legislative assembly is become essentially necessary to the preservation of our excellent establishment in its just temperature and harmony, as well as to the obligatory power of the laws and the jurisdiction of courts, civil and criminal; And whereas frequent elections

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of members to serve in parliament are the only security, which the people of Great Britain can have, for the full enjoyment of their constitutional rights and the fidelity of their representatives, Be it therefore enacted,

1. THAT, on the first day of September in every year, the clerk of the crown in chancery shall issue writs to the sheriffs of all the counties in GREAT BRITAIN and the City of LONDON, for the election of members to serve in a new parliament, as representatives of the whole nation.

2. THAT an equal number of such national representatives shall be chosen in every shire and county of GREAT BRITAIN and the City of LONDON, so as not to exceed six hundred; and that, for the purpose of election, the isle of Anglesey be annexed to the county of Flint, and the county of Rutland to that of Huntingdon.

NOTE: The wards in the City of London correspond to the hundreds in counties.

3. THAT every sheriff shall attend in person at the next county-court after the receipt of the writ, to be holden at the county-town, and shall there set down in writing the names and descriptions of such candidates as shall be nominated by a show of hands, which names he shall cause to be distinctly printed in order as they were proposed.

4. THAT, within three days after such nomination, the sheriff of each county shall send his precept under seal to the high constable, reeve, or bailiff of every lathe, rape, wapentake, hundred, or liberty, together with as

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many printed lists of the candidates as he shall have computed inhabitants, not receiving alms or charity, within such wapentake, hundred, or liberty, commanding such high constable or bailiff to proceed, at the next hundred-court, &c. after the receipt of the precept, to take the votes of all electors resident within his bailiwick.

5. THAT every high constable or bailiff of a wapentake, hundred, or liberty, shall be a substantial householder, and shall be chosen by the inhabitants of his hundred or liberty, at a court for that purpose to be holden at the principal tithing or town within or near the same.

6. THAT a county-court shall for this purpose be holden in the second week, and a hundred-court, &c. in the fourth week, of September, on Monday morning, throughout the realm.

7. THAT, on the Sunday next preceding the said hundred-court for the month of September, every elector, (except the people called Quakers) intending to vote on the following day, shall attend divine service in the cathedral, parish-church, meeting-house, or other lawful place of worship, nearest to his own usual abode; and that the bishop, rector, curate, or other minister there officiating, shall, after service performed, deliver a clear and solemn discourse on the judgements of Almighty God denounced against perjured men; and that, after the benediction pronounced, the minister shall go to the altar, where, having read a prayer to be for that occasion framed, he shall administer the following oath to all such as shall devoutly present themselves for that purpose.

I, A. B.

I, A. B. do sincerely and solemnly swear, that I am a British subject, of the full age of twenty-one years; that I am {unmarried}; and have in my own right, without any secret trust, voluntary gift, corrupt bargain, or fraudulent agreement, a clear and certain income of {twenty-five} pounds a year, either arising from my own property, or acquired by my honest industry, for which I am in no way dependent upon any person or persons; and I do, with like sincerity and solemnity, also swear, that I will give my vote for such members to serve in parliament, as I shall approve, freely by my own will, without influence or control, hope of gain or fear of loss, and without any reward, patronage, support, or emolument, received or expected, directly or indirectly, of any kind whatever, so help me God!

And that the said bishop, rector, curate, or minister shall give to every such elector a certificate, signed and sealed by himself, of his having duly taken the oath above prescribed.

8. THAT the persons called Quakers shall make a solemn affirmation before a justice of the peace for the county in which they shall vote, in the same form with the preceding oath; and that such justice shall give them the like certificates of their having so affirmed.

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9. THAT

9. THAT every sheriff, and high constable or bailiff, before he proceeds to act in obedience to the writ and precept above mentioned, shall publickly and solemnly take this oath in his respective court :

I, A. B. do swear, that I will faithfully and impartially execute the trust reposed in me as presiding-officer at the ensuing election of members to serve in the next parliament, and will make a true return of the candidates elected, and that without favour or affection, prejudice or malice, so help me God !

10. THAT the high constable or bailiff, presiding in every hundred-court, &c. shall deliver to every elector producing his certificate of qualification to be filed in the said court, one of the printed lists of candidates sent with the sheriff's precept, which elector shall forthwith privately draw a line with a pen under the name of every candidate for whom he pleases to vote, or add in writing the names of any others, whom he may prefer, and shall re-deliver the list so marked to the high constable or bailiff, who shall immediately file the same; and, if such elector be illiterate, he may privately mention to the high constable or bailiff, who shall mark the list for him, the names of those whom he shall chuse.

11. THAT, on the day succeeding the election in each hundred or liberty, the high constable or bailiff of the same shall return the precept to the sheriff, together with
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the names of the persons elected by a majority of votes, and all the certificates and lists filed.

12. THAT, at the county-court to be holden in the first week of October, the sheriff shall publish the names of the candidates elected by a majority of votes in all the hundreds and liberties of his county collectively, who shall be the members of the new parliament; and that the sheriff shall then return the whole, together with the writ, to the clerk of the crown in chancery.

13. THAT the parliament so elected shall sit of course in the second week of November, and be regularly at an end in the last week of August, in every year.

14. THAT, if any of the lists filed in any hundred-court, &c. shall have more names marked on them than allowed by this act to be chosen in the county, the first names in such list, amounting to the legal number, shall be those duly chosen, and the rest shall be expunged.

15. THAT the expenses of elections shall be borne by the counties in which they are holden; and that no candidate shall be at any expense whatever in opening houses, &c. on pain of disqualification for a whole parliament.

16. THAT every member, having taken his seat in parliament, shall, before he vote or speak on any question whatever, take the following oath in his place, the speaker being uncovered, and silence by him proclaimed,

I, A. B.

I, A.B. do sincerely and solemnly swear, that I am { *unmarried* } ; and have in my own right, without any secret trust, voluntary gift, corrupt bargain, or fraudulent agreement, a clear and certain income of { *three* } hundred pounds a year, for which I am in no way dependent on any person or persons ; and that I will faithfully and honestly discharge my duty as a member of this parliament, to the best of my knowledge and judgement, and will not give a vote on any occasion through undue influence or control of any kind, so help me God !

17. THAT the Sheriff of each county, and the high constable or bailiff of each wapentake, hundred, or liberty, in the realm, shall, at his next court to be holden after every session of parliament, distinctly read and proclaim all the publick acts passed in the said session, and that copies of such acts shall be sent to them for that purpose, as soon as they can be conveniently printed, which copies shall be repositied among the proceedings of the said hundred and county courts, &c. so as to be accessible at any time to the inhabitants of the said hundreds or counties.

18. THAT every tenant at will, or from year to year, who shall be menaced by his landlord, or by the agent, general or special, of such landlord, in order to command his vote at an election, may defend an ejection by proving

ing such menace to the satisfaction of a jury, and shall not only have full costs, but shall hold his estate rent-free for seven years.

19. THAT any person whatever, who shall menace any elector with loss of place or profit, in order to procure his vote, shall forfeit the sum of five hundred pounds, half to the county, and half to the person menaced, or to any other person who shall sue for it.

20. THAT perjury in any of the parties taking an oath prescribed by this act, or subornation of the same by any person whatever, or forgery of a certificate of qualification, shall be felony punishable by imprisonment or hard labour for seven years, forfeiture to the county of goods and chattels, and perpetual disqualification to elect or be elected; and that the crown shall have no power to remit the punishment.

You cannot but have remarked, on reading the several clauses of the bill, that it is grounded on the principle of admitting every man in the united kingdoms, who may, if he pleases, be independent, to a share in the legislature ; a principle, which I have proved to be fundamental in our genuine Constitution ; and that, in regard to the mode of election, it has been my chief care to make as little change as possible in the old civil division of the island. I have no claim to the praise of originality in my idea of choosing all the members

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members *in* the counties, but *for* the whole nation: it is not disputed, that the number of county-members was anciently, before boroughs existed, indeterminate; and I glory in confessing, that I borrowed the hint of my plan from a passage in *The History of the Common Law* by Sir MATTHEW HALE, a name, which I mention with honour and reverence. His words are these: "The laws of *William I.* were not imposed *ad libitum regis*, but were settled *per commune concilium regni*; and possibly at that very time, when *twelve out of every county* were returned to ascertain the Confessor's laws, as before is mentioned out of *Hoveden*, which appears to be AS SUFFICIENT AND EFFECTUAL A PARLIAMENT AS EVER WAS HELD IN ENGLAND." He had before cited the original words of *Hoveden*, which are so remarkable and apposite that I cannot forbear translating them. "Twelve men, having been elected from each county in the whole realm, took a solemn oath, that they would proceed, as exactly as they were able, in a strait path, turning neither to the right nor to the left, and would publish all their laws and customs, nothing omitting, nothing adding, nothing deceitfully changing." So great a number as *twelve* for each county in *Britain* might now be inconvenient, and would certainly be unnecessary; but, as it would be easy to make *eighty* divisions of the whole island, *seven* might justly be chosen in each, and *two* only would then be added to the present aggregate of members for the nation.

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You will also have observed, that I have made little use of the *arithmetical* and *geometrical* reasoning so much in fashion; and I fairly own, that I find no other principle of *equality* in our constitution but that which is entirely *personal*: the apportioning of members to the populousness and extent of *districts* has, in truth, a tendency to that *partiality* of representation; which, in my humble opinion, the constitution disclaims. Had the *hundreds* and *liberties* been equal, or nearly so, and had every county contained an odd number of them, I should, indeed, have proposed, that a majority of votes should carry each hundred, and a majority of hundreds each county; which would have been exactly the method of voting by tribes among the *Romans*; but the mode, which I now propose, will have a great and important advantage over elections by *particular districts*; since it is an axiom, that *the greater is the number of voters, the less will be the facility of corrupting them*; and it would scarce be possible to corrupt *all the free inhabitants of a county*.

Objections, I know, will be raised to every clause in my bill; but I cannot suggest one, and I have repeatedly tried, which may not receive a solid and complete answer. The whole system, it will be said, is *democratical*, big with danger to publick peace, and evidently tending to a revolution, by giving to the people a greater share of power than is consistent with general tranquillity. Idle terrors! vain surmises! groundless apprehensions! Good laws well executed,

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and good measures well pursued, will ever preserve the state from the base projects of the turbulent or ambitious; and I cannot urge too frequently, that we are not to inquire what is the best form of government in the opinion of individuals or parties, but what share of power the Constitution upon record actually gives respectively to the king, the nobles, and the people.

How! it will be exclaimed, would the people have annual elections? They know not what they ask. It is only towards the close of a long parliament that *We*, say the leaders of opposition, can form a compact phalanx against the influence of the Court. But *We*, say the nation, demand our old constitution, which we venerate: we know nothing of your opposition: we will protect ourselves from the Court and from You. If you can only be persuaded to discharge your duty at the close of a parliament, be prepared to discharge it faithfully in the summer, or we will reject you disgracefully in the autumn.

A violent clamour will be heard against the idea of admitting SCOTLAND to so large a share in the legislature of *Britain*; but why should not the *Scots* be as free and happy as ourselves? Our only objection to a nation excelling like them in arts and in arms is their objection to liberty; but their country has produced firm patriots and virtuous citizens; and they will all be lovers of freedom, when they possess her and enjoy her charms: nevertheless, if the comparative populousness of *North Britain* will not yet entitle it to the share

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share proposed, *eight* or *nine* members, instead of *seven*, may for a time be chosen in each of the divisions of *England* and *Wales*, and *one* or *two* more be elected in the liberty of *Westminster*, as a mark of distinction to so considerable a part of the metropolis.

Another will warmly insist, that new *oaths* and new *felonies* ought not to be introduced; that both are already far too numerous; and that my plan, of swearing the voters with all possible solemnity in a place of publick worship, is borrowed from the *Athenian* custom, and would be an innovation among *Christians*: but I insist as warmly, that the number of bad laws ought not to prevent the introduction of good ones, and that *Christian* nations ought to blush, if oaths, on the sanction of which the fame, the property, the freedom of each individual may on many occasions depend, were more solemnly administered at the altar of a heathen divinity than at that of the only true GOD, in all the blaze of light which it has pleased him to reveal. Those, who deride all religion, and, for that reason, object to my plan, neither you nor I will condescend to answer. Nor are they, who declaim against *innovation*, as they call it, more worthy of notice; for (not to insist that *renovation* alone is demanded) I ask, if they were themselves devoured by the scrophula, and refused to take *alteratives*, or even, in extremity, to use hemlock or apply cauteries, *because they would not innovate in their constitutions*, who would not believe them to be madder than the maddest in *Bedlam*? Corruption is the poison, which infects all

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the capillary vessels and lymphatic ducts of the state in all their various ramifications, threatening the whole mass of blood with a mortal taint, and the whole surface of the body with ulcer and gangrene; yet corruption is a poison, which the law just proposed, if the nation have virtue enough to see it duly executed, will wholly and for ever exterminate.

As to the *felonies*, in the last clause, I should wish to make them *capital*, being persuaded that the punishment would be no more than adequate to the crime; for what can be more atrocious than *perjury*? what more treasonable than an usurpation of a sovereign right, which the *Athenians* justly punished with death? but I cannot agree with *ISÆUS*, that *laws should be framed with rigour and executed with mildness*: on the contrary, I am clearly of opinion, that, unless penal laws be mild, the mistaken lenity of mankind will often prevent them from being executed at all; and, in every well-ordered state, the punishment ought to follow the crime as invariably and certainly, as any effect in the system of the universe follows its cause.

Others may think the plan too vast, and therefore impracticable; but (to admit for a moment what I shall ever after deny, since nothing is impracticable to industry and virtue) we must always remember the maxim of *CICERO*, that, "when we labour to attain the summit of things, we may stop without dishonour in the second place, or even in the third." Let us restore our constitution, if not exactly, at least by approximation.

" Oh!

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" Oh! but the people (it is urged) are grossly ignorant, and shamefully abandoned. As rationally might *Pbidias* have attempted to make a statue of sand, as a legislator to constitute a perfect state with such base materials. The many must be led, not followed; depressed, not advanced; protected, indeed, but not consulted." I answer, that, if the multitude are ignorant, they should be instructed; if vitious, corrected; if incorrigible, punished; that it were more generous to reform than to abuse, more noble to enlighten, than to despise, them; that, after all, the seducers are more culpable than the seduced, as wickedness is more odious than weakness: but the objection proves too much; for, if it be just, the mass of the people ought to have no share in the legislature, the constitution ought to be dissolved, and either an absolute monarchy should supply its place, or an oligarchy of the wise and rich, who might perhaps be soon as corrupt as the ignorant and poor. A very different opinion, however, was entertained of our populace by the candid, virtuous, and eloquent *ANDREW FLETCHER* of *Saltoun*, who admits, that "*England* has a commonalty not only surpassing all those of that degree, which the world can now boast of, but also those of all former ages, in courage, honesty, good sense, industry, and generosity of temper; which advantages cannot, he says, be imputed to the climate, or to any other cause but the freedom of the government under which they live." Is this majestick

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majestick race to be left grazing like a herd in their scanty pastures, with no happiness worthy of reasonable souls, and with no security even for their ease and comfort, but the interest which their herdsmen may take in preserving their breed? For my own part, I have so habituated myself to consider all men as from nature equal, that I never give alms to a beggar without reflecting, that nothing perhaps has prevented my receiving them from him, but the accidental difference between us in birth, connexions, and the culture of our minds; but, when I view the yeomen and traders of *England*, firm, intrepid, liberal, industrious, benevolent, and bearing on their very countenances a consciousness of dignity and freedom, I cannot help revering, as much as I love, a people superior to the rest of mortals. Their ignorance of their rights I lament; and their failings I deplore; but, were I not fully convinced, that the proposed reformation would soon enlighten and improve them, and, by ensuring their liberty, restore their virtue, and promote their happiness, I would never have opposed many friends, and possibly raised many enemies (to my ruin, perhaps, as far as a man with a small independent fortune and a great independent spirit can be ruined) by writing thus freely on so delicate and momentous a subject. As to the *sense* of the nation upon this great point, I perfectly agree with a respectable writer on the other side, that "it would be folly to ask it;—that we know "it before it is asked:" and I cannot help suspecting
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those, who are loudest in calling for it, of a design to baffle the people by dividing them.

Am I then sanguine and romantick enough, you will ask, to imagine that my bill will pass, or any bill equally pure? No; but it is an experiment worthy to be tried. I am aware, that the statute of *intails*, which favoured the *greater* aristocratical assembly, could never be formally repealed; and I cannot conceive, that the members of a house, which now contains, most unconstitutionally, a *second* aristocracy, will easily consent to shake those seats, "where they and their ancestors have had a sort of *hereditary tenure* for themselves, or for the friends whom they recommend." Their ideas are as incorrect as their principle is unsound; for *power always follows property*; and, whatever alteration be made, the rich will ever enjoy as much influence at least as is consistent with the general happiness. The misfortune is, that no *fiction* of law, how consistent soever with equity, will supply a remedy to this evil; no *common recovery* will restore the nation to rights, of which their very delegates conspire to deprive them. The grand expedient of returning a new set of members to the next parliament cannot be applied by those, whose grievance it is, that they have no suffrage. May the Power, who rules all rulers, forbid any mad recourse, in this state of desperation, to the last and worst of remedies! The attempt must be as vain as it would be frantick; and the certain consequence would be a military
despotism!

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despotism! To avert such a calamity, if the loss of one life could avert it, I would cheerfully precipitate myself on the pikes or bayonets of my countrymen, and should think my last dying moment happy, if it prevented them from living miserable.

Thus have I delivered my sentiments, as you desired, with moderation, and, I hope, with clearness: if you dissent from me in part or in the whole, I shall anxiously wish to be fully refuted; but, if my ideas appear to you both rational and salutary, you have my free permission to make them publick; and, as I have no base fear of incurring personal inconvenience, nor idle hope of gaining approbation, you are at perfect liberty to add or to suppress that useless name, by which I shall take a sincere pleasure in subscribing myself, according to the modern form, your faithful friend, unless you chuse, that, with ancient simplicity, I should bid you

FAREWELL!