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At a Meeting of the SOCIETY for CONSTITUTIONAL INFORMATION, held at the Secretary's, No. 11, Tavistock-street, Covent-Garden, Friday, 20th April, 1787.

SIR CECIL WRAY, BART. IN THE CHAIR.

RESOLVED,

That the following Extract from Mr. ADAMS' Defence be published among the Tracts of the Society.

D. ADAMS, Sec.

“THE liberty of the People depends entirely on the constant and direct communication, between them, and the other legislature, by means of their representatives.

“The improvements to be made in the English constitution, lie entirely in the House of Commons.

“If county members were abolished, and representatives proportionally and frequently chosen in small districts; and if no candidate could be chosen, but an established long settled inhabitant of that district, it would be impossible to corrupt the people of England; and the House of Commons might be an immortal guardian of the national liberty. Instead of projects to abolish Kings and Lords, if the House of Commons had been attended to, wild wars would not have been engaged in, nor countless millions thrown away; nor would there have remained an imperfection in the English constitution. Let the people take care of the balance,

and especially their part of it; but the preservation of their peculiar part of it, will depend upon the existence and independence of the other two; the instant the other branches are destroyed, their own branch, their own deputies, become their tyrants."

[Ordered to be printed, April 20, 1787.]

At a Meeting held Friday, June 15, 1787.

JOHN LODGE BATLEY, Esq. V.P. in the Chair.

RESOLVED,

That the following Letter from CAPEL LOFFT, Esq. together with the enclosed Acts for annulling, and making void the Attainders of ALGERNON SIDNEY, Esq. and WILLIAM RUSSELL, Esq. commonly called *Lord Russell*, be published among the tracts of the Society.

D. ADAMS, Sec.

TO THE SOCIETY FOR CONSTITUTIONAL INFORMATION.

I SEND for your judgment on the propriety of laying them before the *Public*, copies of two *Statutes*, by which the *Legislature* of this Country, did justice to the memory of those men, to the national resentment of whose fate, and the sense of the common danger from law thus impiously violated, we appear, in a great degree, indebted for the *Revolution*, and for the opportunity of securely discussing any points of political knowledge,

ledge, conducive to the freedom and welfare of the community.

I wonder that they have not universally obtained their place in the printed collections of our *Public Acts*. Great, indeed, will be the wonder, if they have been universally omitted. I have not, at present, an opportunity of examining in the editions of *Pay* and *Pickering*. In that of 1706, they are not, which is in three folio volumes, from *Magna Charta*, to the end of *Queen Anne*. Even *Ruffhead*, accurate as he is, and constitutional as the preface to his edition of the *Statutes* manifest him, has not merely omitted them in their proper rank, but inserted their titles among the *private acts*. What may have caused this is, the petition of individuals being recited in each; and the immediate occupation respecting the execution of *Russell*, and of *Sydney*. But a Statute may be a *public law*, though immediately provided on consideration of a particular case; and the Petition of the individuals does not limit the character of the Act, which flows from the extent of its object. Now the object of these Statutes, is not merely the reversal of the two Attainders; but it is a *Parliamentary Declaration of the illegality of those judicial proceedings, on which those Attainders were founded; and of the Constitutional Right, that no man be hereafter attainted by such means*: and is, therefore, as much a Public Act, as that for declaring void the judgment in the case of *ship-money*, which is duly printed in the collections of *Public Acts*.

The first of the two Acts is concise, clear, comprehensive, energetic; worthy of the Assembly which passed, and of the great cause which moved to their solemn vindication of the *Patriot, Russell*. That which declares null the proceeding against *Sydney*, is less perspicuously

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constructed; a very important, and, indeed, the peculiar part of his case, being thrown into a kind of parenthesis; but it comprehends a decision of the highest constitutional authority, on a point of evidence then perverted, but since recognized in capital cases; and it erases the injurious stigma of a traitor, from a name worthy of perpetual veneration, for the enlightened and generous spirit of his admirable discourse on Government, and for the heroic constancy of his life and death. They are not (so far as I know) yet published in such a form as admits of their being generally read. I am, with every good wish, for the success of the Society's exertions, their's,

With affectionate esteem,

CAPEL LOFFT.

23d May, 1787.

ANNO GUL. & MARIAE PRIMO.

An Act for annulling and making void the ATTAINDER of ALGERNOON SYDNEY, Esq.

WHEREAS, *Algernoon Sydney*, Esq. in the term of St. Michael, in the five and thirtieth year of the reign of our late Sovereign Lord King Charles the Second, in the Court of King's Bench, at Westminster, by means of an illegal return of jurors, and by denial of his lawful challenge to divers of them, for want of freehold, and without sufficient legal evidence of any treasons committed by him; (there being at that time produced a paper found in the closet of the said *Algernoon*, supposed to be his handwriting, which was not proved by the testimony of any one witness, to be written by him; but the jury was directed to believe it, by comparing it with other writings of the said *Algernoon*; and besides that paper so produced, there

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there was but one witness to prove any matter against the said *Algernoon*;) and by a partial and unjust construction of the statutes, declared what was high treason, was most unjustly and wrongfully convicted and attainted, and afterwards executed for high treason. May it therefore please your most excellent Majesty, at the humble petition and request of the Right Hon. Philip Earl of Leicester, brother and heir of the said *Algernoon Sydney*, and of the Right Hon. Henry Viscount Sydney, of Sheppy, in the County of Hants, the other brother of the said *Algernoon*, that it be declared and enacted, and be it enacted by the King and Queen's most excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by authority of the same, that the said conviction, judgment, and attainder of the said *Algernoon Sydney* be, and are repealed, reversed, made and declared, null and void, to all intents, constructions, and purposes whatsoever; and as if no such conviction, judgment, or attainder had ever been had or given. And that no corruption of blood, or other penalty, or forfeiture of honour, dignities, goods, chattels, lands, tenements, or hereditaments be, by the said conviction and attainder incurred; any law, usage, or custom to the contrary notwithstanding. And to the end, that right be done to the memory of the said *Algernoon Sydney*, deceased, be it further enacted, that all records and proceedings relating to the said attainder, be wholly cancelled, and taken off the file; or otherwise defaced and obliterated; to the intent that the same may not be visible in after ages; and that the records and proceedings of, and to the said conviction, judgment, and attainder, in the said Court of King's Bench, now

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remaining, shall, and be forthwith brought into the said Court this present Easter Term, and then and there taken off from the file, and cancelled.

ANNO GUL. & MARIAE PRIMO.

An Act for annulling and making void the ATTAINDER of WILLIAM RUSSELL, Esq. commonly called LORD RUSSELL*.

WHEREAS, William Russell, Esq. commonly called Lord Russell, eldest son of the Right Hon. William Earl of Bedford, in the month of July, in the five and thirtieth year of the reign of our late sovereign Lord King Charles the Second, at a sessions of goal delivery, holden at the Old Bailey, London, was, by undue and illegal return of jurors, having been refused his lawful challenge to the said jurors, for want of freehold, and by partial and unjust constructions of law, wrongfully convicted, attainted, and executed for high treason; — May it therefore please your most excellent Majesty, at the humble petition of the said Earl of Bedford, and the Right Hon. the Lady Rachell Russell, *relict* of the said Lord Russell, that it be declared and enacted by the authority of this present Parliament, and be it enacted by the King and Queen's most excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by authority of the same, that the said conviction, judgment, and attainder of the said William Russell, commonly called

* See the Appendix to Vol. VIII. of Hargrave's Edition of the State Trials.

led Lord Russell, be, and are hereby repealed, reversed, made and declared null and void to all intents, constructions, and purposes whatsoever, as if no such conviction, judgment, or attainder, had ever been had or made; and that no corruption of blood, or other penalty, or forfeiture of honours, dignities, lands, goods, or hereditaments, or chattles, be by the said conviction, or attainder, incurred; any law, usage, or custom to the contrary notwithstanding. And to the end, that right be done to the memory of the deceased Lord Russell aforesaid. Be it further enacted, that all Records and Proceedings, relating to the said Attainder, be wholly cancelled, and taken off the File; or otherwise defaced and obliterated, to the intent the same may not be visible in after ages. And that at the next sessions of goal delivery, to be holden for the City of London, the said Records and Proceedings, shall be brought into the said Court, and then and there taken off from the file, and cancelled.

[Ordered to be printed, June 15, 1787.]

PRINTED AND DISTRIBUTED GRATIS BY THE SOCIETY FOR CONSTITUTIONAL INFORMATION.

At a Meeting of the SOCIETY for CONSTITUTIONAL INFORMATION, held at the Secretary's, No. 11, Tavistock-street, Covent-Garden, Friday, 18th April 1788.

JOHN REDMAN, Esq; V. P. IN THE CHAIR.

RESOLVED, That the following Resolution of the COMMITTEE, assembled in London, on the 7th April 1788, in order to an application to Parliament, for a reform in the internal government of the Royal Burghs of Scotland, be printed among the Tracts of this Society.

D. A D A M S, Secretary.

London, April 7th, 1788.

AT a numerous Meeting of the Committee appointed to conduct an application to parliament on the subject of the Reform of the Internal Government of the Royal Burghs of Scotland.

Sir THOMAS DUNDAS, Bart. M. P. in the Chair.

Resolved, That the present system of internal government of the Royal Burghs of Scotland, by which magistrates and counsellors are self-elected, is adverse to the principles of the British Constitution.

Resolved, That it is an unexampled grievance, which requires immediate redress, that those magistrates are not, in any manner, accountable, as the law of Scotland is at present understood, for the expenditure of the Revenues of the said Royal Burghs, which are computed to amount to about one hundred thousand pounds per ann.

Resolved, That the misapplication and profuse waste of the public property, and the enormous debts contracted

ed by the magistrates, must tend to the utter ruin of the said Burghs, unless speedily relieved by the interposition of parliament.

Resolved, That the petitions to the honourable the House of Commons, from the burgeses of forty-six out of the whole sixty-six of the said Royal Burghs, and the very numerous and respectable conventions of delegates annually held at Edinburgh from all parts of Scotland, for several years past, on the business of the said reform, are highly expressive of the spirit and unanimity of the Burgeses in their present application to the Legislature.

Resolved, That this Committee, sensible of the importance of the trust delegated to them, will continue to give every assistance in their power, towards obtaining for the petitioners such redress as their case so justly demands.

THOMAS DUNDAS, President.

[Ordered to be printed, April 18, 1788.]

TO THE PEOPLE OF GREAT BRITAIN.

My Fellow Countrymen,

IT is superfluous, I am persuaded, to inform you, that the rights of freedom are of too sacred and invaluable a nature, to be deliberately bartered for any other privileges which power or fortune can bestow. But it may not be improper to remind you, that supineness may lose what virtue will not allow to be purchased. That fabric, which has braved the violence of open hostility, may, perhaps, be easily undermined by domestic treachery. To those, therefore, who are willing to preserve their liberties inviolate, unremitting vigilance cannot be too earnestly recommended. They must examine every intrusion, however specious its form, with the most penetrating suspicion. What they may have lost by criminal indolence, they must resolve to regain by virtuous activity

activity. They must be convinced, that no practice, no precedent, can supercede rights which nature and reason never intended they should alienate. Whatever be the violation, the resolute and unanimous voice of an injured people can command redress. No power however high, no authority however awful, can stand before the majesty of an united nation, impatient of its wrongs, and determined to provide their remedy.

Sentiments like these, founded on truth, and imbibed with ardour, will prove a general specific for every political malady, by which we either are, or may be attacked. The disease, to which I at present allude, requires only a gentle, provided it be a speedy application. That salutary maxim, *venienti occurrere morbo*, was never more strikingly applicable than in the present state of the British Constitution. We are told by our governors, nay, we have had the folly to confess ourselves, that we are totally incapable, in cases of accidental tumult, to defend our lives and properties. The citizens of London, once so honourably jealous of the least invasion of their privileges, now daily submit to be awed by an armed force, and insulted in the pursuit of their common occupations. Military insolence in the capital, it is true, has hitherto extended only from St. James's to the Bank. This, however, has been borne with such a mild submission, that no part of the metropolis, it is now determined, shall be exempt from their *salutary* dominion. Barracks are every where to be erected; we shall soon see at every corner marches and counter-marches, and the citizens will have cause to think themselves highly favoured, if, by resigning one side of every street to the soldiers, they may be permitted to sneak along the other in disgraceful security. This absurd parade would be a fit subject for ridicule, did it not exhibit a lurking dagger levelled at the vitals of the constitution. It is therefore a common and a hallowed duty to arrest the blow.—Be not deluded, my fellow countrymen, by that weak but specious argument, that the protection of the public peace is the sole object of these hostile preparations. A love of peace has ever been the favourite and successful plea of the most subtle tyrants. Consult the records of usurpation,

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pation, and you will find that freedom has ever been most irrevocably banished from her lawful throne, by the undermining arts of pretended friendship. Peace has doubtless a lovely aspect, and an attractive form. But her beauties, compared with those of freedom, appear homely and unexpressive. To sacrifice freedom to peace, is to preserve the ivy at the expence of the oak round which it is entwined. But it is only the enemies of the inherent rights of humanity, who dare, as profanely as falsely, to assert that freedom and peace are incompatible. They were sent into the world at the same moment by the God of Nature, and intended, to the latest period of time, to co-operate by an indissoluble union for the universal happiness of his creatures. Where this union is broken, it is the first and noblest duty of man to endeavour to restore it. It is a debt of gratitude which we owe to our ancestors, and a gift of pious bounty to which posterity have a religious title. Are we deaf to these animating claims? Let us be assured, that the most sordid self-interest demands our most active exertions. Who shall determine how soon our dearest privileges may not be trampled down, and crushed for ever, under the strides of oppression? This gigantic fiend is every day exhibiting an increase of vigour in his arm, and of fury in his eye. But his strength and courage, which have grown formidable by neglect, will shrink at opposition. Freedom, if supported by her sons, will resume her rightful sceptre, and teach them that it is only under her reign, they can experience true happiness and tranquility. Let not then the sophistry of insidious politicians persuade us that a military force is absolutely requisite to prevent riot and disorder. Against these, the citizens of a free country, if they will exert those powers which law and reason have given them, are completely able to provide*. Can there be a more powerful bulwark against every species of commotion, than that which is composed of peaceful citizens armed for the common safety? To prefer the protection of soldiers to such a defence as this, would be to chuse wolves instead of shepherds to guard

* See Sir William Jones's excellent Pamphlet, entitled "An Enquiry into the legal Mode of suppressing Riots."

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guard the sheepfold. Here let me be understood to mean no unjust severity against the character of a British soldier. I revere the courage which our troops have ever shewn against a foreign enemy. This is the province in which they are employed with honour. But to see them converted into the bailiffs of tyranny, excites my pity as much as my indignation. They are treated as the lowest of slaves themselves, while they are made the mechanical instruments, of enslaving their countrymen.

For the present evil, we therefore see ourselves possessed of a sufficient remedy. Would we strike at the root of every political calamity, we must advance still further, nor desist till we have operated a complete reform in our parliamentary representation †. This alone can restore our constitution to health and vigour. At present the most abject corruption poisons the fount of freedom, which circulating through a thousand channels, taints whatever it touches with its polluted streams. To do our duty completely, we must purify this source of disorder. This will be found not so difficult an enterprize as frigid politicians are too ready to believe. Let the people of England be once truly sensible of their most valuable interests, let them be once warmly and universally convinced, that a fair and real representation of the people in Parliament is essential to the happiness and prosperity of their country; and then, though the administration be ever so corrupt and despotic, though the House of Commons be ever so base and venal, yet shall the accumulated demands of an indignant nation extort from guilty fear, what it has so long requested in vain from expiring virtue.

[Ordered to be printed, 11th July 1788.]

RESOLVED,

† Whoever doubts that a fair and real representation of the People in Parliament is indispensibly connected with the salvation of our freedom, let him examine those unanswerable arguments by which this question is supported in the invaluable works of Major John Cartwright.

EXTRACTS FROM

ANDREW FLETCHER, OF SALTOUN.

“THE subjects formerly had a real security for their liberty, by having the sword in their own hands. That security which is the greatest of all others, is lost; and not only so, but the sword is put into the hand of the King by his power over the militia. All this is not enough; but we must have, in both kingdoms, standing armies of mercenaries, who, for the most part, have no other way to subsist, and consequently are capable to execute any commands; and yet every man must think his liberties as safe as ever, under pain of being thought disaffected to the monarchy. But sure it must not be the ancient limited and legal monarchies of Scotland and England that these gentlemen mean. It must be a French fashion of monarchy where the king has power to do what he pleases, and the people no security for any thing they possess. We have quitted our ancient security, and put the militia into the power of the King. The only remaining security we have is, that no standing armies were ever yet allowed in time of peace, the parliament of England having so often, and so expressly declared them to be contrary to law; and that of Scotland having not only declared them to be a grievance, but the keeping them up an article in the forfeiture of the late King James. If a standing army be allowed, what difference will there be between the government we shall then live under, and any kind of government under a good prince, of which there have been some in the most despotic tyrannies. If these be limited, and not absolute monarchies, then, as there are conditions, so there ought to be securities on both sides. The Barons never pretended that their militias should be constantly on foot, and together in bodies in times of peace. It is evident that would have subverted the constitution, and made every one of them a petty tyrant; and it is evident

evident that standing forces are the fittest instruments to make a tyrant. Whoever is for making the kings too great or too little, is an enemy to the monarchy, but to give him standing armies puts his power beyond controul, and consequently makes him absolute. If the people had any other real security for their liberty than that there be no standing armies in time of peace, there might be some colour to demand them; but if that only remaining security be taken away from the people, we have destroyed these monarchies.

“It is pretended we are in hazard of being invaded by a powerful enemy; shall we, therefore, destroy our government? What is it then that we would defend? Is it our persons by the ruin of our government? In what then shall we be gainers? In saving our lives by the loss of our liberties? If our pleasures and luxuries make us live like brutes, it seems we must not pretend to reason any better than they. I would fain know if there be any way of making a Prince absolute, than by allowing him a standing army; if by it all Princes have been made absolute: if without it any. Whether our enemies shall conquer us is uncertain; but whether standing armies will enslave us, neither reason nor experience will suffer us to doubt. It is therefore evident, that no pretence of danger from abroad can be an argument to keep up standing armies, or any mercenary forces.

“In a word, our forefathers had two securities for their liberties and properties; they had both the sword and the purse; they anciently were in the hand of the subject, because the armies then were composed of the vassals who depended on the Barons. That security is gone. Shall we throw the other after it, and thereby I may very well say, dissolve the constitution and the monarchy? For a government is not only a tyranny, when tyrannically exercised, but also when there is no sufficient caution in the constitution that may not be exercised tyrannically.”

[Ordered to be printed, 11th July, 1788.]

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