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OBSERVATIONS
ON THE
N A T U R A L
AND
CIVIL RIGHTS OF MANKIND,
THE
PREROGATIVES OF PRINCES,
AND THE
P O W E R S OF GOVERNMENT.
IN WHICH THE
EQUAL AND UNIVERSAL RIGHT
OF THE PEOPLE
TO ELECTION AND REPRESENTATION,
IS PROVED BY DIRECT AND CONCLUSIVE
ARGUMENTS.
ADDRESSED TO THE PEOPLE OF ENGLAND.

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OBSERVATIONS

ON THE NATURAL AND CIVIL RIGHTS OF MANKIND, &c.

Countrymen and Fellow Citizens,

IT is a melancholy consideration to the friends of liberty, and the rights of the people, that the ignorance and depravity of so many should render arguments necessary to prove, what every free-born subject should carry about him, engraved in the tablet of his heart, as the title of his noblest inheritance, and the first privilege and dignity of his nature. But such is the restless ambition of princes, such the unceasing efforts of the dangerous powers they possess, to subdue the love of liberty to the lust of domination, by seducing the understanding and corrupting the passions, as call for the equal exertions of public spirit

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to counteract the fascinations of sophistry and seduction. Much has been said and written in behalf of civil liberty, by men of the first talents and virtues in the present, as well as former periods of our history. I do not recollect from my own confined reading, that the natural and civil rights of the people have been properly defined and distinguished from each other, or from the delegated rights of civil magistrates and governments, and the line accurately drawn betwixt the claims of each. I addressed you the last year in two letters upon a similar subject, viz. "Restoring the constitution from the corrupt influence of the crown over both houses of parliament;" and as the only possible means of effecting this, I shall now lay before you such clear proofs of your *equal* rights as men and Englishmen, as I flatter myself, if you use your reason, and are not totally degenerated from the virtue of your ancestors, must strongly influence and excite you to the recovery of them.

It may be considered as a leading maxim in human life and affairs, and particularly applicable to policy and civil government, that the power which acts constantly under the stimulus of the strongest passions and motives, naturally the most active, bold, and persevering,

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vering, will finally prevail against superior rights and greater powers, whose interests being of a general nature, and more remote from observation, act with less force and effect upon individuals, than such as are present, personal, or domestic. From which principle it arises, that those states which in the strength and manhood of natural rights and virtue commenced republics, or limited monarchies, have expired under the gripe of tyranny. National depravity, which nearly extinguishes the love of liberty, adds stronger incentives to the lust of dominion; and the wealth and prosperity of kingdoms, that whet the appetite of power for plunder, enervating at the same time the spirit of defence, discovers the true cause why *government in free states naturally tends towards despotism*. When public virtue declines into the selfish and vicious character, the spirit of tyranny rises in the state, as its opposite principles of resistance decay. From whence it is evident, that nothing can remedy this evil, and effectually resist and defeat the intrigues of ambition on one hand, or inspire the people with a due sense of the value and importance of their rights on the other, but *constantly exercising those rights and privileges* on which both their liberties and government are founded.

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Having reserved to themselves the upper hand in the constitution, by the sacred rights of making their own laws, and guarding their own property, they must preserve a constitutional controul upon the government, by acting with the same vigilance and spirit in support of popular claims.

But this must be done by the continued exertions of the *whole*, not of a divided community, the greater part of which have been despoiled of their natural rights, and disarmed of their civil powers by tyrants, in order to bring the remainder, with their illegal franchises and immunities, into the corrupt vortex of the crown's influence. It is in the nature of power to encroach, and where popular rights give way to the elbowing insolence of office, or recede from their ground but with a single foot, power is ever at hand to seize the advantage, and erect the standard of usurpation upon the spot. Though delegated and dependent, it is apt to forget its derivation, and to grow vain and presumptuous, unless continually humbled by the majesty and power of the people, whose rights must be seen and felt as well as understood. They must pass in triumph before the eyes of government, and the constitution must be annually renovated, in order to give due re-

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spect to the origin of power, the natural rights of the people, which alone can preserve the one limited, and the other free. But when through the long neglect of their rights, and the established innovations of government, the people become servile and corrupt, ignorant of their rights, or indifferent about them, they are not only easily invaded by actual violence, but the very principles on which they are founded are insidiously undermined by literary Swiss, singled out for that abandoned purpose, with a due mixture of parts and profligacy. Writers of this complexion have appeared in our time, who neither blush nor fear to assert, that liberty exists no where but in imagination, and that all the rights of mankind are derived from, and dependent upon civil governors. They affirm, that one man's office gives rights and property to all. That the liberty which millions boast, is nothing but the suspension of this man's power, and their property the mere indulgence of his prerogative; the overflowings of his treasure, which he graciously permits the people to use, till his Crown and dignity demand it. And so far are they from being entitled to withhold any part as *their own*, from the claims of the Crown, that according to these writers, the subject hath no *right* in the light of his own eyes, or the labour of his own

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hands, till confirmed to him by civil rulers. They know full well, that not only the dignity of the *King* and government, but the ordinary wants of the *man* and his family, are provided for and maintained by the free grant of the people's deputies in parliament. They know that the government supplies are raised by the same authority, and that they can legally withhold every shilling till their demands upon government are complied with, and then also, if they disapprove of the service; and yet these impostors would persuade the people, that they have neither rights, liberty, nor property. Whereas, the truth is, on the direct contrary, that government *has no power*, but what being originally delegated from the people, is still held, as far as government is lawful, under their controul. *They* not only move *freely* themselves, they are the *first movers* of the government; and the whole state machinery, when in due order, is but the engine of the nation's power, dignity, and welfare. But when men of abandoned principles, or rather professions, slaves in heart more than in head, are hired to plead the cause of tyrants against the people, it is high time to restore the constitution both in theory and practice. To shew the public, if they know not, on what sure ground their rights are founded, and how incapable their oppressors are to meet them

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on *any* ground, if they will be true to themselves, and to one another. It has long been the business of corrupt statesmen and lawyers to perplex men's ideas in the investigation of such truths as tend to the recovery of popular rights, and to limit the encroachments of power. Subtlety and sophistry are the old standing council for the Crown; they are seldom retained on behalf of the people. But although it be difficult to prove those common rights which all men derive from nature, by any clearer medium than common sense, and that conviction which is congruous to the rights of nature, I will endeavour, without the sophistry or the fee, to plead the great cause of the community against the usurpations of power, the logic of statesmen, and the quibble of law. It is indeed no less to the disgrace of professional knavery and servility, than of popular ignorance and inattention, that such glaring fallacies, absurdities, and falsehoods, have made their way to more than vulgar minds, under the mask of law, or the cloak of religion, as obscure the light of nature, and bewilder the dictates of common sense in prejudice and error; so that the rights which are essential to their preservation, and well being as men, and fundamental to all their privileges as citizens, are arbitrarily and corruptly withheld from

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them by false pretences, and treasonable practices, to which they have too long and shamefully submitted.

In the prosecution of this design, in order fully to understand the terms we use, and thus clear the ground of argument, it will be necessary, in the first place, to define the rights we treat of, and then to distinguish two different kinds of rights, which are sometimes artfully, and sometimes ignorantly confounded with each other.

A right is that clear principle of natural justice, by which, as men, we exercise those powers and faculties, given us by our Maker, for our own and others preservation and happiness. A civil right is a title by some law or usage, of greater or smaller communities, to the possession and enjoyment of some benefit or privilege, to which there was no prior claim. Of rights, some are *primary* and fundamental, inherent in, and unalienable from the people. These are truly *divine* rights, whether civil or religious, for they originate from God and nature. Others, are *secondary*, derived, or official rights, which pertain to magistrates and government; but these being of human origin, may be altered or annihilated,
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at the pleasure of the community by which they were ordained.

The primary, natural, and fundamental rights, are those which belong to the human species; without which man could not be what nature intended him, a rational, moral, and free agent, capable of self determination and government. On these are founded his own civil rights as a member of a free community, and the delegated rights, or powers of those, who are appointed to govern the commonwealth under its own restrictions and laws. And as they regard the honour and happiness of the whole individual, they include the sacred as well as civil rights; the right of free enquiry, private judgment, and liberty of conscience, the free exercise of which, as it alone proclaims him rational, can only render him justly accountable for his actions at any tribunal of equitable laws.

The primary civil rights of mankind relate chiefly to that law of self-preservation, which requires they should live under the government of their own common will and wisdom, expressed in laws of their own constituting; not under the will of another, superior to, or independent of the public will, the very idea
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of which is repugnant to the nature of community, or self-preservation. Infomuch that one would hardly conceive it to be in folly or presumption itself, for any one man to pretend a right to rule another man, much less a community, without consent or appointment, under a controul that can never be alienated, while men, as such, are naturally equal, and self-preservation is equally the first law of nature to individuals and communities.

To this controul only it is that the people owe their liberty and property, with all their rights, civil and sacred. And by equal and universal suffrage alone in the choice of their legislative delegates, can this controul be maintained. Which brings me to the great point I had in view—To prove, by the most direct and incontrovertible arguments, the people's equal and universal right of election and representation.

The first argument in support of this great primary right of the people, arises from the constitutional qualification being natural, not civil, a birthright inheritance, not a franchise or endowment. By the order of things and the law of the constitution, the people cannot be supposed originally to possess civil rights,
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any more than laws, till in consequence of using their natural rights of election and representation for that purpose, a legislature is formed, from which such rights and laws may be derived; nor can they derive a right of delegation from the powers they delegate. To talk therefore of civil franchises as prior to the civil power or government, is a palpable absurdity.

The Crown can no more confer those rights by which crowns are first conferred, than those franchises which corruptly create modern senates. It is evident then at the first glance, that a constituent body founded on civil franchises to create a legislature which must be supposed to exist previous to all civil rights or franchises, is a contradiction in terms. A civil power which a man holds from others, can never qualify him to empower the others to act as his principals, and to hold him amenable at their bar, which supposes a right, both prior and superior to all civil powers. A franchised constituent body is therefore an imposture; it is neither founded on natural nor civil rights. Were it founded on the former, it would be equal and uniform, like all other laws and principles of nature, and by being extended to the whole community, would
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answer effectually the wise purpose of nature, in forming a permanent and invincible barrier against the inroads of power. It could not be supposed to originate from the civil power, since it is equally contrary to reason and experience, for government to limit, and power to controul itself. From the natural necessity which numbers impose, delegates act instead of the community. But the rights of nature still preserve their superior dignity in a free constitution, though lost in a corrupt government. Under a popular government no lawful power can subsist superior to popular controul, because being founded on the common will and public weal, it can never be subject to the will and pleasure of any man, or body of men. Civil rights cannot subsist upon the subversion of natural ones, which are their true source and origin, without such a change in the first principles of the constitution, as dissolves the civil relation, and the obligations betwixt the people and their rulers.

Nor can those rights which belong not to individuals, but to mankind and communities, be alienated from them. They can no more sell or lose their liberty than their reason, or erect form. They are bound by the prior law of their Maker, to be men; that is, moral and

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and free agents; and by the constitution of their country, to be free men, which they cannot be while any others usurp their rights. Tyrants that attempt to make them less, are in rebellion to the laws of God and their country. But such is the danger of their situation, that should they keep clear of this rock of despotism, it is odds but they fall upon the other of corruption. Since experience gives us ample and melancholy proof that there is no confidence to be placed in constituents, when the rights and privileges of a community can be betrayed to their own advantage. Nor could the sottish people complain that their deputies betrayed and sold them to government, who basely set them the example, and encouraged the treason; who surrendered their own most sacred rights as a nation, to the will and disposal of others, and thus betrayed themselves, without a temptation or a motive, unless that of indolence or infatuation.

The SECOND ARGUMENT in support of this great primary, fundamental right of the people, arises from the similar circumstances and pretensions of all in the same community. The right which belongs to any individual, as a man, or a member of the great community, belongs

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belongs equally to every man upon the same ground and claim. Equal beings have equal rights from nature—Fellow-citizens, equal privileges from a constitution. Consequently to cut off this right from all, as a birthright inheritance from the Creator, and to bestow it partially upon a comparative few, as a civil franchise merely, is not only a gross violence upon the law of nature, and the equal rights of all, but it is subverting the principle and ground of the right, by substituting a different qualification, and allowing the civil magistrate to usurp powers that belong only to God—Powers, so far from being derived, or held from *him*, that *he*, and all his official powers are delegated by, and derived from, this original source of all civil authority. The title and claim of freemen to liberty, and of course to the right of maintaining their liberty, by free election and representation, cannot be founded on any qualification, temporary, local, or dependent, but on one that is equal, universal, and unalterable, and must therefore be as permanent as the principle from which it originates. Otherwise this contradiction would follow, that primary rights might depend upon such as are secondary; and those which are inherent and natural, upon others delegated and artificial; which would be grossly confounding

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cause and effect. The regal traitor who first innovated upon this sacred right of the subject, usurped God's authority with the people's inheritance; violated the first principles of justice, and removed the corner stone of civil liberty, whilst he laid the sure foundations of tyranny in a partial and corrupt representation. A constituent body from dependent boroughs and corporations, was fraught with every mischief which we now deservedly groan under as a nation, for suffering both ourselves and our posterity to be thus shamefully and deliberately tricked out of those rights which form the only basis of liberty. By this sole means all the principles of a free constitution have been silently sapped, gradually overturned, and trampled under foot, while the despotic invader triumphs in the forms of liberty, and the spoils of property; and to make the conquest the more galling, is arrayed in the mock solemnities of law and legislation. Thus a magistrate erects his tyrant throne upon the ruins of the commonwealth, and the borrowed rights of office rise above the dignity of natural rights; while a prodigy is formed in the political horizon, scarcely less ridiculous, than it is monstrous and horrible! An individual, perhaps weak and worthless, owing his daily bread to the community, so far arming himself with

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the powers of the community, as to command that property on which their own bread depends!

A third argument in support of the equal and universal rights of election and representation arises from hence; all men being equally concerned in the events, as well as in the support of government, are equally entitled to a due controul upon its power. The liberty and property of each are as sacred to him, as any others can be to them, and his claim as good, therefore no just reason can be assigned why every one should not be entitled to the same rights and powers of guarding and defending them. By the principles of the constitution, which is only a transcript of natural justice, the whole body of the people are born legislators, and inherit the right of self-government; of which nothing could, or ought to deprive them, but the superior law of necessity, and the utter impracticability of the thing in great communities. The nearest approach to the right that is attainable, is sacredly theirs. This is the equal right of all to choose their delegates; which choice, when too extensive to be under influence from power, is but little inferior in point of safety and utility, to universal legislation, could it actually exist,

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exist, and it is certainly far more convenient. But when in contempt of nature, justice and common sense, one man is appointed to guard the rights of six, by a power which is eternally hostile to the rights of all; and the great body of the community are not only represented in voluntary acts of the most important nature, without their concurrence or consent, but against their will, and in defiance of their rights, it is impossible to give a name to so flagrant and impious a violation of the most essential right and privilege of the community, adequate to its enormity and guilt. Were we even to grant what is far from true, the whole people to be as incapable of choosing delegates, as of enacting laws, does it follow that they are not entitled to the *next* approach to their natural rights, to choose at least the constituent body, which is immediately to represent their authority, and support their rights? Has the Crown a right to take this solemn business out of the hands of the Commons, and to bribe those by usurped franchises, who were before qualified by natural rights? Have the people of England ever surrendered this right to the Crown, or could they lawfully do it, if they were so degenerate? Have they ever consented, as a community, that the secondary, dependent rights of an
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office, shall supersede and annul those rights of nature from which all legal government derives both its origin and sanction? Were this the case, what controul would remain upon the Crown, or with what propriety could we pronounce the government limited? The order of nature, and the principles of a free constitution would be subverted. There would be nothing popular left but the name, when the Crown could not only elect the representatives of the people, but create those franchises by which they were chosen, instead of being itself, in its original institution and appointment, the creature of the people's choice from natural rights. In such a perverted state of human society, power giving law to right, corrupt policy trampling on nature and justice, and the creature and servant of the people usurping arbitrary authority—When such mockery prevailed in the state, and counterfeit powers passed current, without the image or superscription of legal and constitutional sovereignty, should we not reprobate equally the mint, and the base coinage, and endeavour to bring the traitors to justice for the highest possible treason against the Majesty, and the laws of God and Nature?—Especially as it appears in the

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FOURTH ARGUMENT, both from reason and experience, that no other mode of election and representation can answer the end and design of any; which, if I mistake them not, are to guard the rights, the persons, and the property of the people from the abuse of office, and the encroachments of power. We have had proof and conviction enough to our shame and sorrow, that a partial representation, liable to corrupt influence, while it becomes an instrument of fraud and tyranny to the government, is only a trap and an insult to the people. It is absurd and ridiculous to propose an end, without using the proper means to obtain it; how much more so, to submit to such as in their nature tend to frustrate and defeat it? For the people to choose a parliament with no other end in view, but to encrease the power of the Crown; to appoint a representative of the nation, to betray and enslave the nation, is a degree of folly or guilt, that nothing but the last stage of human depravity could sink into. If the people have a right to freedom, they have a right to all the means of freedom. If they have any property, they are entitled to the means of defending it. Otherwise, they are themselves the vassals and the property of others, who have acquired the means of usurping the one, and violating the other.

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There is nothing so superlatively base and contemptible, as a senate devoted to the enemy of senates and of the people, excepting the slaves and traitors, whose corrupt suffrages made them the fatal instruments of tyranny. But when a nation falls from the dignity of its natural and inherent rights, to accept of partial, civil franchises from a magistrate of their own creation, thus affronting their Maker, and contemning his gifts, to idolize the work of their own hands, it is not strange that he gives them up to infatuation, and such strong delusion, as to believe the divine right of princes to disfranchise nature and her sons; to counteract the system of Divine Providence, which made men free that they might continue upright, from a sense of dignity and honour. Whereas the policy of princes, is to degrade them into corrupt slaves, in order that they may be rendered traitorous constituents and representatives. The rights of nature being the vital spirit of liberty and a free constitution, must revive and reanimate the dead letter and forms, which artful statesmen will avail themselves of, to rob and abuse the nation, till roused by its sufferings to a sense of the injuries and indignities it has sustained, it shall assert those general rights and claims, that are the first law of power, both by natural justice, ancient usage, and

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and the statutes, as well as charters of the realm.

It is this wise and effectual controul, arising from equal representation and an independent parliament, that is the great stumbling-block to crowned heads, ministers, and parties, whose ambition would sport with the rights, and their luxury and avarice be full fed by the wealth and labour of the people. Such a controul upon the Crown, cuts off all the ambitious views, and servile pursuits of preferment and plunder from the numberless dependents on its absolute sovereignty, particularly in the law and the church, the revenue, and the various channels of the public expenditure. They know full well that the Sovereign, under a real constitutional controul, could not presume to make war with half the world, without the concurrence of the people, even when their great council was sitting; or if he did, they would soon make him sensible where the due restraint of nature, justice, and humanity was placed by law and policy, to check false ambition, violence, and oppression in their career. They would let him know that the people who supplied the blood and treasure, had not only some right to be consulted by their chief magistrate about the justice and

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expedience of the quarrels in which they were to bleed, but that they were in truth the *principals* in the war, who were to *grant*, or refuse the means of carrying it on. And they would be so far from *thanking* him for a *condescension*, in *graciously* informing the nation, he had *picked* a fresh quarrel with another good neighbour and ally, that in all probability they would *impeach* his minister, for not having taken their counsel and concurrence along with him in so important a transaction, especially if contrary to the sense, honour, and interest of the kingdom. He would soon discover that an uncorrupt House of Commons were not to be treated as cyphers by the limited power of the Sovereign, or the unlimited presumption of his minister. Nor would they suffer him to exhaust the strength of the different parts of the empire in a bloody civil war, founded in no one principle of justice or policy, as it relates to the public welfare, but calculated merely to destroy the motives of union, and the means of defence, and thus to subject the whole to a traitorous lust of arbitrary dominion.—We may therefore add a FIFTH ARGUMENT in support of our doctrine. That if a free constitution and the rights of the people have any validity, force, or meaning, if they are not the mere traffick of a corrupt senate, and the property

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as well as jest of the Crown, their first principle and great end is to give effectual controul to the executive power of the state, when used arbitrarily against the subject. The public will must prevail, or that of individuals. The true sense of the nation in a free parliament, or the absolute pleasure of ministers in a corrupt one, where the principle and the power of national controul are born down by a counter influence, which must finally overturn the very foundations of the constitution, and annihilate every species of liberty. It is of little moment to the people, whether the tyrant who does this be a royal one, or a junto of nobles and great commoners. Any body of men combined to obtain, and hold the powers of the state, independent of the will and voice of the people, are as hostile to their rights and the principles of the constitution, as a jure divino despot. We have a striking proof of this in the fatal parliament, that strangled the public controul by the *Septennial Bill*. Had they meant well to liberty or the people, they had sufficient power to have restored the constitution to its ancient purity, and to have better justified the revolution, by putting it out of the power of any future tyrant to trample on the rights of a free country. But they were not contending for the constitution,

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as the servants and trustees of the nation; they contended then, as they always will do, while a party, to make the nation and the constitution the servants and the instruments of their own interest and ambition.

The glaring immodesty of this proceeding was the more striking, because the pretence and apology for the outrage upon liberty, was to keep men out of power who could not have given it a deeper wound, than it received from the treacherous hand of nominal friends. The taking away the most essential right of the nation, in order to prevent its being enslaved, favours so strongly of binding free men in all cases whatsoever, that our modern Machiavel seems to have caught the very spirit of the bill, from the zeal with which he defends it upon all occasions, as "the *ground-work* of the constitution:" although both from its effects and principles, it appears to have been the *under-ground* work of the enemy of God and man, who in that transaction sowed plentifully the tares of animosity and party violence, which have brought forth an hundred fold in all parts of the empire, in the present *auspicious* reign, no less friendly to septennial parliaments, and their unlimited power of binding.

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Let the people then at length be convinced of the vain distinctions and contentions of party. Let them learn by dear-bought experience, to place no confidence in princes or nobles, in whom there is no help for those who sottishly desert their own defence; who give up the only controul upon power that can curb its natural propensity to tyranny, and tamely resign themselves to the protection of others, whose interest and ambition will eternally prompt them to sacrifice and betray. A parliament that is less than a true national controul upon the government, is a mockery and a lye.

The arguments already adduced, go directly to prove the important rights of the people to equal and universal election and representation. I shall add a *SIXTH*, to obviate the difficulties which arise from the pretended *exclusive rights* of the constituent body, illegally obtained, and long exercised in the most unconstitutional manner, and the most injurious to the whole community. I have gone to the bottom of this argument, as I flatter myself, in my pamphlet, on *Restoring the Constitution*, published by ALMON, page 17. I will not repeat what is there advanced, but refer the reader to it, and content myself with a few general remarks

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upon the subject, which I hope will carry their own evidence and conviction.

Common sense and justice dictate in all cases, that a smaller good, and inferior right should yield to more general and important ones. The absurdity of a few mean boroughs and corporations possessing election rights, by the grant of the Crown, not only detrimental to the kingdom at large, but subversive of the constitution and the public liberty, must strike every mind capable of common observation. Nor can these partial grants obtain greater authority by long usage, or prescriptive right, to invalidate other claims, founded on higher titles, and of more ancient date. It is extreme folly to suppose a royal grant, or charter of immunities, can confer privileges on dependent boroughs, to the disgrace and injury of the people at large. Grants contrary to law and equity, are always thefts, of whatever kind they are; but giving away the natural rights of a community, on which government is founded, is the highest of all possible usurpations and treasons. The various tenures of the feudal system, and the different rights they convey, are all grounded in tyranny, and equally subversive of the rights of nature and the constitution. They found the legislature in

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in the prerogatives of the Crown, and grossly make the rights of the people both the cause and effect of civil government. The people first of all choose their government, and elect their King. And afterwards Kings, to shew their gratitude, or rather their presumption, return the obligation, by granting their creators the people, those very election rights by which Kings and their authority exist. Shallow reasoners set up late precedents against claims as old as human society, and would invalidate the greater and original authorities, by the smaller and subordinate. They would set aside magna charta in favour of an illegal franchise. They would silence the rights of nature, to confirm the grants of princes, who exceeded their power and office, and establish the unequal privileges of a few, upon public usurpation, robbery, and oppression. If a statute of the legislature cannot bind against a fundamental of the constitution, how much less a wanton and wicked presumption of the Crown's prerogative? If half a dozen venal wretches in a corporation, have acquired by innovation the rights of a whole city, which is a case exactly parallel with the kingdom, and the rotten boroughs, is this pretended right founded upon a robbery, grown legal and sacred by possession, and the want of means, or

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rather of spirit to recover it? Are the collusive and treasonable practices of a Worcester corporation, or a Shaftesbury borough, to be rendered perpetual by the profligacy of government, or the tameness of the public, upon no better ground than that of possession and custom, which, if the priority of these were a sufficient title, would establish the claims of the whole people as firmly upon precedent, as upon reason and justice?

The ancient usage of equal election and representation, usurped by the later encroachments of the Crown and boroughs, was doubtless founded on an acknowledged right, which the intrigues of power could not abolish while the people were more virtuous, and the government unable to corrupt them. From the old practice may not only be inferred the right, but also the practicability of the thing; the contrary of which it is certainly most prudent to take for granted, when ministers resolve not to make the experiment.

But facts are decisive arguments as far as they go. Nor can any sophistry evade the conclusion, that a popular right enjoyed in past ages, may again be renewed in the same country, and under a constitution, at least of equal freedom.

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freedom. Men who wish not "a perfect system of reform," because hostile to party, may amuse us with common place phrases about "the temper and actual circumstances of the nation." They may utter dark sayings about other "*given circumstances*," and "*eligible* plans of improvement, which are the best that *can* be obtained." We will not laugh at the *choice* that is *imposed* by the will of another; but surely this *Hobson's* choice needed no oracular inspiration, or metaphysical subtlety to discover! A plain man would ask, how do we know what the people *can* obtain, till they have taken the proper measures to put the question *home*? If they are to acquiesce in whatever a corrupt and usurped authority decrees, it is giving up the point of right to the insolence of power. If the counties, like *Lazarus*, must be laid at the ministers gate, to receive the scraps that fall from the table of office; or like America, brought to the foot of his authority, let their deputies put on sackcloth and ashes, and deprecate vengeance, instead of mocking and dishonouring their country by claims of justice.

Is not their system coercion and oppression? Will they therefore part with any portion of their power or plunder without compulsion?

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And if a part may be obtained through *fear* or *caution*, why not the whole? County petitions for popular rights, should always be presented properly seconded and *supported*. Ministers then will be marvelous condescending, when their master's Crown, or their own heads may answer the refusal. But the reason of this modest diffidence is plain. Were the nation to recover its full rights, there would be none for party to usurp. And it is from hence only that the counties are instructed to be very sparing in their demands, lest by acquiring too much, they should become too independent for the management of party, and faction should be a state game no longer worth playing. If the recovery of popular rights, and the restoring and improving the constitution, depend upon the will of the present ministers, can it be supposed that veterans in tyranny and bloodshed will admit of popular reforms to save the purse or the throat of the public, so long used to bleed for their emolument and ambition? If the nation must be a beggar for its rights to the rotten boroughs, it must be a sturdy beggar, able to alarm their fears (villains of all kinds are soon alarmed) or the prayer of the county petitions can answer no end but to dishonour themselves, and swell the presumption and confidence of their oppressors.

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But men attached to party, had rather submit to any government, than a reformation that comes from the people. Ministers may be displaced; but if the people recover their natural and constitutional rights, there is an end of party. Having *talked* them out of their liberty, by a false dependance upon parliamentary redress, they would fain persuade them that they can talk them into it again, at least into such a portion of it, as the "actual circumstances and temper of the nation can bear."

One would think the business of a patriot opposition in such times, were not to flatter and encourage the *temper* of a corrupt servile people, or to acquiesce in the circumstances and condition in which an arbitrary policy hath involved them; but to endeavour to reform the evil temper, and better the condition, by any means that might offer, although it were by the virtue and spirit of the honest part of the nation in the county meetings, and not through the channel of party interest, and parliamentary debate.

But these assemblies will be duped by the hollow craft, which on all other occasions has laboured to mislead the public judgment with the

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the same plausible *cant* about the "temper and actual circumstances of the nation." General terms, which apply to all purposes and parties, and appear to conceal something out of prudence, gain respect because *not* understood, and give the writer or the speaker credit for more discernment and discretion, than the strongest argument. They are excellently adapted to state adventurers, who mean to pass upon the understanding, and play at fast and loose with the cullibility of mankind, generally too timid, or too guarded to adopt opinions of their own. And to keep the people dependent, they must remain ignorant, or undecided. Decided principles lead to firm resolutions, and these to action; which shuffling, evasive politicians will always avoid, to play the same game of caution.

For into whatever mischiefs they betray the public, by their selfish or treacherous counsels, they will never fail, if possible, to secure a retreat for themselves.

I have thus far considered the primary, unalienable rights of the people, particularly as they relate to equal election and representation, the great national controul upon power, and the guardian of public liberty and property.

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I cannot quit this ground without transiently touching on those moral and religious rights of free enquiry, private judgment, and liberty of conscience, which are equally the primary rights of nature, with those that are civil and political. Priestly dominion, ecclesiastical constitutions and governments, liturgies founded on creeds, and systems of human invention, are as contrary to the simplicity and liberty of the Gospel, as to men's inherent rights of thinking and judging for themselves; to which revelation appeals, and on which all religious and moral obligation are founded. Articles of faith are the trammels of the mind. They answer no end but to introduce mystery and sanctify imposture, while they confound truth and plain sense, and enslave the understanding and conscience to the blind guidance of error and superstition. When the throat of credulity has been once stretched to swallow transubstantiation, the athanasian creed, or the divine right of princes, the shackles of priestcraft are fixed and riveted upon such minds.

And to such doctrines and believers it is owing, that the liberal spirit of christianity in established religions is made to breathe so much intolerant zeal, and becomes the parent and nurse, as well as the scourge of schism and

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sectaries; that the very prayers of the church are dictated by the spirit of uncharitableness, which ought, like the Lord's Prayer, to be expressed in the most general terms, excluding the presumption of private opinion, and comprehending, as far as possible, the great truths only in which all christians agree. They might then cordially unite in the same common worship, and no stumbling blocks would be thrown in the way of reason or conscience, for the purpose of narrowing the path of preferment, and stamping the orthodox mark upon the simple flock. A liturgy composed for all sincere christians, with the same latitude that Christ's own example warrants and teaches, would do more to root out hypocrisy and uncharitable censure, blind zeal and bigotry, than all other means whatever; while the sanction of damnatory creeds continues to separate brethren, and to embitter their spirits against each other. Were such a truly catholic liturgy once established, honest men might wear gowns, and men of understanding be their disciples. But as the Church has always taken part with the Crown, in supporting its usurpations over the rights of the people, and its chief sacred promotions depend so much upon its civil prostitutions, upon unchristian sacrifices at ministerial altars, we cannot wonder
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it should strive to compleat the system of tyranny by religious faith and superstitious worship, which commenced in a jure divino prerogative. What is founded in imposture, can only be supported by delusion. And when the mitre dictates to our faith, under pain of damnation, it is no wonder the Crown should usurp so far upon our natural and civil rights, as to dictate to our very *intentions*, under the penalty of death.

Having thus stated and supported the argument in favour of the primary, fundamental rights of the people, both natural, civil, and sacred, there will be less difficulty in ascertaining the nature, and fixing the limits of those rights that are SECONDARY, official, derived, and dependant, which belong to magistrates and government.

The sycophants of power, especially the ecclesiastical, have taken great pains to saddle the people with the divine right of princes, and the divine institution of government, as if these came immediately from heaven, without the instrumentality of second causes, and claimed obedience from that authority only, however unjust the title of one, or the principles of the other. The reason is obvious; they want to

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make *both* prior to, and independent of the rights of the people, which we know are derived from God only, and are truly divine rights for that reason, as being above all human limitation or controul. Whereas the secondary, official rights, deputed to governments and civil magistrates, being no otherwise of divine origin, than the vox populi may be called vox Dei, are not so properly *rights* as *trusts*—They are not rights in behalf of the magistrates or government, but of those constituent powers that deputed them. An office, however exalted, can have no divine rights which is of human origin; can have no inherent rights, which is itself a derived and dependent power. Its rights are in trust for others benefit, and they are rather *debts* than rights arising from the trust. The right at least is so closely connected with the trust, that it cannot subsist without it. Allegiance to government infers protection; that is, a due application of the public strength and wealth to its own preservation and prosperity, which whenever employed in the service of the Crown only, to raise its power above the primary rights of the people, *that* government is traitorous to its trust and its masters, and consequently their allegiance is dissolved, upon the first principles of the constitution. The Crown's

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Crown's prerogatives being the *grants* of the people for the public honour and service, cannot lawfully be employed against the people, nor trample on the sacred parental rights that gave them being, without the highest treason against the community, and the God of nature. Prerogative relates to the office, not to the man—It is the deputed power of the people, acting by virtue of their paramount rights, and under the controul of their superior authority. Were the kingly office derived from God only, or from any other origin than the will and appointment of the people, nothing could be more absurd than those oaths, charters, and compacts, by which his power is limited, and he is bound to the discharge of a mutual obligation, trust, and duty. The constitution of England would in that case, be very concisely and properly expressed in the royal motto, Dieu et mon droit, (God and my right) which disclaims the rights of the people, and arbitrarily founds his title on the jus divinum, and the right of succession. And consequently, the government being a mere personal concern, privilege, and prerogative, held from, and accountable to God only, he could have no occasion for any other powers to carry the authority of a divine hereditary right to the highest pitch his own will and pleasure

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pleasure might dictate, as ministers and their creatures have lately asserted in parliament. Nothing could be more impertinent than for the Common's House to assume the high stile of *granting* supplies, when an authority more than human, could *demand* any portion of their blood and treasure that the lust of dominion, or the lust of vengeance might dictate. The power of granting without that of *refusing*, which cannot subsist with the Crown's absolute prerogative of making war, would be the most solemn mockery of a nation's rights, that a fervile race could endure. The legislature would then become the mere register of the royal edicts, a *commission of accounts* to the Crown, as the present motley board of ministerial clerks are to the premier and his corrupt majority.

The forms of parliament, though now but a dead letter, shew clearly enough what their meaning was, when the spirit of the constitution and of the nation survived. Nor can the rights of the people, though betrayed by venal constituents, be explained away by the sophistry of ministers.

They may bribe the passions, they cannot so far corrupt the judgment, but that common sense

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sense will read the true principles of the legislature in its very face and forms, although preserved for no other purpose than a sanction and a mask for tyranny.

To evade and frustrate this natural system of rights and power, there are not wanting various substitutes, from the jarring interests of ambition. The highest votaries of the Crown do not scruple to declare, that "Men give up their natural rights when they form communities, and seek the protection of government."

The Tory argument for the divine institution of government, and the divine right of princes, absurdly grants that there are rights of nature, contrary to these divine institutions; and that though men are formed for government and civil society, and are also formed with natural rights, they insist that these two formations are opposite and irreconcilable, and that the rights of nature must be given up before men can be qualified to answer the end and design of nature. Whereas it is obvious, as the gifts of nature cannot contradict the designs of nature and Providence, that those governments must be *unnatural* which men cannot live under without resigning God's gifts, defacing

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defacing his image, and marring his work, in order to qualify them for Tory degeneracy, the image of a beast, and the law of tyrants. If the Divine Creator intended mankind for despotic governments, where was the necessity of implanting in their nature a sense of rights, and a love of liberty, merely to sacrifice them to arbitrary dominion? Would they not rather have been created with slavish principles and propensities adapted to the end for which they were professedly designed? Otherwise there must appear to be as little wisdom in the formation, as there is justice in the government; and the law of nature must be supposed capriciously to act upon contrary principles, and to opposite ends, in giving men rights not to be exercised; in making them free, to qualify them for slaves. Ought we not rather to infer from the wisdom, justice, and goodness of our Maker, that it is more reasonable governments should be accommodated to the natural make and frame of mankind, than mankind new modelled contrary to nature, to fit them for government? If in the government of the nursery, which is the most absolute, from the helpless condition of childhood, nature has guarded against the tyranny of the parent by strong affection, and the slavish subjection of the offspring, by early resentment of and re-

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sistance to oppression, it is pretty evident that the authority which nature herself rejects and reproaches by the mouth of infancy, was never intended to be exercised by the magistrate over communities of men. The state of nature with regard to mankind, is doubtless *that* state for which they were generally intended. Consequently, society and civil government being confessedly the true state of nature, there can be no necessity for giving up natural rights or principles to qualify them for governments, unless it were such as being contrary to the rights and laws of nature, prove themselves to be lawless usurpations. The man that gives up his natural rights for the benefits of civil society, goes less than a man into the community; it is therefore no wonder if his arbitrary rulers should presume to treat him like a beast, or which is little better, a slave. It would be thought a ridiculous idea for any one to give up the natural use of his legs, upon acquiring a carriage, or of his arms, on obtaining a servant. Perhaps these are less absurd than a whole community resigning those natural rights and powers to government, from which all civil power is derived, and to which it must ever be accountable; under a government of laws; which if they are founded on natural justice, must

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be the guardian of natural rights. The vulgar, Tory conceit, of giving up these rights to make room for the uncontrouled sway and full swing of power, betrays the utmost ignorance of the principles of our constitution, and the ends of government, whose great object is to *prevent* their being either *surrendered or invaded*; to preserve and cherish those popular privileges, which are the great national controul upon power, and on the equal and persevering exercise of which, law, liberty and property, the three first blessings of mankind, depend.

Other advocates for crowns and arbitrary dominion, discover the same ignorance or partiality, when they reprobate the universal exercise of popular rights in equal representation, as tantamount to republicanism. They would mock the nation with the forms of liberty; there is nothing they dread so much as the reality. They affect to admire the constitution, and hold it sacred in theory, for no other purpose than to make a more meritorious sacrifice of it to government. The constitution has stood the test of ages. To defend it now, would be to affront the common sense of mankind. Even Stuarts and Murrays, Smelts and Tuckers, praise and profane the

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the constitution; nor can a greater proof of its excellence be given than the constant appeal such men make to it, even when they transgress most against it. They would use it as a stalking horse to the Crown, to guard tyranny from suspicion, and to betray the public rights, which they fear openly to violate.

Their real principle is, that a King must be absolute, or he is no King; and the people passive, or they are no subjects; which are the very things the constitution has contrived to guard against. And unless it answer this end in actual government as well as in speculation, by proving the real guardian of the people's rights, there is not a vainer or more empty sound, than the boasted constitution of England.

But the more moderate Tories do not go quite so far; though devoted to the Crown against the people, they profess a respect for liberty, and they regard decency too much to wish her to yield her virtue and honour without resistance. There must be an opposition, though a mere affected struggle. The repose of the state must arise from the strife of parties. Let the nation be only together by the ears, and the Crown will rule them by

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their own contentions, and then all will go well. They deprecate public union and harmony as the greatest of all national evils, because this alone can circumscribe the power of their idol the Crown within constitutional limits, and prevent ministers from domineering over the people by party and corruption. Being naturally a credulous race, they use terms and phrases without understanding their true meaning and application. An opposition arising from principle in matters of debate, is founded in the nature of men, and of things; this is salutary, both for the state and nation. But a uniform support, or opposition to government, from mercenary motives, from the public plunder in possession, or prospect, is a clear proof that the whole community is infected with the court disease, and is rather a sign of its approaching dissolution, than of sound principles, and vigour of constitution. The aristocratic Whigs, who boast much of their loyalty, and more of their popular attachments, as occasion suits their purpose, have another plan of mending and improving the constitution, by trimming dexterously between the interests of both; using the Crown against the people, when *in* power, the people against the Crown, when *out*. According to the old adage, *medio tutissimus ibis*, they endeavour

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to unite the two extremes of the constitution in themselves; and if they possess not all the majesty of the Crown, nor all the *splendor* of majesty, they will humbly content themselves with its power. Or if at any time, *expediency* should call upon them to bind the people in all cases whatsoever, they will do it with that *gentleness* and *discretion*, which will ever distinguish the *amiable* man, and the true patriot. But notwithstanding the great proofs they have exhibited of their ability and moderation, neither the Crown nor nation seems disposed to place a confidence in them. The one is jealous of their ambition, the other of their duplicity. They both want *servants*, not *masters*; which disqualifies them, as a party, for the county associations, as much as for the court. For if the latter can carry all points with a high hand by the party already employed, it can have no reason to change. And if the people wish to recover and maintain their own rights, with those of the constitution, it would be the extreme of folly to put themselves again in the power of a party. As individuals, fellow-citizens, and associates, they might do much in their respective counties, for their country's interest and their own. As leaders and confederates, whether in or out of parliament, I am persuaded they will no farther be confided

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in, than the disinterested virtue and spirit of their conduct shall recommend them to the public in the present alarming crisis. But where after all is this virtuous, this patriot public of which I speak, and to which I address myself? The Scottish race, consider the character almost as fabulous; and I am sorry to say the great Whig party, when we appeal to the brave and honest people of England, commonly ask with a sneer, and a look of affected despondency, where they are to be found? *They* want only the *semblance* of virtue to support the *appearance* of liberty and the constitution, and they despair even of that. We hear of county associations for restoring the constitution, by recovering the rights of the people; but we are told by Whig and Tory, it is a mere jest; that the people have not the spirit to support their claims—but are ready, with a beggarly humiliation, to accept the charitable alms of ministerial indulgence, or truckle with equal patience to ministerial insolence. Where, exclaim these friends of prerogative and party, where are the boasted people in whose honour and resolution you confide? Alas! you seek not the living, but the dead! The glorious ancestors of these degenerate people would have known the voice of the charmer, when divine liberty was the song,

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song. But their lost and wretched offspring, the dregs of England's better blood, and happier days, know no voice, and follow no charm but that of interest, or sensual gratification.—My countrymen, this is a melancholy account of your degeneracy! It rests with yourselves to confirm it by a tame acquiescence under oppression, or to refute it by a noble struggle for your rights and liberties. For my own part, I regard the base imputation upon my country as false and calumnious; propagated to divide and dispirit you, by your pretended friends, who not being able to use your associations to get into power, would now depreciate your virtue, as the rivals of their party interest, and credit with the nation. The twenty thousand *brave* and *uncorrupt* freeholders of Yorkshire, so lately conjured up in parliament, in *terrorem* to administration, as men of firm minds, not to be trifled with or insulted, are suddenly annihilated by the breath of party, with all other descriptions of men in that and the other counties, at least double, if not treble the number of all the freeholders. These *twenty thousand* bold men, with the worthy Baronet at their head, were, it seems, all in *buckram*, for the purpose of swaggering administration out of their places, and the opposition into them.

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Having failed in that service, they are now dismissed by their leaders, or laid fast asleep by the opiate of *discretion* and *expedience*, prepared from the original recipe, and administered by the most *respectable* practitioners in the several counties. The elections of Westminster and Surry, so glorious for the people, and all other triumphs of their virtue and spirit, are artfully concealed, to prevent their recovering those rights which would for ever annihilate party. So that the county associations, committees, and delegates, have evidently to deal with a *rival treachery* from the party contending for power; which if they do not guard against, and purge their assemblies and counsels from, they will fall a sacrifice to concealed jealousy and enmity. Let them stand aloof from party, and party leaders, and confide only in God, their country, and their rights, and I trust the people of England will yet be found, when they are least expected, to their own honour and triumph, and the confusion of all their enemies. That they have not already appeared with more vigour and effect, is owing to a confidence in double dealing statesmen, whose interest it is to delude and betray them, not to lead and support. *Here* indeed, is the *defect*, the shameful defect of English virtue and spirit, which cannot

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not fail of spreading distrust and alarm among the inferior orders of the people. *They* who oppose the government, will not concur with the nation. They will not *lead* their countrymen but from motives of interest or ambition. They will not assist to rescue their country from tyrants, but on condition of becoming its masters themselves.

And now, my countrymen and fellow citizens, I take leave of you—I have shewn you your true situation, and defended your rights, I trust, substantially and satisfactorily. What remains, but that you forthwith assert these rights, and be, what Nature made you—men; or by neglecting and abandoning them, become the reproach of nature, and the scorn of the universe? Twice degenerate and fallen! Lost to liberty as well as to virtue! and doomed in the sweat of slavish brows to till the ground for tyrant masters, both spiritual and temporal!

Universal suffrage is the great charter of nature. Assert her grants, and be free and happy!—Resign them, and you renounce the authority of universal nature, and the dignity of your own. You are then no longer fit subjects for government, divine or human. Go-

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vernment disclaims you, for that supposes the concurrence of reason and will in the governed. It supposes law as a rule and restraint both to prince and people. The wretched slaves who obey another's will, are not governed. They have no concurrence or consent, but like the horse or the hound, move to the command or the whip of the driver. They are hardly to be called agents, much less free agents, who are the passive instruments of uncontrouled power. But I stop here—To the well disposed and virtuous, attached to liberty and their country, I have said enough.—On the dissipated, debauched, corrupt and selfish mind, argument is thrown away. Truth, honour, and the rights of their fellow citizens, make no impression. They must be left to other instructors, not far distant, to open their eyes—Even to adversity and sorrow, hunger and nakedness, oppression and misery, the never failing attendants upon tyranny and usurpation.

POSTSCRIPT.

P O S T S C R I P T.

I HAVE perused with very great satisfaction and advantage the excellent letter of Lord Carysfort to the Huntingdonshire committee; and though I find frequent mention of the people's *natural* rights, even as fundamental to the constitution, interspersed in that valuable performance, yet, to shew how imperfectly those rights have been understood, as the ground of all law and legal government, I must, though reluctantly, quote a passage from the 12th page of the letter, which, if I mistake not, will too well justify the motive of this work. "To cut away, says his Lordship, the rotten boroughs, and encrease the representation of the counties, would be to lay the axe to the root; yet there is an injustice in depriving a man of his freehold, because it is possible he might make an ill use of it. A property derived under the law, and not forfeited by misconduct, should be deemed sacred. The disfranchisement of a borough, on pretence of general improvement, perhaps is not to be justified,

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and it might be dangerous to establish the precedent." Upon how narrow a scale is this reasoning, and how unworthy the other great and liberal sentiments expressed in the letter? Can it be *unjust*, politically speaking, in regard of the public welfare, the great end and object of all good government, to deprive individuals of privileges, which it is confessed they *may* abuse to the detriment of the community? Does not common sense proclaim, that *justice* to the public is first to be considered, as the *more sacred* and important object? Can any man, upon any principle of equity, claim a *right* to a civil power or privilege, which *may* be, and *is* constantly used to deprive a nation of its natural rights? Nay, whose very distinction of privilege arises from an innovation upon the first principle of the constitution, and a traitorous usurpation of the rights of the whole community? Is it not absurd to call a freehold, obtained and held by the illegal, unconstitutional grant of the Crown, "a right derived under the law," which is directly subversive of the laws themselves, and the legal rights of others, and given by tyrants for the very purpose of destroying popular rights? The right of election and representation, as I have fully proved, is not derived under the law, but from the principles

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ciples of natural justice. It is the origin and source, not the offspring of the laws. Nor can it ever be deemed sacred when used as private property, whose sole condition, use, and end, is public good. On the contrary, it becomes *de jure*, null and void, forfeit to public rights and public justice, whenever it is prostituted to the private views and interests of the public delinquent. His Lordship grants in the following sentence, "that there are some boroughs, which have so little claim in reason and justice to send members to parliament, that if it could be done without injury to property, without any violation to constitutional principles, they ought to be disfranchised."

To have been consistent with his other liberal and just notions, should not his Lordship rather have said, they ought never to have been franchised to the injury of other men? The rights of a community cannot be property to individuals, for this is a contradiction in terms. Nor is it any violation to constitutional principles, to disfranchise those whose franchises are unconstitutional, and who would use them to deprive their country of all its natural and legal rights. Had his Lordship used the free and strong powers of his own inde-

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independent mind, and fought the principles of the constitution in the laws and rights of nature, instead of German antiquities, and the feudal tyranny of the Norman invader, with the codes of prostituted law, dictated by succeeding tyrants, he could never have conceived errors of such prime magnitude, which were they admitted, would annihilate first principles, by giving validity to usurpations, and establishing the abused trusts and powers of office above the rights of nature, and the laws of God.

F I N I S.