VETEREM DOMUM INHABITANTES NON EAM ANTE DIRUUNT QUAM NOVÆ IN EJUS LOCUM EXTRUENDÆ EXEMPLAR FUERINT PRÆMEDITATI.

CARTESIUS DE METHODO.

" WE MUST VINDICATE—WHAT?—NEW THINGS?—NO—
" OUR ANCIENT, LEGAL, AND VITAL LIBERTIES.

THOMAS WENTWORTH.——1628.

Draught of a RESOLUTION *and* PLAN, *intended to be proposed to the* SOCIETY *of the* FRIENDS OF THE PEOPLE, *drawn up in the Autumn of* 1793, *and laid before the* SOCIETY *on the* 8*th of March* 1794.

THE Society of the Friends of the People, associated for the purpose of obtaining a Parliamentary Reform, after a solemn declaration of the principles and purpose of their Association, have proceeded to lay before the public and directly before the House of Commons, an authentic State of the actual Representation of the Commons in Parliament, and have done every thing, that depended on them, to engage the attention of Parliament and of the Community to that important object.

This part of our task has been executed in the face of some difficulties and great discouragement. We have considered our situation, we have weighed our duties, and are determined to persevere. But it cannot be denied, that our own resolution hitherto has been our principal support. We acknowledge and avow the fact, with concern for the causes of it, whatever they may be, and with anxiety for the consequence; but not without deriving from it some mixture of hope and consolation. We rely on the intrinsic merit of the measure we have in view. We know the indispensable necessity of a Reform of the House of Commons, and we confide in the irresistible impression, however slowly it may operate, of that state of facts, too notorious to be denied, and too scandalous to be directly defended, which we have exhibited to the world. Such evidence cannot fail to make its way into the hearts and understanding of the people, and finally unite them in the support of their own cause. The interval, between the conception and the success of the measure, may be long and painful; but it may also be employed to advantage; nor is it, on the whole, to be regretted, that the approaches to so great an operation should be made gradually, and even with extreme caution. In the conduct and settlement of human institutions, the same pauses and gradations, which delay the event, are a security for the continuance. A rapid growth makes no provision for solidity and duration. We are content to gain the concurrence of the nation slowly, because, so gained, we are sure we shall preserve it.

The part of our plan, which we have still to execute, is of the most consequence, and likely to be attended with the greatest difficulties. But so much the more necessary is it for us to proceed to a conclusion. If, at this point, we were to relinquish the task, or to content ourselves with calling upon others to finish it, the duties, which we have thus far endeavoured to perform, being left imperfect, would be of no benefit to the public. On the contrary, to have stated an enormous public grievance,

without proposing a remedy, would naturally expose us to the imputation of having had no other view, in our proceedings hitherto, but to alarm and agitate the minds of the people, and to disturb the peace of society. We are too well acquainted with the temper of men and the disposition of the country, to be insensible of the danger of seriously attempting to serve them. The action we are engaged in is not to be impeached. But intentions are equivocal, and motives of any kind may be imputed. Ours we shall leave to the construction of the World, and adhere to the pursuit of our object.

We invite and are ready to receive the advice and assistance of every Friend to a Parliamentary Reform, on a sober comparison of the duties of a House of Commons with its actual capacity and disposition to perform them; and we are not yet wholly destitute of a moderate and very guarded confidence in what is vulgarly called the Wisdom, distinct from the Virtue of Parliament. But, on this subject, the abilities of individuals have been tried, and the Wisdom of Parliament has been repeatedly appealed to in vain. Without entering into the secret views of individuals, and the personal purposes of apparent popularity and real ambition, which might be answered by proposing or professing to support schemes, which were neither expected nor intended to succeed, we are ready to declare that the plans of Reforms, which have been hitherto recommended, appear to us to be either unattainable in our circumstances, or impracticable in the execution, or, in their principle and operation, utterly inadequate to the case, and incapable of producing a real effective remedy for the fundamental disorder in the Constitution, which has spread its contagious principles through the whole system of our government. We mean the notorious venality and dependance of the Representation, first in its origin and formation, and then of course in all its operations. There lies the mischief. No remedy will reach it, that does not completely change the present choice and construction of that body. But is it rational to expect, that such a renovation of the House of Commons should originate within themselves? No. We might safely trust even to theory without experience, for an answer to that question. The House of Commons would not be what it is, if it had virtue enough left to correct itself. The remedy we look to must come from the people. Whenever they thoroughly desire and firmly demand it, the business will be done. The constituent power belongs to the people, and ought to be restored to prevent its being resumed. The proper use of the forms of the Constitution is to authenticate the will of the nation, and to carry it into regular execution, thro' the known and established channels of Legislation. In the mean time, it is not unlikely that the nation may be deluded with insidious offers of accommodation, with gentle correctives, and moderate concessions. But we trust that such offers will at all times be firmly rejected by the wisdom of the country, and that the country will agree with us in an opinion, which we have not adopted without serious reflection, that we had better endure the system as it is, and suffer it to proceed in its present course, to

* "Freemen have a right to complain, to represent, to petition, and I add "even to do more in cases of the utmost extremity: For sure there cannot be a "greater absurdity, than to affirm that the people have a remedy in resistance, "when their prince attempts to enslave them; but that they have none, where "their representatives sell themselves and them."

Bolingbroke, Study of History, 1. 193.

to such monstrous and intolerable excess of abuses, as may be deeply felt in their effects, and one way or other cure themselves, than to accept of any relief that does not go directly to the root, and at least bid fair to eradicate the disease. Circumstanced as we are, the most dangerous of all remedies would be that, which should deaden the sense of danger, which should lull the people into a torpid security or indifference, and induce them to forego any favourable opportunity of obtaining a real Representation in Parliament, and with that the only means, consistent with safety, of divesting a corrupt Government of the power and resources of corruption, and of establishing the Constitution on a renewed lease, and for a long term. The House of Commons ought to be the constitutional instrument or weapon of the people. With an honest and vigorous House of Commons, really representing and acting for the country, the removal or correction of oppressive or expensive institutions, the repeal of bad laws, and the mild but steady administration of good ones, would follow of course; with the reduction of all extravagant expenditure, of exorbitant grants of the public revenue, and useless establishments; and with a real œconomy in the collection and appropriation of the taxes raised on the people. Such a Parliament would, above all things, never suffer the nation to be involved in the calamities of war, for any purpose but defence. In providing the means, we shall secure the end. The restoration of the Right of free Election is a preliminary indispensable to every other reformation. The Constitution then, restored to genuine health, would soon recover its real and natural beauty. What image does it exhibit now, but the false, factitious charms of prostitution, ruined by treachery, wasted in riot, and perishing in the profligate embraces of seduction!

Before we submit to the public our opinion of a specific plan of Reform, or at least of the general principles, on which it ought to be constructed, and of the general objects, which it ought to have in view, it is fit that we should here repeat that solemn declaration, with which our Association commenced, and re-establish it now, as the immediate guide and future test of any measure we may propose; namely, "That we "make the Preservation of the Constution, on its true Principles, the "Foundation of all our Proceedings." We enter into no abstract speculation concerning the best possible form of Government, or the special merits and advantages of one political system above those of any other. On such questions we have little inclination to speculate, and no authority whatever to decide. They, who are intrusted and called upon to lay the foundation of new institutions in other countries, may be at liberty to choose their plan. In our own country, we believe it is equally our interest and duty to receive the system generally as we find it declared, desiring nothing but that effectual means may be taken to repair and preserve it, and that every reparation may be made as nearly as possible in the stile of the building. In the application of this fundamental rule, the only concession we demand, or expect, from the enemies of Parliamentary Reform, is, not to renounce their own professed principles. The only proposition, which we affirm without proof, and shall leave without argument, is that, according to the ancient and fundamental laws of this kingdom, the Government ought to be by King, Lords, and Commons. The words we make use of are taken from the Declaration of both Houses of Parliament soon after the Restoration; a period as favour-

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able as any to the Prerogatives of the Crown, and to the Privileges of the Peerage.

Such is the theory of the Constitution. Such ought to be the fact. Can it be necessary to enquire, is it possible to doubt, whether it be so or not? If, to give the Commons of Great Britain their constitutional share in the legislature, it be deemed sufficient, that 558 persons, called Knights, Citizens, and Burgesses, should be summoned by the Crown to attend at Westminster once a year; that, out of this number, the greater part should be appointed, some by the ministers and officers of government,* some by the Peers, some by individuals among the Commons, and others by little bodies of men deriving their powers from Grants of the Crown, under the name of Charters; that, in some instances, the operation of these privileges should have survived the existence of the corporations or persons, to whose predecessors they might have been formerly granted, and continue to annex the right of election to spots and places, or rather to topographical points or land marks, not only destitute of electors, but even of inhabitants, where the Representatives are more than the Constituents, whose sole manufacture is in Members of Parliament; where no vestiges of habitation can be traced or remembered, and never frequented at all but at the moment and for the purpose of exercising a pretended prescriptive right in the landlord to appoint certain persons, his dependants certainly, unless he sells his nomination, to vote in the House of Commons; that the power of returning Members to legislate in Parliament for the whole kingdom, should, in many places, be a property, in many others a privilege, and in all instances a special franchise; that, in several of the great counties and other places, where the right of election is vested in larger numbers, where the election has most the appearance of a popular act, and where direct bribery cannot operate, the people should be, as we affirm they are, as effectually barred and deprived of a choice as if they had no votes; for what is the option reduced to, where no prudent man will stand a contest, where the Representative in possession can never be dispossessed, where a moderate fortune is of itself an exclusion to the pretensions that belong to the greatest personal qualifications, or where the candidates, however opulent, are runied if they persist? Where the popular party having no chance of being represented at all, but by a compromise, which gives them no preponderance in the balance, are left without an effective vote in Parliament? That the office of a Legislator should be publicly bought and sold, and, whether in the shape of property or privilege, should be, little less than universally, a venal commodity; that the powers conveyed by this purchase and sale, even admitting a right in any individual or body of men to sell themselves, should not be confined to the contracting parties; but that, by virtue of a Parliamentary doctrine, true in itself, tho' in the present state of facts absurd and dangerous, they should be extended to the whole kingdom; that a person, who has bought a Borough, should instantly become an integral part of the whole representation, and legislate

* In 1719, it was publicly affirmed without contradiction, "The Peers we "*now* have (which are double the number within a few reigns) are able, either "by their own absolute authority, or by interposing between contending interests, "to choose above 150 members of the Lower House; and I would not doubt to "name at least that number, who, in former Parliaments, owed their seats to "their influence." *Vide Parl. Deb. vol. 7. p.* 222, 162, 163.

late for us, as well as for the parties, whose deputation he has paid for; that the Representatives of the People, so chosen, should hold their pretended or real delegation for seven years, and in that long period should not be removeable by their constituents for any possible breach of trust; tho' at all times liable to an arbitrary dismission by the Crown, when their conduct perhaps might best entitle them to the gratitude and confidence of the people; that a controul, expressly set up on the part of the people against the Ministers of the executive power, should be liable to be dissolved by those very Ministers at any given moment in a period of seven years, or continued to the end of it; that, in fact, these supposed Representatives of the People should hold by their good behaviour not to their constituents, but to an adverse party, against whom they were appointed to watch and to enquire: That these 558 persons, or rather that a majority of such a portion of them as at any time actually assemble, should have no rule of action but that, which they know to be the real intention and serious desire of a power, to which the distribution of places, pensions, contracts, occasional commissions created at pleasure, with enormous salaries annexed and half-pay entailed; of embassies, employments, honours, offices, distinctions, and emoluments of every kind is intrusted. If these conditions and properties be sufficient to constitute a genuine House of Commons, in the true rational sense of the Constitution, we have our object. The practice is strictly and scrupulously governed by the principle. The basis is exactly what it ought to be to support the superstructure. The House of Commons, as it stands, is perfect. To attempt to improve the Representation would be a superfluous labour. In no other human institution shall we find so exact, so correct, so rigorous a correspondence, preserved between theory and practice.

But, if it be material to the People at large to be represented, really and *bonâ fide*, and not in forms, in types, in shadows and fictions of law: If a real Representation of the Commons of Great Britain in Parliament can only be obtained by the free election* of all such persons as, by their station in society, however humble, are capable of the trust, and by their numbers are incapable of being corrupted to betray it: If the purity of a Representation, so obtained, can only be preserved by a short duration of the trust in the same hands: If, without a real Representation, it be unreasonable to expect a real protection: If it be probable that they, who buy the power, will sell the use of it; † and that they will readily concur in augmenting the funds, out of which, in one way or other, they expect to be reimbursed for their expences, or rewarded for their servility: If, in the true parliamentary sense of Election, the free choice of a Representative does not consist in preferring the best bidder: If it be impossible, as we affirm it is, that he, who sells, should elect, or that he, who buys, should be chosen: And, finally, if it be as inconsistent with any rational, as it is with every constitutional idea

* In 1387, when Richard the Second attempted to tamper with the Sheriffs, in order that they should not permit any Knights or Burgesses to be returned, but such as the King and his Council should direct, the Sheriffs replied, that "as for Parliament-men, the People would hold their ancient onstoms, which "require, that they be freely chosen by the Commons, nor could the same be "hindered." *Tyrell*, 3, 905.

† Qui emit et vendat necesse est.

idea of Representation, that, in a great community, a few hundreds or a few thousands should nominate the Representatives of as many millions, and that a Representation, so appointed by a few and rarely acting with more, and generally with less, than half its own constituted numbers, should be suffered to assume the vicarious power of expressing the consent of the whole People to laws, by which all are bound, and to taxes, which all must pay: We then contend, that a House of Commons, constituted as it now is, does not give the Commons of this kingdom their constitutional share in the Legislature, nor even a proper organ to express their opinion. The forms may subsist, and the names may continue. The nominal divisions may be preserved; but, in fact, it will not be a Government of King, Lords, and Commons. The whole power of the State, after a ruinous circuit through the dilatory channels of Corruption, will vest and centre in the Crown alone, with a passive House of Lords, and an instrumental House of Commons.

It is not our intention to enter into a detail of the abuses, in all the departments and operations of Government, which appear to us to flow from this single source, our not possessing a House of Commons, connected with and dependent on the People; unconnected with and independent of the Crown *. We only call upon the Nation to take a general review of their History since the Revolution, and of their present situation. On that view, let them determine for themselves, whether, in the nature of things, it be possible that, in so short a period, the blood of this country should have been wasted in so many foreign wars; such treasures should have been lavished away, sometimes in the support of interests, in which we had no essential concern, and sometimes in the destruction of interests, which were our own, or ought to have been equally dear to us; that such a national income as ours should have been exhausted, such a debt incurred, and such enormous burthens, as actually exist, imposed upon the People of this Island, and of which the direct taxes to the State are only a part;—If the House of Commons had been what it ought and professes to be, a true Representative of and Fellow-sufferer with the People, an effective controul over the Ministers of the Executive Power, the faithful Stewards of the public Purse, and not, what it is, a power identified with that of the Crown. The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the Nation. What sympathy, what community of feeling is there between the hand that pays the tax, and the hand that receives it;—between him, whose interest it is that the amount should be moderate, and him, whose interest it is that the amount should be exorbitant? A vigorous imagination may enable us to conceive the moral possibility, abstracted from experience, that a standing Senate might be uncorrupt. Still it would not possess the qualities and properties essential to a House of Commons. Admitting that the number of Members of Parliament, holding places or pensions directly under the Crown, does not amount to a majority of the whole number of the House of Commons; we deny the inference meant to be drawn from it, *viz.* that the House of Commons is not governed by the influence of the Crown.

* Let the Commons in Parliament assembled be one and the same thing with the Commons at large. Let us identify, let us incorporate ourselves with the People. *Burke*, 2. 264.

Crown. On this point, we shall state only two observations. A Member of Parliament may be as completely influenced by the promise or expectation of favour, profit, or advancement, as by the possession of any stated object; or, if he neither holds or expects any thing in his own person, he may be equally influenced by favours granted or promised to his relations or dependants. Of that sort of influence the means and the channels are endless; and, what is perhaps worse than their amount or extent, they are secret. But, the business of the Nation, in the House of Commons, in its general transacted by a Minority of the whole number, and decided by a portion of that Minority. During the greater part of every Session, the Members, who attend, do not amount to half the number chosen; so that, in effect, they, who are paid or expect to be paid for their attendance, constitute the active and governing part of the House. The rest seldom appear, and, for any service they do the People, might as well not exist. Forty Members present are sufficient to compose a House for the dispatch of business, and in fact many things are done, by connivance, with a smaller number. In speaking of the actual state of men and things, we allude only to general principles and constant majorities. It would be no advantage to our argument, nor benefit to our cause to deny, even if it could be denied with truth, that, in all Parliaments, there have been men of unblemished character and of unquestionable public spirit, who have withstood the progress of abuses with vigour and ability *. On the contrary, we state the character and conduct of such persons, as a fact in point, to prove our case. The strength of a prevailing practice is demonstrated by the unsuccessful efforts of virtue and ability to oppose it.

In our state of the representation we have exhibited, in a general view, the powers of election as they are now distributed and exercised; the truth of which, we believe, though possibly subject to cavil in some particulars, will not in the main be disputed. If it be false, it ought to be refuted. If it be doubtful, it ought to be examined; and for this purpose a committe of inquiry should be appointed by the House of Commons. Undoubtedly there is a sufficient number of individuals in that House, to whom such an inquiry might be safely intrusted. But it would not be in the power of any committee, let their disposition be what it would, to conceal or misrepresent the facts, provided they received the evidence that might be offered, and did not determine to suppress it.

Let the origin of the abuse be what it may, the fact is that the Right of Election, in its nature common and incapable of appropriation, has been considered and disposed of as a franchise, a privilege, or a property; and that, in one or other of these capacities, it has either been occupied by individuals, or attached to little societies, declining by degrees and ending in mere names and fictions; or, in its most extended application, has been limited to particular classes and descriptions of men; and that the effect of all these restrictions on the common right amounts to an exclusion of that great majority, by which the sense of the country ought to be expressed, and whose number is itself one of their best qualifications. But mischievous practice necessarily grows out of false theory. If the

* Ego, quos tu bonos esse dicas, non intelligo; ipse nullos novi; sed ita, si ordines bonorum quærimus, Nam singulares sunt boni viri. *Cic. ad Att.* 7. 7.

the right of election be a franchise, however extended as to numbers, it must suppose a separation in society of some, who possess, from many who do not possess it; a separation founded on arbitrary distinctions, if not created by favour, and at best accidental. If it be a privilege, it cannot, without a contradiction, be extended to great numbers. Limitation and exclusion are essential to privilege. To communicate is to weaken; to extend is to destroy it. The privileged and unprivileged parties are enemies of course. Possession and exclusion are in a perpetual state of war. Yet it is gravely asserted that the choice and consent of one of these adverse parties, who have neither chosen nor consented, who are declared to be unqualified to choose or to consent, is virtually included in that of the other.

If the Right of Election be a property, it cannot with reason or justice be divested of the qualities, which not only make it valuable, but essentially make it what it is. All property supposes a proprietor and a value. The right of a proprietor is to estimate, to sell, to give, to alienate, and to bequeath. Venality and property are relative ideas. He, who buys a property of any kind, means to sell, or, to have the liberty of selling it; and, whether it be a perpetuity or a lease for seven years, if you acknowledge the property, you authorize the sale. No man, who examines the actual state of the representation, can really doubt, whatever he may pretend, that parts in of the whole representation are returned, in payment or expectation, for money or money's-worth; and, whether the account be finally balanced by a title, a pension, a contract, an employment, a commission, or a specific sum, or the promise or expectation of any of these equivalents, the effect is the same. The owner disposes of something, that belongs to him, for a valuable consideration. If the premises be admitted, the conclusion is unavoidable. If, in the nature of things, there can be a special property, detached and inclosed for the use and benefit of a few individuals, out of the common right of the Commons of Great Britain to choose their representatives, the present occupants of such property cannot be dispossessed of it without violence and injustice. They have all the titles to exhibit, by which property, in other instances, is proved, and possession defended. They have bought and sold; they have inherited, or they have possessed. The fundamental question is, whether the right of election be, in its nature, capable of being so appropriated. For ourselves we say that, if we were called upon to state and describe the most enormous wrong, that can be done or suffered in a community of freemen, it would be the existence of a power, usurped and exercised by a few, of selling to some others a pretended right of taxing the whole number. In other acts of legislation, the temptation to an abuse of power is not so direct, or so likely to predominate. The criminal code of this country, though barbarous and imperfect, is suffered to subsist, because the mass of the community are careless or indifferent about it; because no qualified man or set of men will undertake the labour of correcting it. There is no reason to think, that any of the constituted powers or higher orders of the kingdom, are particularly attached to such a system, or would come forward to defend it. Life and liberty are certainly objects of much greater importance than property; but they are by no means in so much danger. "The Norman Conqueror executed the laws of forfeiture and attainder against the English, with the utmost rigour. Their lives were indeed commonly spared, "but

"but their estates were confiscated, and either annexed to the royal demesnes, or conferred with the most profuse bounty on the Normans and other followers *." The first or favourite object of all corrupted governments is to extort money from the subject, not to exercise a useless, capricious dominion over his person. The most arbitrary government, if it were not mad as well as arbitrary, would content itself with an unlimited command of the property of the people; that is, they would be indifferent about the actions or discourses of men, whom they found perfectly submissive, or whom they were able to compel in the great article of contribution. But, even on that principle, personal tyranny would come, whether it were immediately intended or not. The gradual diminution and final destruction of civil liberty is the natural and necessary consequence of a heavy and increasing taxation. To insure the collection of an heavy, reluctant revenue, the revenue laws must be severe, the collectors numerous, the administration rigid and summary. New jurisdictions must be created; new and arbitrary powers must be given. The most indifferent actions in private life must be gradually subjected, in one way or other, to the controul of the officers of government. All other securities must give way to the security of the revenue. In former times, when the Commons granted a subsidy, it was generally acknowledged and returned by some act of grace and favour from the Crown. The maxim of the House of Commons then was, *that grievances and supply went hand in hand* †. Now, every new tax is a signal for the surrender of a right, a pretence for some invasion of domestic industry, comfort, and security, or a subject for the activity of spies and informers. Protection was and ought to be the price of taxation; whereas, in fact, the more we pay now, the less we are protected. This growing change of circumstances insensibly gives a parallel inclination to the mind itself. We are apt to contract a habit of thinking, that complies with our position; and, when once the bent is taken, it naturally enervates the power that should redress it. The charters and laws, which we have formerly been accustomed to venerate, being often violated or set aside, fall gradually into disuse, and at last into contempt. We do not mean to charge these effects of taxation and debt to a deliberate plan in this or that administration ‡. It has arisen imperceptibly and grown by neglect, from a cause sufficient to account for all subsequent abuses, *viz.* that the House of Commons, not being, in the true sense of the Constitution, the Representatives of the people, have taken no care of their property; but, on the contrary, receiving, through the ministers of the Crown, an immoderate share in the produce, (whether for themselves or others is immaterial) are in reality adverse parties to the people in every question of taxation. In every increase of establishment, voted, as it always

* Hume 1. 252.

† 11th April, 1628.

‡ Lord Bolingbroke observes, that, at the Revolution, "few people foresaw "how the creation of funds and the multiplication of taxes would increase yearly "the power of the Crown, and bring our Liberties, by a natural and necessary "progression, into a more real, though less apparent danger, than they were in "before the Revolution. The excessive ill husbandry, practised from the very "beginning of King William's reign, and which laid the foundations of all we "feel and all we fear, was not the effect of ignorance, mistake, or what we call "chance, but of design and scheme in those, who had the sway at that time."

Study of History, 1. 45.

always is, at the requisition of the Crown, without hesitation or inquiry, members of parliament foresee a provision for relations and dependants, and possibly honours for themselves. Is it a wonder that such men should give and grant liberally the money of those, who are not their constituents? Is it reasonable to expect that a body of men, so careless of the first and special object of their trust, and so interested to betray it, should be the faithful and vigorous guardians of the rights of the people in instances of less consideration? They have supplied the sources, out of which they themselves are fed. Could they, if they would, interpose with authority to correct any of the abuses, or to remove any of the grievances, originating in their own neglect of duty, or in their incapacity to perform it? We believe it would be difficult indeed to devise a method, by which the redress of grievances could be effected through the authors of those grievances, or how corruptions could be purified by the corruptors and the corrupted *; nor do we conceive, how any reformation can proceed from the known abettors and supporters of the abuses to be reformed. If the united voice, expressing the united sense of a great majority of the nation, be powerful enough over the House of Commons to make them yield to be the formal instruments of a fundamental reform in the Representation, it is as much as can be expected.

We affirm that the right of election is not, in its nature, a property, and cannot, as such, belong to any individual or collection of individuals. It cannot, as a property, be acquired by purchase, nor transmitted by bequest, nor appropriated by possession, nor transferred by sale or donation, nor annihilated by dereliction. We say it is a right inherent in the community, and that it cannot be alienated even by their own consent, if that were possible, without changing the principle of the Government. To the fundamental proposition, that in election there is no property, we firmly adhere, without a qualification or reserve of any kind. At the same time, we do not take upon us to affirm, that no consideration whatever is to be given to the claims of persons, who, having long enjoyed an abusive profit of any kind, are suddenly deprived of it. They will tell you, that their possession was notorious, that their acquisition of it was connived at and permitted, and that, on these grounds, they were warranted in reckoning the advantages derived from it as a part of their estate. To claim the compensation is to acknowledge the abuse. A pecuniary indemnification supposes a pecuniary loss. To a base mind all things are equally saleable. But a Right or an Honour is not, in its nature, commutable with a profit. On the equity of these pretensions, taking them on their own principles, we offer no decision. Let them be fairly considered by a disinterested tribunal. We have no right to direct the prudence or to limit the generosity of a free Parliament. In a case of this kind, in which it is difficult to separate justice from severity, wise and moderate men may think it, on the whole, more expedient to proceed by purchase than by power. There is one consideration only, which we shall ever demand and insist upon, in behalf of the Public, to the utmost of our ability, whenever such claims shall be preferred and considered, that every claimant shall produce a specific account not only of what the property in question may have cost him, but what it has produced in return, what he paid, what he has received, how often

* Non oportet peccata corrigere peccantem.
Sen. de ira.

often he has sold, for what sums, and to whom; what lucrative places, what titles—we cannot call them honours—it has enabled him to obtain from Government for himself or others. If the account were fairly stated, we do not believe that the balance, which *bonâ fide* could be demanded of the Public, on any rational principle of reimbursement or redemption, would be very considerable. At all events, the exhibition of such an account would be well worth paying for *.

We state it then as the fundamental principle of Representation in Parliament, and as the basis of the reform we have in view, that the right of election cannot be a property, ought not to be a privilege, and is the common right of the whole body of British subjects, except Peers, *existing generally and collectively in all men*, though liable in the exercise to special incapacities, which nature or the law may have created, and which must be perpetual; *but dormant in some*, in whom the immediate capacity to exercise the trust is suspended by accidental and temporary circumstances.

The first class consists of persons convicted of crimes, or deprived of understanding, who, by law or nature, are incapable of any trust whatever.

The second comprehends all persons who, from the accidental, voluntary, or necessary dependance of their situation, must be presumed to have no will or judgment of their own, and whose circumstances furnish no security, that they would exercise the power, if they had it, with impartiality and justice. The great object of Representation is Protection. The only security for protection is a perfect sympathy between the Constituent and the Representative. On this principle, the man, who has nothing, cannot represent, because he is not bound by community of interest to protect the man, who has something. On the same principle, he should not be allowed to choose the Representative; for, if he were, his choice would not be directed to the protection, but probably to the invasion of property. He ought not to impose burthens on others, to which he cannot himself be subject. *His* income, that is the price of labour, is never lessened, but, as long as employment exists, must be gradually increased, in consequence of the increase of taxes, by which the income of every other man is directly reduced. With respect to property therefore, which is always more an object of invasion than personal liberty, the two parties have no common interest. On the contrary, there is evidently an adverse interest on one side, which can only be provided for at the expence of the other. With rsepect to personal rights, the case is different. We say that poverty can never be the guardian of property. But he, who has property, may be a sufficient guardian of the rights of him who has none; because, in their personal rights, they have a common interest.

Independent of property, we say that the right of voting must be dormant in all those, in whom personal dependence is presumed to exclude a real freedom of choice. To allow a vote to him, who has no will of his own, is only giving two votes to somebody else. If, nevertheless, the limitations we look to were to be so confined, as not finally to leave the election in the hands of such numbers of electors, as could not by any possibility be corrupted, there might be some

* *Non potest gratis constare libertas.*

ome colour for an objection to the temporary disqualifications we have stated. But, when once we have a number of electors sufficient, and more than sufficient to secure a free unbiassed election, of what use is it to resort to other classes of men, whose overflowing numbers can only embarrass the operation, without offering any pledge for the freedom, the prudence, or the integrity of their choice? On our plan, the individual vote would not be so much coveted as the objection supposes. We mean to make it of no venal value whatever, and, in that sense, rarely worth the trouble of solicitation, or the smallest acknowledgment of gratitude; and that, we contend and affirm, would be its state of perfection. With respect to the qualification of voters, we have but one observation more to suggest; that, as the amount should be moderate, there is no condition so humble or so hopeless, in which it may not be acquired by labour, by industry, or by talents. The door is left open to every man, who wishes to be admitted; and, in this view, the right of voting will be a useful distinction, and may be considered as one of the honourable rewards of industry.

It might have been unnecessary to have dwelt so long on this point, if we had none to contend with, but the avowed enemies of Reform, who speak fairly, and tell us what they mean. We do it in order to disarm some treacherous pretended friends of the measure, of the power of defeating it, by pushing us to extreme conclusions in practice from strict admitted premises, and forcing us to load the execution with insurmountable difficulties. We will not listen to the advice of such men, because we are convinced that, if they are wise, they cannot be sincere. The test of political wisdom, the guide of action, and the security for perseverance, is moderation. The guardian of moderation is prudence. We affirm, that the possession of a competent property is a condition essential, and *sine quâ non*, to a right of disposing of the property of others. The reason of it is evident and incontestible. But we desire no better, than that this question, if it be one, should be tried by facts. While we profess to look back to the institutions of our ancestors, and to be guided by their principles, let us take care to do as they did. Through all our ancient history, it will be found, that property was considered as a necessary qualification for trusts and offices of every kind. Of the truth of this position, we shall give a few instances, which seem to be especially in point, and which would lead our inquiries, if it were necessary, to many others. In 1347, the Commons petitioned the King, that "Sheriffs, in every county, *may have sufficient* in their counties*." In the year 1414 †, (2 Hen. 5th.) "in consideration of the abuses that "arose from such persons serving on the inquest and jury, as (having "nothing to live upon, nor to lose when convicted of perjury) gave "false verdicts, contrary to their consciences, an act was made, That no "person, who had not in land or tenements forty shillings yearly, "should be admitted on inquest upon trial of life and death, nor on "any other inquest in pleas, real or personal, of which the debt or damages declared amounted to forty marks; but, upon the parties concerned challenging him, should be rejected." In 1439 ‡, (18 Hen. 6th.) it was enacted, "That all persons, made Justices of the Peace, should "have

* Parliamentary History, 1. 282. † Goodwin, p. 49. Par. Hist. 2. 146.
‡ Parliamentary History, 2d, p. 245.

"have lands and tenements to the value of £20 a-year, except in cities "and corporations: The reason assigned for this statute was then, as it "has been very lately thought proper, because some persons had been "appointed Justices, who, on account of their meanness and incapacity, "could not govern or direct the people; whilst others, by reason of "their necessities, committed great extortions and oppressions." Also, "* that no person should be a Collector of Tenths and Fifteenths in any "county, except he were able to dispend in lands and tenements, in "the said county, one hundred shillings a-year, over and above all "charges and reprizes." It is material to observe that, in all these instances, the qualification is proposed and insisted on by the Commons, as a guard against the power of the Crown, which, if not so restrained, would always employ the basest, and therefore the most dangerous instruments.

Let us now turn our eyes to the conduct of that excellent Parliament, which sat in 1429 (8th Hen. VI.) and observe the wise and truly popular principles on which they acted. "*In reforming the abuses of Govern-* "*ment*," as Nathaniel Bacon says †, "*this Parliament was not partial,* "*but, being in a way of reformation, set upon the work of reforming itself.*" In County elections, before that time, all the *Freemen* had a vote. In general they were carried by *outrageous and excessive numbers*, as the preamble to the famous Act of the 8th Hen. VI. recites. By that Act, the right of election was confined to the *Freeholders*; ‡ when it was enacted ‖, that no man should give his vote in the elections in the County, unless he had forty shillings yearly in free lands or tenements, and this was to be testified upon oath of the party. Our approbation of this provision is confined to the principle of the limitation introduced by it. We approve of suspending the exercise of the right of voting in persons of no substance. But, far from confining it to one species of qualification, we shall contend for its extension to every kind of property, where the amount, combined with other circumstances, is sufficient to afford a reasonable security that the right will be properly exercised. Nathaniel Bacon affirms, that the change, made by the Act of Henry the VIth, *was no less good than great, and had no less equity in it than policy*. "For "what can be more reasonable, than that those men only should have "their votes in election of the Common Council of the kingdom, whose "estates are chargeable with the public taxes and assessments, and with "the

* Parliamentary History, vol. 2. p. 246. † Ibid, vol. 2. p. 76, 77.
‡ Ibid. vol. 2. p 219.
‖ "By the ancient laws of England, from Ina to Edward the Confessor, it appears "that all estates, goods, and possessions, of what kind soever, did capacitate men to keep arms, and consequently to give them the title of *Freemen*." (*Vide* TYRELL, *General Introduction*, *p.* 77.). As Freemen, they voted at county elections, and probably continued to do so, when many of them had no estates, goods, or possessions, until the Act of Henry the Sixth, reverting to the ancient principle of election, confined the vote by a specific qualification. Even the capacity to keep arms was attached to property. Our ancestors thought, and probably found it so by experience, that it was not quite safe to put arms into the hands of men, who had nothing of their own to lose or to defend.

At Rome the populace was so distributed, that their votes were rarely called, or had very little weight. "Fabius, simul concordiæ causa, simul ne humillimorum in manu essent comitia, omnem forensem turbam excretam in quatuo "tribus conjecit, urbanasque eas appellavit." *Livy*, 9, 46.

"the wages of those persons that are chosen for the public service!" But, above all the rest, he says, "this advancing of the Freeholders in "this manner of election was beneficial to the Freemen of England, "although perchance they considered not thereof. *It abated the power "of the Lords and great men, who held the inferior sort at their devotion, "and much of what they had by their vote.* It rendered the body of the "people more brave; for the advancing of the Freeholder above the "Freeman raiseth the spirit of the meaner sort to public regards, and, "under a kind of ambition to aspire unto the degree of a Freeholder, "that they may be somewhat in the Commonwealth." By these, and other provisions of the same tendency, and well worthy of our attention, he observes, that, "however the times were full of confusions, "yet a foundation was laid of a more uniform Government in future "times, than England hitherto had seen." In a word, whoever observes the course of the English history, and the progress of the Constitution, will find that *Liberty and Property* have invariably gone hand in hand, and protected each other; that, while the lands were engrossed by the Church and the Nobility, the Clergy and the Barons did in fact constitute the Parliament; but that, as fast as entails were unfettered, as industry and trade were encouraged, and as the means of acquiring property were laid open, the liberties, the rights, the privileges, and the power of the Commons expanded along with it. We deny that, in stations of absolute dependance, there can be freedom of choice or competence of judgment *. On this principle, the laws have wisely prohibited numerous

* Mr. Cartwright, one of the most strenuous and upright advocates of universal Representation, virtually admits the truth of this proposition in the utmost extent, in which it can be stated. He does not suppose it possible that a dependent man can give an independent vote openly, and therefore he insists on the necessity of voting by ballot. In his letter of the 5th of April 1794, he says, "The revenue officer, the domestic servant, and the day-labourer, *under protection of the ballot*, will do more for the preservation of the Constitution, than all "persons of supposed independence in their open elections."—It is indeed apparent that, without the ballot, no man in office, no man in a state of poverty and dependence, could safely give his vote against the inclination of the person or the power he depended on. But it is by no means clear, that the ballot would improve the integrity or secure the independence of the voter. In a corrupted society, where alone such a precaution could be wanted, the obvious tendency of concealment, or the use that would be made of it, would be to shelter falsehood, to facilitate transactions that would not bear the light, and to loosen the restraints of shame. What the general effect of such an innovation might be, if tried on so great an operation, as the election of a House of Commons, is not within the limits of human wisdom to foresee. The experiment has been made on a smaller scale; but has it at all secured the independence of the election? The mode of voting by tablets was introduced, at a late period, into the Roman Republic by the *leges tabellariæ*, in order to protect the freedom of elections and decisions against the influence or power of the Nobility. Whether it had that effect or not, is uncertain. But, in fact, we know that these laws did not long preserve the freedom of the Commonwealth, if they did so at all or for any time. Cicero speaks of the tablet as a *Latebra data populo, in qua, bonis ignorantibus quid quisque sentiret, tabella occultaret viciosum suffragium*; and he asserts that, in no instance, was this measure ever proposed by an honest man. *Itaque isti rationi neque lator quisquam est inventus, nec auctor unquam bonus (de Legibus*, 3. 15.) In a question between the Nobility

numerous classes of men from voting at elections. Officers of the revenue are supposed to be wholly at the disposal of Government. Would it be rational to admit the servant of a Collector of the Excise or Customs to the exercise of a right, from which his master is excluded? For what purpose is it asserted annually by the House of Commons, that "no "Peer of this realm hath any right to give his vote in the election of "any Member to serve in Parliament," if, instead of giving a single vote himself, he may send twenty of his servants, and as many more of his day-labourers and retainers to vote as he directs? * Is it in the houses of the nobility, or of other rich and powerful persons, that dependent men are likely to learn the duty, or to preserve the freedom of real electors?

Finally, we deny, that paupers, who subsist on the charity, or vagabonds, who exist at large by escaping the justice or vigilance of society, have any claim to a share in making laws for the community, even if they could be safely trusted, which is impossible. Opposite principles, we know, have been maintained by a person of great rank, and now of great authority, and we have heard him commended by men, notoriously hostile to the cause of Reform, for the consistency of his plan, and the strict regularity of his conclusions; that is, they are ready to allow the ideal merit of perfection to any scheme, which they know to be unattainable or impracticable, † and which, having no real object but to distress or intimidate Government, or to captivate popularity, they are perfectly sure will end in speculation. And God forbid that schemes, so wild and dangerous, should have any other termination. The Duke of Richmond says, It is a contradiction to suppose that "when paupers, "and the lowest orders of the people, shall have an equal vote with the "first Commoner in the kingdom, the Aristocracy would gain the lead "in elections, and that we should fall at the same time into all the con"fusion of a Democratic Republic." We conceive that these effects do not militate against each other, but that both of them would be likely to happen, and might easily exist together. A few powerful, ambitious men, not the body of the Nobility in general, would take the lead of the multitude; the lower classes of the people would be banded into parties and factions, and universal anarchy and licentiousness prevail over the country. Such has been, in other countries, the short and certain course to the destruction of the Commonwealth, and to the final establishment of despotism in a single person. The extension of the right of voting to all the inhabitants of Italy ‡, introduced by the *Gracchi* under plausible pretences, and not without some appearance of justice on general principles, and afterwards insisted on and enforced by *Cinna*, gave the first shake to the Constitution of the Roman Republic, divided the empire into armed factions, which worried and wasted one another, until

Nobility and the People, the opinion of Cicero may be suspected of partiality. Of the fact however there can be no doubt, that these laws did neither prevent faction nor secure freedom.

* Maxima quæque domus servis est plena superbis.

† "Many good matters are undertaken with bad minds; I mean, not only "corrupt minds, but crafty minds, that intend not performance."

Lord Bacon of Suitors.

‡ Pollicitusque toti Italiæ civitatem, summa imis miscuit, et in præruptum atque anceps periculum adduxit rempublicam. *Vel. Paterc.* 2. 2; 2. 20.

until they were all successively crushed, and compounded into the absolute dominion of Augustus.

After the qualification of the electors, the condition and engagements of those, whom they elect, is the next thing to be considered.—Members of Parliament were originally chosen to *serve* in Parliament, and such is still the formal language of elections. They were considered as the *servants* of their constituents, and accordingly received *wages** from those, who employed them. Even the attendance of the Barons, who were the most honourable Members of the State, though not paid for, was due to the King as a *service*. Unfortunately the system is reversed, and may now be thought incorrigible. We know of no instance, in which original right, founded in common sense and sound reason, and supported by long usage, has been more successfully invaded, or more completely dispossessed of its station, than by the fact as it stands. The only remedy for a disorder, which poisons the Constitution of Parliament at its source, is to reinstate the Constituent and the Representative in the places that belong to them, and in their natural relations to each other. So capital an improvement, we admit, is not to be effected abruptly. The nation must be gradually prepared to receive it. On a point of such importance, it will be the duty of wise and honest men to endeavour to reform the public mind, before an attempt is made to attack the abuse. *Primo loco emendationem animi ponimus* †.—We know that the people must be instructed and enlightened, that their judgment must be improved, before they are qualified to comprehend, to relish, and to resume the simple beauties and utilities of their ancient Constitution. The most perfect models of antiquity, in wisdom as well as art, have been buried under ruins. The first labour is to clear away the rubbish, that overlays and oppresses them. The national eye, too long accustomed to distortion and obscurity, will gradually recover its distinguishing faculty, and reject with disgust the pretended improvements of a corrupted policy, and the sickly ornaments of a declining Consitution. These are the steps, that lead to the imitation of great examples, and qualify the mind for difficult and generous undertakings. We assert that, if the nation were to pay their Representatives, and liberally too, in proportion to their actual attendance, even money, to a considerable amount, would be saved by it. But this is not the immediate object. The question is, whether it be better for the public that they should be paid by the People, or rewarded by the Crown; that they should be retained to defend, or corrupted to betray. We hold it to be fundamental and essential in a prudent Government, that every real charge should have a direct benefice annexed to it; that no serviceable office should be exercised without an avowed proportionate salary. Distrust the men, who pretend that they are ready to serve you for nothing. Their views may be remote, or money may not be their principal object. In whatever shape they are paid, whether they take their equivalent in power or in profit, in specie or in kind, it must be some way or other at the public expence; and, whatever pretnces they may set up, we are sure that the safest and cheapest course is by avowed and immediate payment. We must accommodate our measures to the manners of the times.

* Parliamentary History, ii. 255. iii. 21. Stat. 12 Rich. II. Tyrell, v. 3. 1036.

† Lord Bacon, de Augmentis Scientiarum, 8. 3.

times. Pure and perfect patriotism is not to be implicitly relied on in the conduct of public affairs; nor in fact have the public any claim to it. He, who faithfully performs the service he undertakes for a certain acknowledged reward, and will not betray it for a greater, does all that ought to be expected of him. The traitor and the hypocrite are generally righteous over much. Let us never abandon the idea of reverting to sound constitutional principles, becaus the operation may be slow, or the success improbable. Every measure, that tends to make the office of a Member of Parliament more and more a *service*, and less and less an object of competition, is a step gained towards securing the independence and integrity of the House of Commons. Inquiries, of this sort, into the principles and practice of former times, would lead to a true decision of other questions of the utmost importance to the happiness not only of this kingdom, but of all the nations that surround us. Among these we reckon the right of making war and peace, and of binding the nation by treaties with foreign powers, now assumed and exercised by the Crown, as a part of its absolute, independent prerogative, without consent of Parliament. Was it always so, and to what known principle in the Constitution are we to refer the uncontrouled trust supposed to be vested in the Crown, in acts which may hazard the happiness, if not the being, of the country, and entail perpetual misery on us and our posterity; while, in other instances of infinitely smaller importance, the same Constitution affects a constant suspicion and guard against the slightest encroachments of the executive power? * Is it necessary in the nature of the thing, that the question of War and Peace should be determined by the King alone; or is it subject to a double co-ordinate jurisdiction, by which different judgments may be given on the same issue? Is it reasonable to presume, that the King may resolve to declare war, and in fact put the nation into a state of hostility with any foreign power, and that the House of Commons may refuse the Supplies, without which the war cannot be carried on, and the country cannot be defended? If the executive power can pledge the national faith by a treaty of subsidy,

 it

* Pacis et belli arbitrium penes magnum regni senatum semper fuisse et historiæ passim nostræ, et exterorum quotquot res nostras paullo accuratius altigere, testantur.

MILTON, *Def. pro pop. Ang. cap.* 9.

Mr. Burke, enumerating the discretionary powers, which are necessarily vested in the Crown, does not state this to be a power to determine upon war or peace, but, with perfect accuracy, *for conducting the affairs of Peace and War.*

Thoughts on the Causes, p. 22.

Saluberrimum, in *administratione* magnarum rerum, est, summam imperii apud unum esse. *Liv.*

In the Roman Republic, though very much governed on the principles of the Monarchy they had abolished, and of the Aristocracy with a great accession of power, the decision of Peace and War belonged to the People, not to the Senate. All manner of leagues and treaties were confirmed or annulled by the People.

Polybius, 6. 462. 3.

Thuanus, speaking of the Constitution of the German empire, says, "Verum "quæ ad imperii majestatem, rempublicam, et jus universorum pertinent, ut cum "de *pace*, de *bello*, de tributis in communis belli sumptibus imponendis, de "fœderibus, de sociis, &c. de iis in ordinum comitiis (Diætas vocant) delibe-"ratur." *Hist. lib.* 2. *p.* 36.

"By the laws of the Jews, their King could not undertake a war abroad with-"out the consent of the great Sanhedrim. *Whitlocke, Parl. Hist.* 10. 277.

it follows that the House of Commons is bound to make it good. Their office then is only ministerial, viz. to find Ways and Means. The tax, which pays the subsidy, is in fact imposed by the Crown. The House of Commons have no option. Has the Crown a right without a remedy? *Qui dat finem dat media.* Do you give the end without the means? Or is the office and duty of the two Houses of Parliament, on this subject, reduced and confined to the mere privilege of disproving what they cannot prevent, and of condemning a measure which they are forced to support; * or, at the utmost, of impeaching ministers for their advice, when the mischief it has done is irretrievable? Or is the modern doctrine and practice, to which the nation have been taught to submit, nothing more than a modern usurpation, by which two offices, essentially distinct, have been gradually confounded, and finally united in the same hand? Which have insensibly blended the deliberation with the execution, which have gradually confounded the right with the formality, and subjected a public question, of the most comprehensive national importance, to the resolutions of secret juntos, determined in the last resort by the will of a single person? † We do not affirm generally with the Duke of Richmond, that the Crown ought not to be trusted with a negative voice in acts of Legislation. The useful prerogatives of the Crown would then have no defence against the two other branches of the Legislature, if it could be supposed possible that either a corrupt or a wise Parliament could at any time be disposed to encroach on such prerogatives. In all other cases, we contend that the Crown is bound to give its formal sanction to such acts as the people in Parliament shall choose ‡, and is in no case at liberty to bind the nation by treaties and alliances, and much less to plunge it into war without the previous deliberation, advice, and specific consent of a *free and full* Parliament ‖. Among all the duties, which have been abandoned or betrayed by Parliaments of a different character, we know of none so important as the right of deciding upon war and peace, now implicitly surrendered to the Crown;

* "Every good political institution must have a preventative operation, as "well as a remedial; and not trust for the safety of the state to subsequent punishment alone—punishment, which has ever been tardy and uncertain," &c.
Burke.

† This objection to the royal negative was taken from Milton, who says, "That "nothing can be more unhappy, more dishonourable, more unsafe for all, than "when a wise, grave, and honourable Parliament shall have laboured, debated, "argued, consulted and contributed for the public good all their counsels in common, to be then frustrated, disappointed, denied, and repulsed by the single "whiff of a negative," &c. *Eikonoclastes, cap.* 27.

"New phrases have been invented to please Princes, or the sense of the old "perverted, as has happened to that of *Le Roy s'avisera*; and that, which was no "more than a liberty to consult with the Lords on a bill presented by the Commons, is by some men now taken for a right inherent in the King of denying "such bills, as may be offered to him by the Lords and Commons; though the "coronation oath oblige him to hold, keep, and defend the just laws and customs, *quas vulgus elegerit.*" *Sidney, sect.* 34.

‡ Concedis justas leges et promittis protegendas quas vulgus elegerit?
Vide ancient Coronation Oath. Parl. Hist. xi. 97.

‖ Lex justissima, provida circumspectione sacrorum principum stabilita, hortatur ut quod omnes tangit ab omnibus approbetur.
Writ of Summons, 24 *Ed.* 1. *vide Appendix to 7th vol. of Parl. Debates.*

Crown; nor any motive so pressing and so powerful for reforming the House of Commons, as that of reinstating them in their original jurisdiction, and obliging them to exercise their proper Parliamentary judgment over questions, in which the people alone have a direct interest, since they alone are the victims of the war, when it fails, and but too often when it succeeds.

In ancient times, the greatest and the best of our Kings were willing, the others were compelled, to submit to the Constitution of their country, the provisions of which were founded in the plainest dictates of unerring common sense, confirmed by experience; and, even at later periods, appearances were thought useful to be preserved, and the sense of Parliament admitted to be necessary to ratify and give effect to every one of those acts, which are now supposed to be determinable by the sole will and pleasure of the Crown. In 1299, the articles of peace (awarded by the Pope between Edward the First and the King of France) "being *openly read in Parliament,* all the clergy and laity gave their "consent to them." (Tyrell, 3. 133.) In 1344, the Lord Chancellor, in full Parliament, declared the cause of this summons to be "concerning the late truce with France, and the breach of it by the French "King, &c. He desired the three estates of the realm to consider of "those things *, &c." In 1354, Edward the Third consulted his Parliament about a peace with France; and demanded of them, Whether they would assent and agree to a peace, if it might be had by treaty. The Commons at first declined giving a positive answer, and referred the decision to the King and the Lords. The Lord Chamberlain would not accept of this answer, but repeated the question. They all unanimously cried out, *Oil, Oil*; Yea, yea. "Sur q'en response dist le Chaumberleyn a les dites Communes, *donqes vous voillez assentir au Tretee de Pees "perpetuele, si home le puisse avoir?* Et les dites Communes respondirent "entierement et uniement, *Oil, Oil* †." In 1360, when the King, thus authorised by his Parliament, confirmed the long depending treaty concluded at *Bretigny*, he did it in the following words: "We, by "our royal authority, with the deliberation, counsel, and consent "of several Prelates, and men of Holy Church, as also Dukes, Earls; "as well of our linage as others, with many Peers of England as of "other great Barons, Nobles, *Burgesses and other subjects* of our realm, "do consent and confirm the said treaty, and all other things therein "contained." And finally, the "King promised that he would, as "soon as he could, cause the treaty to be sworn and kept by his children, and the greatest part of the Prelates of the Church, and the "Earls, Barons, and Nobles of the realm ‡". In the 1368, Edward the Third summoned a Parliament on purpose to consult them concerning the terms of a peace proposed by *David Bruce*, King of Scotland; "concerning which terms of peace, the Lords and Commons being asked their advice, gave in their answers severally to one and the "same effect, viz. ‖ that *they could not assent* to any such peace, upon any "account, without a disherison of the King, his heirs, and crown, to "which they themselves were sworn; and therefore must advise him "not to hearken any such proposition." In the year 1421, Henry the Fifth laid the peace of *Troyes* before Parliament, and it is observed in

* Parl. Hist. i. 276.
† Rot. Parl. 28 Ed. III. Parl. Hist. i. 301.
‡ Tyrell, iii. 638-9.
‖ Tyrell, iii. 674.

in the Parliamentary History, "that it seems as if this Parliament was "principally called *for the confirmation of this peace.*" The account given of this transaction, in the same history, is so important, and so immediately in point, that we shall insert it as it stands §. "The article of moment "that comes next on the rolls, is a formal instrument drawn and en- "tered, containing the whole Parliament's approbation and ratification "of the peace concluded at *Troyes*, between Henry King of England "and Charles the French King, which was done May 21, 1429, just a "year before. And as this peace had been ratified and confirmed by "the three estates of France, in a Parliament assembled at Paris on the "10th day of December last before, so now the several articles of it, "*being first carefully read and examined*, were in the same manner *agreed* "*to and confirmed* by the three estates of England, in *full* Parliament "assembled at Westminster."

Now the treaties of peace, concluded at *Bretigny* and *Troyes*, are not only by far the most important in the English History, but in many respects are such as seem least to have wanted the confirmation of an English Parliament. They related principally to objects of a foreign concern, to acquisitions and dominion on the Continent, in which this nation had no direct interest. They were eminently honourable to the English, and the Princes, by whom they were negotiated and prepared, were at the summit of personal glory and popularity, which usually attends on military success. A more favourable opportunity can hardly be imagined to have exerted and confirmed the prerogative, if it were so, or to have created a precedent in favour of the Crown, to bind the nation, without its consent, by treaties with foreign powers. Yet, in these instances, as well as in numberless others, we find that Parliament was expressly called upon to *ratify and confirm* the previous negotiations and conclusions of the Executive Power, without which they would not only have been incomplete, but ineffectual. The right of Parliament to interpose, and the necessity of their confirmation, must have been notorious and unquestionable, or certainly it would never have been appealed and submitted to, in such circumstances, and by such monarchs as Edward the Third and Henry the Fifth §.

Peace of itself is a blessing, which all men are willing to receive, without questioning the power that confers it. Yet even this benefit our ancestors would not accept of from the Crown, unless they were parties to it themselves by previous deliberation and consent. Is it credible that the same persons, who were so scrupulous about the right of concluding a peace, would have trusted the Crown with a power, so much more important in all its effects and operations, to involve them in the miseries of war, to pronounce such a curse, and to impose such a calamity on themselves and their posterity? It is not our immediate intention to go farther into the investigation of this question. That will be the duty of a free Parliament; and we trust it will constitute, as by its importance it ought, one of the first objects of their attention. All the other powers, assumed or pretended to under the name of prerogative, are insignificant in the comparison with that of plunging the nation at its pleasure into

* Parl. Hist. ii. 170.

† Philip de Cummines says, "That it is the custom of France to record all "treaties in the Court of Parliament of Paris, otherwise they are of no force." Anno 1468, (ii. 14.)

into war. In other instances, the prerogative operates more in detail, annoys individuals, or acts with partial views, on the spur of an occasion, and with a limited effect. Whereas the power of making war comprehends all the rest, and, the moment it is exercised, becomes legislative and absolute over every right and property, which a free nation ought to keep at its own disposal *. The law of war is a law of necessity, to which life, property, and liberty must give way; and this law, in fact, we receive from the Crown. Before a free and independent Parliament, we should have no doubt of being able to demonstrate, if it were necessary, out of the records and authentic History of England, that the greatest and wisest of our Kings submitted themselves *to the directory of Parliament in making war* †; and, more particularly, that in this manner were the wars in France, by Edward the Third, and in Scotland, *concluded upon debate* ‡; that bad Kings were taught their duty when they neglected it, that, in all cases of *foreign* war, it was especially provided, *that no man should be destrained or urged against his will, to go out of his country*. In case of public *defence* against foreigners, "men were "summoned upon their *legiance*, as anciently was used. This was the "course of *defensive* war; for all men, in such cases, are bound by the "law of nature to defend their own country from invasion, in order to "the safety of their own estates and habitations;" and that they, who accompanied our Kings in their foreign wars, were either paid by them, or bound by *tenure* for a limited service, and not by *legiance*. Particularly it appears, that Henry the Fifth, "in order to raise troops for the "war against France, made indentures with the Nobility and Gentry, "whereby they engaged, for a sum of money payable quarterly, to sup- "ply him with a certain number of soldiers, either foot or horse." [Acta regia, p. 242. Rymer, 9 vol. anno 1414.]

Finally, "that the King cannot engage the people either to make, "continue, or determine any *offensive* war without their consent, nor "compel them to arm themselves, nor command them out of their "counties for war, or impose military charge upon them against their "free consent, or contrary to the known law." §

Four treaties appear to have been concluded in March and April, 1793, by the King's ministers, with Sardinia, Russia, and Hesse Cassel. By one of them the nation has been bound by the Crown to pay a foreign prince £200,000 per annum, "*during the whole course of the war*, and "not

* In Scotland, Act anent peace and war, 1703-5, declares, "That after her "Majesty's decease, and failzieing heirs of her body, no person being King or "Queen of Scotland and England, shall have the sole power of making war, "without consent of Parliament." Rescinded after the Union, 6 Ann 1.

† N. Bacon, ii. 60.

‡ In 1237, when Henry the Third desired an aid of his people, the Parliament replied, That these things had been done without advising with them; and, seeing they were free from the fault, they ought not to participate in the punishment. *Mat. Paris, p.* 367.

In 1242, upon his engaging in a war with France, for which he wanted money, the Parliament said, "They wondered he would undertake so difficult and "dangerous a business, *without their advice and assent*. *Ditto*, 513.

§ Un Roy de Pologne ne peut faire ni la Guerre ni la Paix sans l'aveu de la Nation.

(Coyer, Vie de Sobieski, 1, 369.)

"not to conclude a peace with France, without comprehending in it "the entire restitution to his Sadinian Majesty of all the parts of his do- "minions, which belonged to him at the commencement of the war, and "of which the aforesaid enemy has obtained possession, or of which it "may hereafter obtain possession during the course of hostilities." The Conventions with Russia contain engagements of the same nature, in return for which the British commerce and navigation is to be favoured *in the Black Sea, and the Sea of Azoph!* By the treaty with Hesse Cassel, the Landgrave is bound to consider the interests of the king of Great Britain *as his own*. He is bound to lend his Majesty 8000 of his troops completely equipp'd, which are to be paid for, recruited and replaced in *statu quo* (whenever they are sent back to him) at the expence of this nation; *and which troops may be employed in Great Britain or Ireland.* These treaties were laid on the table of the House of Commons on Monday the 17th of June, or between two and three months after they were severally concluded. The House did not sit on the Tuesday and Thursday following, and on Friday the 21st. the parliament was prorogued. We offer no observation on the alarming nature of some of these engagements, and on the importance of all of them. What we contend for is, that they ought to have had the previous consent of parliament. To lay them before parliament at a period of the session too late to allow of a discussion, is no parliamentary communication. Neither the time nor the attendance would admit of it. To elude a discussion, by immediate adjournment and prorogation, is to confess that the measure would not bear examination, even in the present House of Commons. But, even on the 17th of June, a free and full parliament would not have separated without laying their opinion of such treaties before their constituents. In the beginning of the present century, the House of Commons resolved to impeach four of king William's principal ministers, for having made the fatal treaty of partition, *during the sitting of parliament and without the advice of the same.* (24th March 1700).

Having stated the fundamental principles of the plan we have in view, and proceeding as nearly and strictly as we can upon the ancient highways of the Constitution, we shall now lay before you what we think ought to be the practical application of these principles. They, who know what difficulties we have to encounter, if they concur with us in general, will be most ready to make allowances for any thing that may appear imperfect, or at first sight impracticable in the measures we recommend. We confide in our principles, because they are those of our ancestors. The rest we submit to the serious consideration of the community, and to the friendly correction of wise individuals. We have no interest or object, but, in a general honest thought, to do the best service we can to our country, or at least to those who shall come after us. What our immediate personal reward is likely to be, we perfectly know. Every man, who seriously attempts to serve the English public, does it at his peril. He may hope to succeed, but not with impunity. The great object, which every plan of parliamentary reform, as well as ours, professes to have in view, is to obtain a free independent House of Commons, really elected by, and representing the Commons of the kingdom, who are in fact the nation. To make it so, it must be chosen by means, which shall exclude the interposition of power, and the influence of corruption. To keep it so, the choice of new representatives must frequently

quently revert to the people. When these foundations are laid, we are sensible that skill, contrivance, and resolution, will be required to extricate our principles out of difficulties of fact, and to raise and compleat the superstructure. The great security against corruption is, that the right of voting should be extended to such numbers as cannot by any possibility be corrupted; and that the individual vote should be of so little moment, as not to be worth purchasing at any price. The great security, against influence or faction, is that the exercise of the right shall be extended to such persons only as have an interest in peace and good order, who have something to lose by riot and confusion, and who, from their circumstances and situation, are not likely to be at the disposal of the executive power, or of its ministers and agents, or to band themselves into factions under the guidance of powerful great men, or popular leaders.

Without aiming at perfect exactness, which may be unattainable, and would be immaterial if it were possible, the Right of Election ought to be distributed with equality over every part of the kingdom, so that every part may be really represented, and all men may know that they are so. The ancient titles of the Commons in Parliament, *viz. Totus populus communitatis*, and *tota communitas regni*, shew plainly that the whole people of England were supposed to be present. Their presence made what the law calls a *full* Parliament*. Facts of every kind, that stand in the way of this operation, must universally give way. If we listen to the claims of possession, or prescription, of franchise, and charters, of fictitious rights and establishments, or real wrongs and abuses, and if these must all be examined and satisfied, before the public work is undertaken and before the people are restored to the enjoyment and exercise of their common right, the task is impracticable and the object can never be obtained. The knots are too many, and too difficult, to be untied. The power of the nation must be animated by its spirit, and directed by its virtue, to surmount the obstacles, which cannot be removed. Some private interests must be sacrificed; some personal privileges must be surrendered, or rather, they must be enjoyed in a different form. They, who contribute to the improvement and security of the commonwealth, will receive their retribution, not by dividing the common stock in extravagant lots among a few, but by sharing justly and impartially in the blessings that belong to an equalised well ordered government. In the new distribution, whatever it may be, the natural weight of property will always preponderate in the degree it ought to do. We do not propose or wish to change any thing, which can be left in its present shape and station, consistently with the accomplishment of the main object. No man, who now possesses a vote for a member of Parliament, will be deprived of it by this plan. To every fair and honest purpose it will be the same vote, though not to any other. Undoubtedly it will be not valuable in the common accepted sense of valuation, because it will not be worth buying and hardly worth soliciting. When the Elector has something to give and nothing to sell, his inclination and his judgment will probably go together, and determine him in favour of the worthiest Candidate. The true function and proper office of the many is to choose the few. The numbers and proportions settled at the union, to represent the

whole

* Interesse enim eo conventu omnes intelligimur, (Petyt. Jus Parlm. p. 11.) cujus-cunque amplitudinis, status, aut dignitatis, &c.

whole kingdom in parliament, may be adhered to. The present numbers are sufficient for every useful purpose of discussion, if they were engaged* or compelled to attend their duty, and not too many for the transaction of any business, that ought to be transacted. The advantage of a numerous attendance is that questionable measures would not proceed without strict question, and long debate; and that measures, positively bad, could not proceed at all. Those, on the other hand, that were evidently for the good of the country, would not be attended with half so much delay as the very best are subject to at present. In every popular assembly, however ill constituted, a numerous attendance helps to let the public sense in some degree into the debate, tho' not into the decision. Where Members of Parliament are not compelled to a regular attendance, the consequence is that the business of the nation is, for the most part, done by a select set of men, who ought least of all to be trusted. The country gentlemen in general come up as late, and go away as soon as they can. Of late years, a most atrocious practise has almost uniformly prevailed; that is, the session has been protracted to a late period in the summer, on purpose to drive all the independent members away. Who then are likely to stay, but those who are paid for it? Numberless things are done rapidly in thin houses, which would not be attempted, or could with great difficulty succeed in full ones. The Minister, whoever he may be, as long as the present system continues, will find many facilities and great convenience, in transacting business in thin houses. Some things cannot be deferred; but in general every thing, that can, is put off to the close of the session; and then of course the lateness of the season is made a plea for dispatch, that is, for passing a heap of bills together, without inquiry or debate. Out of an establishment of 558 members, only 40 are sufficient to constitute a house, and of these 21 are a majority capable, *summo jure*, of deciding on the most important questions. Yet even this reduced number, in many cases, is not real, but supposed to be present by mutual connivance and consent. When proper measures are taken to ensure a numerous attendance, we are of opinion that not less than members present should constitute a house. Small numbers are easily managed by government; and at best dwindle into a standing senate. The history of Europe shews how frequently senates, conclaves, and even the electoral colleges have been, and how easily they may be corrupted. But, in a *full* Parliament, chosen promiscuously, and for short services, as juries are, corruption would be impracticable, at least to such an extent, as to make it effectual. As to the dispatch of the real business of parliament, we deny that a numerous attendance would be any impediment. In the first place, there would be an end, or nearly so, of contested elections, on the plan we have in view. " † The vast expence and delay of petitions " to Parliament, on account of illegal returns, would be reduced almost " to nothing. The points, on which these contests generally turn, are " the qualifications of the electors, under the numberless restrictions the " present laws have imposed, which require the attendance of witnesses, " the production of records, and are subject to infinite dispute. But, " when no other qualification shall be necessary," but that of occupying a specific situation, ostensible and notorious, in the division for which you

* Senatori, qui nec aderit, aut causa, aut culpa esto.
Cic. de Leg. 3.

† Duke of Richmond.

you vote, " there can be but little left to contend upon as to the Right " of Electors to vote." Then indeed it would be true, " that all other " questions, that could afford ground for a petition, would be trifling and " might be decided in one day." This improvement of itself would relieve the House of Commons from one of its present most vexatious and dilatory occupations, in which the time, attention, and labour of the members, who sit on committees, is prodigally wasted, and many important days lost in every session by the difficulty it creates, of getting even 100 members together to make a house. We appeal to the common sense of mankind, if it be not a scandal and a mockery to the name of a Parliament, that such a difficulty should exist in a single instance, that, when 558 are appointed to attend, there should be many days in the most active and busy parts of every session, in which 100 members, and some, in which even 40 are not to be found? In the last session, with a foreign war just declared, and treasonable plots and conspiracies suspected, or at least proclaimed to exist all over the kingdom, the Speaker was obliged to adjourn the house nine times for want of the presence of one hundred members, and nine times for want of thirty-nine besides himself. Such are the delays incident to voluntary attendance. On the contrary, if great numbers are forced or engaged to attend, they will dispatch the business for their own sakes, that they may not be detained from their private affairs; and they will dispatch it well, because it is impossible that many or material faults can escape the eyes of numerous observers. The anonymous compiler of the *Lex Parliamentaria*, published above a hundred years ago, says, p. 8. * " It is to be observed that, when there is best " appearance, there is the best success in parliament. At a parliament, " 7th Henry 5th, of the Lords Spiritual and Temporal there appeared " but thirty, and there was but one act passed, and of no great weight. " In 50th Edw. 3d, all the Lords appeared in person, and not one by " proxy; and so many excellent things were done, that it was called " *Bonum Parliamentum*." And not only what they did was good in the matter, but extraordinary in the quantity. The Parliamentary History (1343) states, " That this Parliament sat only from the latter end of " April 1376, to the 6th of July following: a longer session than any " we have yet met with; and really the multiplicity of business done in " it, as in impeachments, &c. besides the petitions of the commons, " which of themselves amounted to 223 separate articles, will make it " a matter of wonder now, how so much could be gone through in so " little time. Add to this, the King falling sick at Eltham, the whole " Parliament adjourned thither, where all the petitions of the Commons " were read and answered. And to shew that all the people of England " were well pleased with the proceedings of this Parliament, it was for a " long time after called the *Good Parliament*."

The indispensable services of parliament, to say nothing of their duties, make it superfluous to insist much on the necessity of their meeting every year, and sitting a competent time. As long as the supplies are annually voted, that point is secured. Were it otherwise, the justice of the kingdom might be at a stand by an intermission of the parliament, which is the highest court in judicature. The object to be specially provided for is the annual choice of a new House of Commons, that there

* Gravitatem res habet, cum frequens ordo est.
Cicero de Senatu.

there shall be frequent parliaments as well as frequent sessions. On this point we shall content ourselves with appealing to the authority, and using the words of a person once eminent in this country, as much greater and better than our own. " * The wisdom of our constitution hath " thought fit that the representatives of the people should not have time " to forget that they are such; that they are empowered to act *for* the " people, and not *against* them. In a word, our constitution means that " the members of this body should be kept, as it were, to their good " behaviour by the frequent returns of new elections. It does all that " a constitution can do, all that can be done by legal provisions, to se- " cure the interests of the people, by maintaining the integrity of their " trustees; and, lest all this should fail, it gives frequent opportunities " to the people to secure their interests themselves, *by amending their* " *choice of the trustees*; so that, as a bad king must stand in awe of an " honest parliament, a corrupt house of commons must stand in awe of " an honest people."

The established divisions of the kingdom may be preserved for all the purposes for which they were constituted, and for all the purposes which they serve at present, except the single act of electing members of parliament. For every service but that, the existing corporations, charters, franchises, privileges, &c. may be continued in their present form. Concerning their general utility in all other respects, we enter into no question, because *we* have but one object, to take the choice of the House of Commons out of the hands of a few privileged persons, and replace it in the hands of the many, to whom it belongs by common right. No man should be capable of sitting in Parliament, who does not possess a landed property sufficient to make him independent, if he pleases to be so. The Candidate should be qualified on the same principle as the Elector, but with greater caution, and to an amount proportioned to the superiority of the trust. Whatever it may be fixed at, effective care must be taken that the qualification shall be real and compleat to its nominal amount, and not held in trust or borrowed. On proof of a fictitious or scanty qualification, the party convicted should vacate his seat. The description of property, which at once, according to our views and ideas, comprehends the most moderate qualification that ought to be admitted, and in other respects corresponds most compleatly and effectually with the general principles which we have laid down, is that of a householder paying taxes. The sort of property, which constitutes this qualification, has the advantage of being open, ostensible, and incapable of being disputed. It indicates a real residence, and implies a stationary interest in the place, for which the vote is given, and the Representative chosen. The minister of the parish church, who may authenticate the receipt of the vote by his testimony, or the magistrates and parish officers, who may attend the Election and make up the parochial return, cannot be imposed upon by a person, who is not their parishioner, or who does not occupy a house in their parish. Besides the possession of a competent property, of which the occupation of a house paying taxes is a sufficient presumptive evidence, a householder has other qualities, which ought to recommend him to a favourable distinction, and particularly to the trust in question. He is necessarily the master, and probably the father of a family. In the first instance, he has a personal credit and respect

* Lord Bolingbroke's Dissertation on Parties, p. 137.

spect to maintain; in the second, he has given hostages to society. Such a station deserves confidence, and should be made respectable, that all men may be prompted and encouraged to rise to it by industry and good conduct. Out of the numbers, who now have votes under an endless variety of different and disputable qualifications, we apprehend there would be very few, who would not continue to vote as householders. The number of parishes in England and Wales are 9913. If it could be supposed, which we know to be far from the fact, that the number of houses occupied or tenanted in each of these parishes were nearly equal, it would be an easy operation to carry our plan into immediate execution. By dividing the number of parishes by the number of members to be returned, viz. $\frac{513}{9913}$ every 19 parishes would return one member or thereabouts, or the precise distribution might stand thus,

		Parishes
513	347 divisions of 19 parishes, and	6593
	166 divisions of 20 parishes	3320
		9913

Each returning one member would be as fair and equal an allotment of the whole number of members to be returned among the whole number of parishes as the case would admit of, or the service would require. But this easy and obvious course cannot be exactly followed, because the number of houses in different parishes being extremely unequal, the plan would fail in one of its essential properties, and fall short of its declared purpose, viz. the equal representation of all parts of the kingdom. The remedy however is not difficult. An order of the House of Commons should be obtained, to direct the proper officers of the revenue to make up and lay before the House a list of the numbers and names of every parish in every county, with the number of houses paying taxes in each parish, at a given period. Until we are in possession of that specific return, we must state it hypothetically, in order to shew what use we mean to make of it. Suppose the whole number of houses $=x=1,231,200$, then the number of householders entitled strictly to return one member to Parliament, would be $\frac{513}{x}$. Then the whole number of parishes should be also divided into 513 lots, each lot to consist of such a number of parishes as may together contain the number of houses entitled to return one member, viz. 2,400, or nearly so, without regard to fractions, and lye contiguous to one another, and, if possible, round the principal parish of the division, which should be the center of the election, and at which the returns from the other parishes should be received and made up, and the election declared. As to the time and trouble, which such an operation would require, it is not an object that deserves to be regarded, though it were ever so considerable, when compared with the service to be obtained by it. But it would be far from a difficult task; and we venture to assert that, in the hands of active and intelligent persons, it would not take half the time and labour, which many committees of the House of Commons are forced to employ in settling or disposing of the fictitious right of voting, and in hearing a thousand perjuries in support of it, in that base and frivolous business, called, the Trial of a contested Election for a single rotten Borough.

Each division might be described by the name of the principal parish, at which the final return from all of them is made up. The form of the new

new writs, and the form of the new returns, the mode of nominating the candidates, and paying the expences attending the elections, are matters of mere formality and detail, which may be easily arranged and disposed of by the parish vestries.

We do not pretend to limit the amount of the wages, which ought to be paid to every Member for his daily attendance in Parliament. But it may be useful to shew that, on any reasonable principle, it cannot create an expence, which, in such a case, ought to be considered. Suppose, for example, that, out of 558 Members, 500 should attend constantly during a session of 100 days, which we believe to be a very large allowance, and receive forty shillings a day, the whole charge would not exceed £ 100,000. At £ 3 a day, it would not exceed £ 150,000. On the contrary, as the actual attendance, from a multiplicity of causes and accidents, would probably fall very short, upon the whole, of what we have supposed and allowed, the charge would fall short in the same proportion of the amount stated; on this condition always, that strict regulations are made and observed, with respect to the degree of specific attendance on each day, which is to entitle the Member to the wages of the day. But, let the total cost be what it would, we affirm that the object is worthy of it. A full and free Parliament would soon reduce the public expence, in a multitude of ruinous or unnecessary articles, and improve the public revenue to ten times the amount in question. But, even if nothing were ultimately saved by it, but the enormous sums now ruinously squandered, and a thousand times worse than wasted, at elections, that saving alone would be cheaply paid for.

One of the principal and most material causes of complaint against the present mode of election, is, that instead of being a grave, respectable, and solemn act, as it ought to be, the actual conduct of elections in general, or too often, exhibits nothing but a scene of riot, drunkenness, debauchery, prostitution, and perjury. Witness all the statutes, that have been made in the course of the present century, to correct these disorders, and to no purpose. In themselves they constitute a great evil, and they lead to much greater. In proportion as the office of a Member of Parliament is important, it ought to be respectable. To make it so, the proceedings of the electors, and the whole conduct of the election, ought to be grave, decent, and orderly. The minds of men are raised and improved by local relations, by regular arrangements, and even by the dress they wear. The meanest and most thoughtless man in the kingdom behaves himself best in his best clothes. On these and other considerations of the same kind, we are most deliberately of opinion, first, that all the elections for the whole kingdom should be made on the same day and commence at the same hour; and that that day should be Sunday, immediately after divine service, which, for the convenience of the election, might be performed at an earlier hour than usual. We are of opinion that the Minister should proceed directly from the church to the election, from teaching the people their duty, to attend them while they practised it; and that this should be done with the assistance of all the parish officers, in their respective solemnities. No voluntary candidate should be present. The Minister should attend as a witness to attest the due receipt and entry of the votes, and for that purpose should see every man enter his name in the poll-book, should give his own vote the last, should sign the parochial return in conjunction with the parish officers, and with the magistrate, who should act as parochial returning

returning officer, and transmit the return on the following day to the central parish, where the High Sheriff or his Deputies, under proper checks, and in presence of the candidates, should examine the several returns, report publicly the number of votes given to each candidate in each parish, and declare the election. A list of the voters in every parish, divided under the names of the candidates, for whom they voted respectively, should be stuck up as soon as possible on the door of the church.

We know of no function more respectable, or duty more intimately connected with the preservation of religion than that, which, by this plan, should be assigned to the Clergy. A service so important to the morals, as well as useful to the civil interests of the community, and performed, as undoubtedly it would be, would at once secure us against the scandalous practises of Returning Officers, would awe the Multitude, and raise the Clergy in the respect and esteem of the People. We do not mean to make them returning officers, but to act as a check over the whole operation; to preserve order by their presence, and to secure the veracity of the return by their inspection and attestation. Whenever this or any other effectual Plan of Reform shall be adopted, one condition will be essential to its success; that the whole measure shall move together, and act at once with all its force. Gradual alterations or partial improvements, though just and prudent in the retrenchment of expences and in the reduction of establishments, are in their nature unequal to the removal of a rooted, inveterate abuse. To prune the vicious plant is to strengthen and improve it.

Such is the Scheme or outline of a Parliamentary Reform, which, after long deliberation, we have determined to recommend to the sober thoughts and serious consideration not only of the Commons of Great Britain but of every individual in every rank of Society, and of every order in the Constitution. It corresponds with the declared principles, and we believe would effectually answer the intentions of this Society. On the general principles of this plan our opinion is formed. If a better mode of applying them can be pointed out, or if ours can be improved, we are ready to receive instruction, to yield to correction, and to acknowledge it with gratitude. With the best of our judgment, we have carefully weighed the intrinsic merits of this plan, against the difficulties that may be opposed to it; and it appears to us, that there is but one obstacle to the carrying it into complete execution, which, if it existed, would be fatal and insurmountable; that the people of Great Britain have not spirit enough left to undertake, or virtue sufficient to support, so great a measure of exalted benevolence to their country.

MEMORANDUMS.

THE following points omitted in this plan are reserved for consideration:

I. Whether Freeholders, Copyholders, and others, Proprietors of Land, who may happen not to be Householders, should nevertheless have a vote in right of such property.

II. In what manner the principles of this plan may be best applied to the situation of Scotland.

III. Whether the superior population of some of the great cities may not, by this plan, give them an excessive preponderance in the representation over the less populous parts of the kingdom, and in what manner such an inequality may be best provided for.