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T R A C T S
PUBLISHED AND DISTRIBUTED GRATIS
BY
THE SOCIETY FOR
CONSTITUTIONAL INFORMATION.

*At a Meeting of the Society for CONSTITUTIONAL
INFORMATION held at Holyland's Coffee-house
in the Strand, on Friday, April 18th 1783.*

Dr. BROCKLESBY in the Chair.

Resolved,

THAT the following Extract from " A LETTER to
" his Grace the Archbishop of CANTERBURY, by
" RICHARD Lord Bishop of LANDAFF," be published
in the News-papers.

" With respect to the influence of the crown, I have
considered it in the following manner :

In the embarrassing situations of private life, we all ac-
knowledge the propriety and feel the utility, of consulting,
not humble and pliant dependents, but sensible and independ-
ent friends : when our own understandings are distracted by
doubts, heated by resentment, instigated by ambition, de-
pressed by despair, or deranged and distempered by the vio-
lence of any affection, the advice of an honest, independent,
and dispassionate friend is of the greatest use ; it may often,
at the moment of its being given, be very unpalatable, but it
is always salutary, and we seldom fail to repent the not having
taken it. It is the misfortune of men in elevated situations,
that they seldom meet with friends who will speak plainly to
them, or attempt to stop their career of folly or extravagance ;
the fear of offending cramps the disposition for advising ;
Vol. II. A many

many a great estate has been foolishly dissipated, many a fair character undone, by the timid forbearance, the interested acquiescence of expecting dependents; which might have been preserved intire and unfulled, by the firm remonstrance of an honest friend. This observation is certainly as applicable to the concerns of public as of private life; the advice of an independent parliament is as serviceable to the crown, as that of an independent friend is to an individual. We know by whom it was said, *where no counsel is, the people fall; but in the multitude of counsellors there is safety*; and we know too, that the wise king who said it, would have said no such thing, had he suspected that an external influence, rather than an internal conviction, would have rendered his multitude of counsellors all of the same mind. * * * * *

For my own part, and I verily believe I am far from being singular in my notions, I take this opportunity of publicly declaring to your Grace, what I have a thousand times before declared to my friends in private, that I never entertained the most distant desire, of seeing either the democratical, or the aristocratical scale of the constitution, outweigh the monarchicall; not one jot of the legal prerogative did I ever wish to see abolished; not one tittle of the King's influence in the state to be destroyed, except so far as it was extended over the deliberations of the hereditary counsellors of the crown, or the parliamentary representatives of the people. I own I have wished, and I own (with a heart as loyal as the loyalest) that I shall continue to wish, that an influence of this kind may be diminished; because I firmly believe, that its diminution will, eventually, tend to the conservation of the genuine constitution of our country; to the honour of his Majesty's government; to the stability of the Hanover succession; and to the promotion of the public good. Had the influence here spoken of been less predominant of late years, had the measures of the cabinet been canvassed by the wisdom, and tempered by the moderation of men exercising their free powers of deliberation for the common weal, the brightest jewel of his Majesty's crown had not now been tarnished; the strongest limb of the British empire had not now been rudely severed from its parent stock. I make not this remark with a view of criminating any set of ministers (for the best may be mistaken in their judgments, and errors which are past should be forgotten, buried in

in the zeal of all parties to rectify the mischiefs they have occasioned) but simply to shew, by a recent example, that the influence of the crown, when exerted by the *cabinet*, over the *public* counsellors of the King, is a circumstance so far from being to be wished by his true friends, that it is as dangerous to the real interests and honour of the crown itself, as it is odious to the people, and destructive of public liberty; it may contribute to keep a prime minister in his place contrary to the sense of the wisest and best part of the community; it may contribute to keep the King himself unacquainted with his peoples wishes, but it cannot do the King or the State any service. To maintain the contrary is to satirize his Majesty's government; it is to insinuate that his views and interests are so disjoined from those of his people, that they cannot be effectuated by the uninfluenced concurrence of honest men. It is far beneath the character of a great and an upright Monarch, to be suspected of a desire to carry any plans of government into execution in opposition to the sentiments of a free and enlightened parliament; and the minister who should be base enough to advise him to adopt such an arbitrary system of government, or should supply the corrupted means of carrying it on, would deserve the execration of every man of integrity, and would, probably, sooner or later, meet with the deserved detestation of the prince himself. It is of such men as these, there is no impropriety I hope in borrowing truth from tragedy, since Chrysoptom is said to have slept with even an Aristophanes under his pillow; it is of such men as these the poet speaks;

*It is the curse of Kings, to be attended
By slaves that take their humours for warrant;
And who, to be endeared to a King,
Make no conscience to destroy his honour.*

In a word, if there be any one measure more likely than another to preserve pure and unblemished the honour of the crown; to secure its most valuable rights; to procure for it warm, bold, determined friends, who in the hour of danger would support it at the hazard of their lives against foreign or domestic insult; I verily believe it to be, the establishing, as much as possible, the independency of the several members of both houses of parliament.

T. YATES, Secretary.

At a Meeting held at Holyland's Coffee-house in the Strand, on Friday, May 30th 1783.

Sir CECIL WRAY, Bart. (President) in the Chair.

Resolved,

THAT the following Letters, concerning a Reform in Parliament, be printed with the other tracts of this Society.

LETTER I.

"The rage of war hath at length subsided, and Englishmen are left at leisure to contemplate on the humiliating conditions which their long inattention to their own affairs, and their blind acquiescence in the will of an ambitious ministry, and corrupt parliament, have at last reduced them to accept. Happy will it be for us, if, instead of sinking under our calamities, or venting ineffectual curses on the ministers or commanders whom we perhaps justly consider as the authors of our misfortunes, every considerate Englishman would turn his eyes, his wishes, his endeavours, to the attainment of the grand desideratum—a free and independent parliament—that no future ministry may be able, year after year, to lengthen out the horrid scene of civil desolation in contradiction to the wishes of a large majority of the people, nor again, in contempt of our remonstrances, hold out in their defence the cruel sanction of a pensioned and perfidious senate.

Objects of the first magnitude will soon present themselves for public discussion:—The disbanding our armies, the reform of our representation, the abolition of pensions and sinecure places, all these measures will again pass in review before our worthy parliament, will again be supported by the soundest reasoning and incontrovertible arguments, and again (it is easy to foresee) will sink under the weight of a dead and silent majority. For, if inconsistent with the private views of a minister and their own emoluments, what other issue can reasonably be expected to the most salutary proposal, if upwards of 200 members of the house of commons are known to be enlisted under the banner of corruption, regimented and paid, like Bexman Lansquenets, to vote for or against their country, as their officers shall direct, and regarding nothing so little

little as the interest of the persons who sent them there to act for the public good, and with whose money, scandalous to relate, they are thus bribed to betray it!

All the independent members of parliament, all the writers of any eminence on the English constitution, a vast majority of the people at large, are unanimous in recommending this grand reformation. It is therefore hoped that the public, in all opposition which may arise to this salutary scheme, will rightly distinguish between that which is the consequence of real conviction uninfluenced by private advantage, and the mean and self-interested resolves of certain corporate bodies, who, eager to maintain their exclusive privileges of voting, their unjust monopolies of general and public rights, have dared to brand, as dangerous and seditious, the efforts of a people to correct notorious abuses, and to prevent in future the avowed venality of their own representatives.

There are some people who plead for corruption, and maintain that it is necessary for the ministry to be secure of a majority: "a ministry are no longer a ministry than they can carry their point." What! right or wrong, is it necessary for them to carry their point? Was this then the wisdom of our ancestors? Is this our boasted constitution, the admiration and envy of surrounding nations? What is this but to justify arbitrary government, to take away all necessity for the existence of a house of commons, to render it a machine without any will of its own, an useless and most expensive appendage to government?

There is nothing clearer than that it is the general wish of the nation, that the salaries of public offices should be much retrenched; that the greatest part, if not all, of the sinecure places should be abolished, and very considerable reductions made in the pension list. But what hope, what prospect, have we, that this will be effected by our present representatives, or that those men among whom the greatest part of the public spoils are divided, will be forward to enquire into public abuses, or to promote those plans of public reform, the first object of which will be to strike off their pension, and reduce them to the beggary they merit?

What then remains to be done, but for every well-wisher to his country to join heart and hand to promote a reform so desirable; and if Mr. Pitt's bill for a more equal representa-

* C—dgc. L—r, P—le, &c.

tion,

tion, soon to be presented, should be lost, as will probably be its fate, to unite with zeal in associations for that end. Let us not be alarmed at the thought of associations, which are strictly legal, and have many precedents to support them. There was an association in King John's time to procure Magna Charta; another for the defence of Queen Elizabeth; another for the support of the Protestant Religion, and the exclusion of the Duke of York; another in 1744, for the support of public credit; all of which proved highly beneficial to this country; and such, there is no doubt but, this also will prove, if there is public virtue enough left amongst us to put it in practice.

L E T T E R II.

"I received a most sensible pleasure in perusing the letter from a society of Wiltshire readers inserted in the Bath Chronicle. I entirely coincide with them in sentiment. Every measure ought to be adopted to obtain a radical cure for our great national calamity; their attention and abilities, I hope, will continue to be exerted to accomplish this desired end, "this consummation so devoutly to be wished." Every breast glowing with the bright flame of freedom should step forth, and endeavour to animate and arouse his too indifferent countrymen; fix their attention to that grand point, without which their political happiness and boasted privileges, as a free people, are extinct.—A Parliamentary Reform! the want of which, it may be clearly deduced, has been the cause of our last seven years misfortunes, and without which our darling liberty will no longer dwell among us; but, bidding adieu to the European clime, and this her favoured last retreat, wing her flight to a more propitious shore across the Atlantic.

With the diffidence of inadequate ability, I submit my sentiments:—

It is necessary to define the description of men to whom this is more particularly addressed: *It is to every man conscious that he ought to be represented, yet feels he is not.* If there are half a million of men in the kingdom fully answering this description, who contribute, by paying every tax, to the support of government, and personally or by proxy to its defence; if they feel they have no assent to give in acts of national legislature, by which themselves are bound, while a tenth part of

of their numbers more than half fill the house of commons, it is no unreasonable requisition to demand, that *their voice* should also be heard in the national assembly.

A summary revision of the original institution of parliament will best elucidate, and point out the defects in the present state of representation.

Parliament is but an abridgment of the whole body of the people (who, too multitudinous an assembly in the aggregate to debate themselves with precision, do it by attorney) from whom originates every principle of power in the constitution, delegated, but never alienated; in whom is the inherent right individually to assent (by their representatives) to laws framed for the general good; but in whom is equally the indefeasible right to reject, and abrogate, any nefarious act that may have been surreptitiously foisted upon them:—Such was the septennial bill, solely an act of the attorney, without the consent of the principal.

The King formerly, when he had occasion to consult his people, convened them by the titles of knights, citizens, and burgesses; these in the origin of parliament were elected for the temporary occasion; when that ceased, they were dissolved of course, and a repetition of the assembly produced a re-election. The knights representing counties were most respectable, and returned by what was antiently called the yeomanry of England: a denomination of men, the hardy features of whose character were, inflexibility to the domestic tyrant, and stubborn, invincible courage to the foreign foe; alike the internal support, and external defence of their country. 'Twas they (like Cincinnatus), warriors from the plough, fought the fields of Cressy and Agincourt; 'twas they, headed by the barons, their friends and coadjutors (not their masters) compelled from tyranny that charter, and those privileges, their degenerate descendants enjoy, and with a spirit they boast of without daring to emulate. Hospitality then dwelt in the habitation of the English baron; the servile contaminating air of a court had not found its way into his antiquated mansion, nor tinged the manners of his friendly adherents: conscious independence gave them a firmness of step on their native patrimony, their self-cultivated acres; and an erectness of mien that dared look every thing in the face.

To this class of our virtuous ancestors, we owe the establishment of our invaluable constitution. Diminished confessedly

lessly as is this estimable race of men from various deducible causes, yet to their descendants, the present freeholders, are we still indebted, in the present independent country members, for all that we retain of it; they are the principal bulwark between prince and people, the sheet-anchor by which holds the only *limited monarchy* in Europe.

The citizens were returned by the metropolis and capitals of counties; and the burgesses by smaller towns at that time of consequence, and remarkable for population.

These were all, in the original institution, the real representatives of the people, appointed by them to the *task* of duty, and not with sinister fallaciousness solicited by the candidate as an honour. Independent men the law of parliament presupposed them, from the qualification required: always resident, they possessed local knowledge, native affection; ever active and attentive to the constituent interest; unbiassed, incorrupt, their only object was the good of their country, which they saw through its truest medium; their debates were short (truth is seldom an abstruse point); no tongue was then interested to make "the worse appear the better reason;" their resolves were unanimous, and always decisive.

I will not say the constitution has deviated from its primitive principle, but it is certain the slow stream of time has removed us from the ground on which representation first stood. Agriculture was formerly almost the sole source of riches in this country, but long since the original formation of our constitution, the discovery of new worlds, a wonderfully extended commerce, increased manufactures, but above all the immense funded national debt, have created a property then unthought of; which it will hardly be denied is not now adequately represented in the state. The freeholders are, and ever must be, the most respectable body of electors in the kingdom; but their due weight in the political scale is subverted by the venal boroughs; the extermination of which ought to be the ardent wish of every true lover of his country.

In support of the landed property, and as an auxiliary to its independent interest, be it observed, that the citizens representing capitals of counties, are (with a very few exceptions) returned by a corporate body of from ten to fifty, to the exclusion perhaps of two or three thousand fellow citizens. Householders, amenable to every tax, equally adequate from educa-

education and from property, have a right to judge of the fitness or unfitness of their representatives; men bred to professions; men living upon acquired fortunes, but vested in securities deemed by them more eligible than landed property; manufacturers, and artizans of various denominations, with most populous appendages. Added to these, the immense number of men and families employed in the long detail of internal commerce; amongst whom frequently are many freeholders of distant counties, accidentally transplanted, from whose *undistinguished virtue* it is not to be expected they should travel a hundred miles at *individual expence* to give conscientious suffrage: No! where permanently and substantially fixed, there they ought to have a local consequence. These form the bulk of inhabitants in cities and large towns, employing in trade probably from 500l. to 5000l. who, while they are sedulously applying to acquire fortunes for their families, are, in conjunction with the landed property, the great support of the state. For were every unrepresented man of the above description to refuse paying the taxes, it would make a horrid chasm in the public finances. Who pay the taxes? Not the great only, their numbers are inefficient; not the cottager, inability is a preclusion: They fall then on the middling class, whose numbers and property effectually sinew the hands of government. For let taxation, Proteus-like, assume what shape he will, assessments of land, duties on foreign imports, or internal excise, the burthen ultimately falls on the consumer.—To this description of men principally this letter is addressed, *who being conscious that they ought to be represented, yet feel they are not.*

The burgesses remain to be mentioned. Burgage tenures have often been emphatically called the rotten part of our constitution; indeed the data is never denied: subversive not only of what they were originally intended to support, but in the *mode of election* subversive also in the most flagitious degree of morality. The shocking detail is not now designed, but only to consider the numbers which form the body of reputed electors. Let any one cast his eye on the map of England, from the North Foreland in Kent, to the Land's End in Cornwall, and observe the number of boroughs that send members to parliament; from the Cinque Ports; from places that exist no longer but in name; from others so insignificant and inconsiderable, that the united consequence of forty of them does not amount to half of that of three (at

present unrepresented) manufacturing towns; and yet, even here, in many places not a fourth, in others not a twentieth part of the inhabitants are permitted to vote; and in some, incredible to relate! hardly one, but honorary burgeses return the members, that never saw the place in their lives before they came there to give their vote. Yet has corruption dared to assert it sacrilege to touch this venerable fabric!

The single intent of this letter is to place in one point of view, the numbers that send members to parliament, and the numbers that do not. Setting aside the counties and great independent towns, and considering only the corporate bodies, and garbled boroughs, where the voters are contracted, nothing near so many as fifty thousand suffrages return half the English members of the house of commons; while there are more than five hundred thousand fellow-citizens, people of property, equally eligible, that have not a voice to return one.

It would be an abuse of argument, to adduce one from the premises: the only wonder is, how the usurpation has continued so long. The remedy is in the power of the people; they have only to demand with firmness, what must be granted, not as a matter of courtesy, but right. There is no power in the constitution to deprive an Englishman of his unforfeited franchise, nor to withhold it, legally demanded. The epithet of virtual representation has done mischief enough in the case of the Colonies; it is nonsense and insolence to use it. Put the case strongly:—Should the first estate in the constitution destroy the privileges of the present electors, and, instead of appealing to their approbation, appoint representatives for counties as he does sheriffs (the case is only more new, not more unjust) would they deem themselves represented, and submit to the innovation? No; they would find a remedy in resistance."

L E T T E R III.

"In my last I made an humble attempt to demonstrate the gross inequality, and consequent injustice, in the present state of *parliamentary representation*; the point is most amply accomplished by the Duke of Richmond, who, in his letter to the high sheriff of the county of Sussex, calculates, that "All the electors in Great Britain do not amount to one sixth part of the whole people, and a still greater inequality subsists in the elections made by that sixth part; for one seventh part

of them elect a majority, so that one forty-seventh part of the nation dispose of the property of the whole, and have their lives and liberties at command. And this forty-second part, far from consisting of the most opulent part of the kingdom, is composed of the small boroughs, most of which are become either the private property of individuals, or are notoriously sold to the best bidder; so that the counties and great cities are, in fact, as well as the great mass of the people, swallowed up in this system of corruption."

Another calculation instances, in a striking point of view, where *twelve electors* (the whole number of six boroughs) return *twelve members*;—as many as six opulent counties, and three times as many as the city of London.

A multitude of other defects, of shameful notoriety, might be enumerated, but too voluminous for newspaper insertion.

If these facts are established (and the proofs are too incontrovertible) if it be admitted that *the house of commons ought to be a real representation of the people*, will the most interested abettors of corruption have the effrontery to assert, that the *present* is so? and dare to brand as sacrilegious, that hand that should attempt to support this mouldering ruin, this venerable, but decayed, fabric?

Corruption, the chief engine of despotism (interested to support itself) is ever on the watch to curtail the natural and equal right of mankind. Corruption loves the few, loves concealment, always has an arcana, which too many vulgar eyes would profane: hence the cherished maxim, that the electors cannot be too circumscribed; though now only a forty-second part of the people return a majority, *they* sometimes give too much trouble; if only one in a thousand voted, it would be full enough; virtual representation (that convenient epithet) would comprehend them all; and as for any controul the represented may idly pretend to have over the representor, it is the highest piece of impertinence to think of it; what a man has bought, that he has surely a right to sell.

The arguments used by the abettors of this system are equally cogent with the goodness of their cause: the elegant, ready cut and dry phrase yclep'd "botching the constitution," is ever in their mouths; but this objection, it is hoped, will be totally obviated by not a *partial*, but a reform on the *broadest basis*, where every man, who with his person and property supports and defends the state, shall be restored to his inherent right, to his primeval privilege. It comes home

to every man's conviction, nay to his confession, that it *ought to be so*; and the only objection to the attempt is, the despair of ever attaining so great, so desirable an end.

It is alledged, that annual or frequent elections would be productive of much drunkenness and riot: this at first sight appears plausible, arguing from present woeful experience; but a moment's consideration will discover, that corruption herself will invalidate that plea; for take away consequence, patronage, emoluments, from a seat in parliament, and the candidate will not pay the price of making an elector drunk for his suffrage. (Who with earnestness, were it elective, would solicit the honour of being sheriff? Yet is the office of great trust, highly, and—what men covet—locally honourable.) *Seventy* annual elections (if the desired reform takes place) will not *then* produce so much disorder as a single septennial one *now*; the cause removed, the effect will cease*.

A most insolent proposition is advanced, that individuals possessing boroughs will be injured in their property. Heavens! are we propertied? Are Englishmen to be disposed of like the vassals of a Polish district? the appropriated cattle of the foil? The spirit of a Briton spurns indignant at the idea! Whence originated this right? How grew it? Is it not an act of attorney, pleading the unjust demand of his principal? There certainly was no original property in boroughs, nor does the long dormant claim of the rightful owner argue any prescriptive right in the possessor, or in the smallest degree invalidate his indefeasible right to reassume.

Innovations in the constitution are said to be dangerous, especially as it is not known to what extent they may go: this is the most general, and would be the most forcible, argument, if founded in fact. We have heard this language held by men whose veracity we subscribe to, and whose characters we revere; but if they, from a partial bias, see this object through a false medium, let not a respect for their opinions mislead, or cause us to neglect the duty we owe ourselves. It is not in states, or great bodies of men, where they form a common opinion, and act in a corporate capacity, that the same spring and principles are to be found as actuate individuals.—Friendship and generosity, the fine feelings of the

* If pure is the spring from the fountain,
As purely the river will flow;
If muddy the stream from the mountain,
It poisons the valley below.

heart

heart, may influence the latter to prefer the good of a beloved object to itself; but where the collective body speaks, interest alone governs: therefore the opinions of men of this description, however in other respects unexceptionable, are to be received with a latitude, *because the interest warps the judgment*. Were I a member of a corporate body, I should most certainly think no person more competent to decision, than myself and brethren, and deem it injurious to have my privileges lessened; not in the smallest degree glancing an eye to the excluding monopoly that destroys the equal rights of my fellow-citizens. It is the interest of corrupting ministers, corrupting boroughs, and corporate bodies with exclusive privileges, to support the present system; but it is the interest of the community at large to emancipate themselves; therefore it is no innovation in the constitution for the people to desire equal representation; it is reverting to its original principles; from which, led by the hand of corruption, it has deviated; nor can there be any danger in the endeavours to restore it, because it can go no farther than its proper level, universal and co-equal right.

Two centuries ago, many of the (present) obnoxious boroughs possessed local consequence, which the hand of time has now transferred to other places. Is it innovation in the constitution to require that representation should follow population and property? And is it not contradictory to common sense to insist it shall be fixed to an obsolete desert? Suppose a town, consisting of a thousand houses, should be so far burned down, and destroyed, as to leave only one house standing, and the inhabitants should prefer a scite to rebuild their town a mile removed from the original spot; would it not be in the highest degree absurd and unjust, if the right of representation should be judged to remain with the single house, and not remove with the inhabitants?

Super-added to these reasons for a parliamentary reform, be the grand one adduced. Corruption had not then contrived to sow the seeds of a separate interest between constituent and representative; then kingly prerogative was the common enemy, of which the people were always jealous, and to oppose which their representatives, with *undivided opinion*, were always united in a firm phalanx: then the delegated suffrages of the people formed the third, distinct, uncorrupted, estate of the kingdom; and as the constitution then stood, it was rightly judged, the powers lodged in their hands could not

be

be too extensive ; but the complexion of the times is changed. We have now more to apprehend from the domestic assassin, sly insidious privilege, than even from the hostile attacks of the open foe prerogative. It was a known apophthegm of the great Lord Treasurer Burleigh, " *that England could never be ruined but by parliament.*" This saying, the result of profound wisdom, and surely dictated by a spirit of prophecy, is nearly accomplished in our times : and if the *reform* does not take place, Englishmen may bid adieu to their liberties, for the fraudulent mining arts of corruption will most assuredly effectuate by sap, what tyranny could never carry by storm.

T. YATES, Sec.

At a Meeting held at Holyland's Coffee-house in the Strand, on Friday, July 4th 1783.

Dr. J E B B (Vice-President) in the Chair.

Resolved,

THAT the following Letter from Capel Lofft, Esq. to Mr. Yates be entered in the books of this Society, and published in the news-papers.

" S I R, *Troston Hall, 30 May 1783.*

" I have received your enclosure, containing the Dialogue between the Scholar and the Peasant, with the resolves of the Society concerning it ; who, I think, have acted, as became them in publishing what has been done by them to promote the distribution of that constitutional and useful summary of the principles of government familiarly illustrated. When I first received it, convinced of the justness and utility of the sentiments, and struck with the clear and ingenious mode of conveying them, I sent it to the editor of one of our best county papers, desiring it might be inserted ; which it accordingly was. I have distributed a considerable number, and have found the doctrine and its illustration much and generally approved. If more of the second edition should be intrusted to my disposal, together with the other tracts mentioned in my former letter, I shall not fail to circulate them. The substance of the Dialogue, which I have scrutinized and repeatedly reconsidered, appears no more than an assertion of the right of the people to agree to laws by a free and equal choice of representatives, where they judge it impracticable to con-

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vene personally for that purpose ; and the right of resisting, should government oppose force to justice. Points which, could they be made doubtful, the idea of a Society for Constitutional Information would be weak indeed. Since it could not (this being supposed) be proved, that the people had any rights of which to be informed, and it would be very evident, that what may not be defended is possessed in vain ; so that to be convinced of its existence and value would only be an aggravation of wretchedness. Once indeed there was a time of disgrace, in which a declaration was prescribed by act of parliament, subjecting all to the mercy of the crown, by requiring the subject of this immemorially free nation to declare, that it was not lawful, upon any pretence whatever, to take arms against the King * : and whereby the conscience was farther violated, by enjoining an abhorrence to be declared of the doctrine of contending for the constitutional rights of the kingdom, against (if necessity should require) the person wearing the crown ; but departing from those rights : which conduct, justified by reason, and exemplified in so many illustrious instances, is qualified by the title of ' that traiterous position of taking arms by his (the King's) authority against his person, or against those that are commissioned by him.' This declaration is deservedly repealed by the 1 W. & M. chap. 8. And in the year following, what was negatively established, by taking away the unjust obstacle of the declaration, was affirmatively pronounced by the bill of rights, in the clause, providing, that the subjects which are protestants may have arms for their defence, suitable to their condition, and as allowed by law. A right not only allowed, but a duty, of which the body of the people are reminded by several of our antient laws ; being the only public defence before standing armies were introduced, and our militia moulded into an establishment of too near resemblance to that engine of despotism. We are Englishmen ; and have not conferred on our Kings or Parliaments all our right and power, as the Roman Emperors pretended the degenerate sons of that great republic had transferred theirs to them : yet even there, a Trajan was not wanting, who recognized a right, which no forms, no concessions can abrogate, by annexing to the vows for the continuance of his health and empire the condition, ' if he governed well and to the good of the community ;' and by delivering to the captain of the

* 13 & 14 Car. II.

Præ-

Pratorian Band the sword, with this admonition, 'For, or
against me, as I deserve.'

I am, S I R,
Your obedient servant,
CAPEL LOFFT.

To Mr. THOMAS YATES,
Secretary to the Constitutional Society.

Resolved,

THAT the following Letter from Capel Lofft, Esq. to
Mr. Yates, containing an Extract from The Legislative
Rights of the Commonalty vindicated, by Major Cartwright,
be entered in the books of this Society, and published in the
news-papers.

S I R, Troston Hall, June 23, 1783.

The following Extract from 'The Legislative Rights of
the Commonalty vindicated,' by Major Cartwright, I think
is not among the extracts hitherto published by the Society.
It appears seasonable, to the removal of a fallacious objec-
tion, the more dangerous because founded on the appear-
ance of a zeal for the rights of freedom. And at the same time
that it proves how much that zeal is mistaken in its object, it
points to us the dreadful amputation which our elective rights
are really condemned to suffer by those who would confine
them within the narrow and partial limits to which they have
been unconstitutionally and against first principles of right re-
stricted.

After stating the well-known objection of Junius, against
amputating those rotten parts of the constitution, the petty
boroughs—that, granting the right, the limits which must di-
rect the execution of it, cannot be satisfactorily or justly ascer-
tained, this excellent assertor of our only constitutional secu-
rity, free, equal, and universal suffrage annually exercised,
replies, 'In answer to his query concerning which are the
rotten parts proposed to be amputated, I would, with much
deference, take leave to remark, that this allusion (as is too
common with the language of allusion) does not furnish us
with a correct idea of the nature of the case. The disease
is not so much a partial gangrene as a general taint. The
rottenness in the members is but a symptom of the cor-
ruption in the blood: purify this and that will disappear.
Life may, indeed, be saved by amputation, when that cruel
remedy becomes necessary: but amputation is itself a partial
death; and at best it leaves us but the remains of a maimed
' and

and mutilated body. For a bad habit of body then we must
not have recourse to the knife, but to medicine and regimen.
Now, I make no scruple to assert, that just so much of
our mode of electing as operates to the exclusion of any in-
dividual man from giving his vote, and just so much as we
exceed the duration of one year in the length of our parlia-
ments, is defective and unfair; and therefore ought to be
altered. The numbers who now elect with respect to those
excluded (admitting the first to be 214,000, and the whole
number intitled to be 1,500,000) are in proportion of one
to seven: and the same proportion there is again between
a septennial and an annual parliament. If therefore we ac-
count the sum total of the liberty we enjoy to be equal to
forty-nine, then by the inequality of representation it is
brought down as low as seven, and by the imposition of a
septennial parliament it is finally reduced to ONE. So that
we may say, with precision, that the rottenness extends to
forty-eight parts in forty-nine. In other words, your liber-
ties, Britons, are gone [in this proportion] A free
state is an island encircled by a sea of tyranny, of a level
that overhangs its surface, and which is only prevented from
rushing in upon it on every side, by those equal and just laws
which constitute the dike of its defence. Such were once
the laws of this country; and they had defiance to inunda-
tion. But I have proved, that the iniquitous statute of dis-
franchisement and the no less iniquitous septennial act have
left us only one part in forty-nine of that defence remain-
ing; and, consequently, that it is an abuse of words to call
ourselves any longer a free people.
'Tis no answer to me to say, that we have not yet a
bastile and lettres de cachet; that we are not yet draughted
by poll, and converted into machines and instruments of
despotism; that teeth money hath not yet been demanded
of us; that our courts of justice are not yet become courts
of inquisition, nor relapsed into star-chambers; that the
three branches of the legislature are not yet become one in
form, whatever they may be in effect. For all these favour-
able circumstances will quickly and necessarily melt away, so
long as there is no power left in the hands of the people for
the defence of their liberty: tyrannical doctrines and prac-
tices will rapidly and necessarily grow in the constitution,
where their accursed seeds are already scattered, and the
VOL. II. C fat

[18]

' fat dunghills of corruption are even now forcing them into 'vegetation.'

Thus far this solid, perspicuous, energetic author, justly reputed one of the most rational and animated advocates of freedom since the days of Locke. A mighty oak, with almost its whole extent of branches blasted and leafless, the few barren shoots remaining overhung by some of their weakest fellow twigs, gilt and decorated with destructive ornaments, instead of the simple beauties of health and uncorrupted verdure, might be something like an image of our present state. There is hope of the tree, however, while life remains at the root. Now the root of freedom is immortal: and the revival of a nation to liberty is certain, when they have the spirit to examine into the abuses that enslave them, to see their rights, and to claim that restitution, which, whenever they agree in demanding, nothing can withhold from them.

I am, dear Sir,

Your obliged and obedient servant,
CAPEL LOFFT.

To Mr. THOMAS YATES,
Secretary to the Constitutional Society.

Resolved,

THAT the following Letter, received from Capel Lofft, Esq. the 20th of June last, containing Extracts from Grey's Debates, vol. x. be entered in the books of this Society, and published in the news-papers.

" Dear S I R,

" In reading the Gentleman's Magazine for March 1745, the arguments of Lord Chesterfield, and others, against the Law of Forfeitures, striking me, as very able and exceedingly well delivered, I rambled farther and looked into the Abstract of the Contents of Anchtel Grey's Debates; where seeing the head of Frequent Parliaments, I referred to the volume itself; from which I have extracted the underwritten.

GREY'S DEBATES, VOL. X.

Sat. Jan. 28, 1692.

On the first reading of a bill from the lords, for the frequent calling and meeting of parliaments.

Mr. Pelham. I am sorry to see gentlemen offended at a bill of so good a title and intent. The objections have been three—That it comes from the lords—That it will hazard the

[19]

the government—That it is unseasonable. As to the first, I take the lords to be concerned to do some such thing, because they rejected a bill from this house much to this purpose. As to the second, nothing of this kind can hazard the government, from the people of England. A present member of this house, a member also of the pensioner parliament, told me, that he, by order, paid pensions to thirty members of that house. The like, by long sitting, may be done again. As to the third, the bill can never be more seasonable than when we give so much money. Page 301.

Mr. Hutchinson. I think we, by negligence and late attendance, seem weary of our own sitting.

Mr. Herbert. I had rather have a standing army than a standing parliament. [He might have added, the alternative is but ideal: for wherever the last is, you may be sure of the other. Remark by the Extracter.]

Mr. Bowyer of Southwark. The two greatest mischiefs to this kingdom are, either to have no parliaments or to have long parliaments. The bill of rights would have 'frequent parliaments,' in the plural number. Such a bill would make men not spend money to be elected. P. 301—2.

Mr. Harley. Annual parliaments have been enacted by several statutes. It is no entrenching on the prerogative, but is for the honour of the king. A STANDING PARLIAMENT CAN NEVER BE A TRUE REPRESENTATIVE. Men are much altered after being some time here, and are not the same men as sent up. P. 302.

Sir Thomas Clarges. I should be unworthy to sit here, if I did not give testimony to this bill. The language of this bill is the same with the antient former laws for annual parliaments.

Mr. Foley. It is necessary for us to have frequent parliaments, and to take care also that parliaments be not corrupted, which frequent and fresh are less subject to.

Sir Christopher Mulgrave. Since formerly laws made for this purpose have been evaded, it is fit now that such laws should be explained. I have ever found long parliaments ungrateful to the people. The reason to perpetuate ourselves is of no great benefit; but, on the other side, let your neighbours come in, and those we represent be at liberty to be served better. I think, long sitting of parliaments not for the King's interest. This parliament hath either had adjournments or short prorogations; by which means, by reason of privileges, the

the people can not have their rights. By this we shall shew that we are not lovers of ourselves. [Meaning, more than of justice, the constitution, and our country. Remark by the Extracter.]

Col. Granville. I think this bill takes care of our antient constitution, and doth not innovate. When parliaments sit long, many will spend money to come in. I hope gentlemen will not be against looking their country in the face, when here discharged. P. 304.

Mr. Hopkins. Our ancestors always aimed at this, as appears by several antient laws. When men continue here long, they alter. They come up hither free men, but are here made bond men. If to be elected be an honour, let neighbours share; if a burden, so likewise.

On the second reading, Febr. 10. Frequent parliaments will be much better, and the ministry also will be thereby much better. P. 306.

Mr. Howe. The argument of prerogative and the advantage we shall give our enemies by this bill are words we make use of for our own sakes. It is said, it will weaken our alliances. It is unreasonable but we should have some good laws for ourselves, and not respect alliances in neglect of ourselves. [He might have added, Nor expect the faith of our treaties and the benefit of our alliance will be esteemed the higher by other states, in proportion as we resign ourselves to servility and corruption. Extracter.] Lord Coke says, Before the Conquest a parliament was held twice a year, and in Edward III's time once a year*; and this to redress grievances, which every day happen.

Mr. Brockman. I wonder this should be thought to intrench on the prerogative. *It is better for the King to rely on his people than on the ministry; not excepting the present ministry.*

Mr. Goodwin Wharton. I believe the bill not designed ill by the lords. I believe they thought not ill of this house; for only a good house will consent to such a bill.

Mr. Hungerford. The triennial act intended a new parliament every year †; not a triennial sitting.

Col. Titus. Manna when it fell was sweet as honey; but, if kept, bred worms.

* And oftener when need was. Extracter. † So in the printed copy.

Bill

Bill passed 200 to 161. [Rejected by a very invidious exertion of the negative claimed by the crown. Extracter.]
Mond. Dec. 18, 1693.

In a grand committee on an ingrossed bill from the lords, for the frequent calling and meeting of parliaments.

Sir Christopher Musgrave. I think we have a just right to annual parliaments.

Sir Christopher Musgrave, on the third reading.

There is nothing so much for our constitution as frequent parliaments.

Sir John Thompson. Every body is tender of the prerogative; and, I hope, we are too of our liberties.

Col. Titus. It is no objection, that this bill came from the lords. As for the disobligation to the people, good parliaments they desire, and I never saw long parliaments good ones. A picture, new drawn, may be like the person it represents; but in time the colours will fade, and it so alters from itself, that no man can know what it represents. If we would have a picture like, it must be new drawn. Page 372—3."

The above extracts furnish us with testimonies of the right, expedience, and necessity of frequent parliaments; from members themselves, speaking against their own obvious and most seducing interests. It also appears, that holding of parliaments was properly and constitutionally understood at that time, by several members at least, to mean sessionally elected parliaments. With the utmost esteem,

I am, dear SIR,
Your affectionate and most obliged friend,
CAPEL LOFFT.

TO EDWARD BRIDGEN, Esq.
Treasurer of the Constitutional Society.

At a Meeting held at Holyland's Coffee-house in the Strand, on Friday, July 18, 1783.

Dr. J E B B (Vice-President) in the Chair.

Resolved,

THAT the following Address to the Merchants, Manufacturers, and other Inhabitants of Leeds, Wakefield, Halifax, Manchester, Birmingham, Sheffield, Rotherham, and other

other unrepresented Towns, be entered in the books of this Society, and published in the news-papers.

“ Friends and Countrymen,

Permit me, with the affection that every man ought to bear towards his fellow-citizens, and with the anxiety that every citizen ought to feel for his country, to submit to your consideration the following reasons, why, in my humble opinion, the reform of Parliament, now in agitation, ought not to be regarded by you with indifference:

1. Being subject to the legislation of persons whom *other men have placed over you*, it is evident that you are denied that which is the birth-right of every Englishman, and without which he is not a free man, viz. a share in the making of those laws which have power over your properties, your families, your lives, and liberties.

2. Being very deeply interested in trade, not only at home, but in all parts of the world, you ought to have in Parliament deputies well informed on the subject of commerce in all its branches, but more particularly acquainted with that which you in an especial manner commit to their guardianship, as your immediate representatives. It is not otherwise possible that your interests should be properly attended to.

3. Should you not join the public-spirited towns and counties who have petitioned for a reform in the national representation, there is reason to apprehend that it will be but very imperfectly amended. And if the amendment fall any thing short of making Parliament *independent* of the Crown, perhaps the only difference we may find, may be, that it may henceforth cost the nation more to purchase majorities for the Minister, than it has hitherto done; for, if corruption, instead of being made impossible, be only rendered *somewhat more troublesome*, the additional trouble as well as the additional value of votes must be paid for.

4. It is a truth known to you all, that a country which once loses its liberty, must shortly lose its trade also. Thus, on commercial principles themselves, you are bound to contribute your share towards the reform of Parliament, although it should be attended with some cost and labour. The fruits of your industry will prove to your children but a poor inheritance, if not accompanied with freedom.

5. So long as a *majority* of the House of Commons shall continue to be appointed by a number of borough electors not

not exceeding *seven thousand*, as now is the case; so long will bribery govern borough elections, corruption be the characteristic of Parliament, and an oppressive taxation be the lot of the people.

6. If the present inequality of representation and length of Parliaments be the causes of parliamentary corruption, as they undoubtedly are, we must remove the causes before the effect will cease.

7. By a *corrupt* Parliament is meant, that which, instead of being a shield against unnecessary taxation, is the *hired instrument* whereby the nation is pillaged;—that which, instead of proving a check upon the Crown, when disposed to engage in unnecessary and ruinous wars, is the *bribed tool* by which the nation was first gulled into an approbation of war, and afterwards drained of its blood and treasures to carry it on:—and again, uniform experience teaches us, that whenever Parliaments are under an undue influence from the Crown, they are ever ready to betray the most sacred rights of the people. Suffice it at present to recal to your recollection a few instances only. In the reign of Henry VIII. Parliament enacted, that the King's proclamation should have the force of law; in the reign of William III. they made a precedent for suspending by statute the benefits of the *habeas corpus*; and it has since been several times practised: in the reign of George I. by means of the statute, vulgarly called *the riot act*, all the *constitutional* means of giving support to the civil magistrate were supplanted in favour of the practice of calling out the *standing army*. That government, which cannot preserve its authority without *such* an instrument, deserves not the name of government; and that country, in which it is an ordinary practice to support the execution of its laws by a standing army, *is not a free country*. But the deadliest wounds that freedom ever received from Parliament, were those which have been given it by *the disfranchising statute of Henry VI. the triennial act of William III. and the septennial act of George I.* for, by the joint operation of *those three statutes*, the very foundations of the constitution are removed. *Those* statutes not only defraud the nation of six parts in seven, both of its election and its representation, but they have effectually vitiated the remaining seventh.

8. Parliaments chosen as they now are, and continuing for seven years as they now do, will ever be composed, for the most part, of a few factions, under the guidance of particular noblemen,

noblemen; perpetually contending for the power and emoluments of office. The common-foldiery of these several factions, like that of all other standing armies, is made up of mercenaries from the most idle and profligate orders of the community. Who so idle, as men of pleasure and the vicious part of our nobility and gentry? Who so profligate, as murdering nabobs, prostitute lawyers, and unprincipled adventurers, who, through the iniquity of corrupt elections, make their way into Parliament, and there let out their tongues and their votes for hire?

9. Parliaments chosen as they ought to be, that is, by the whole nation in just proportion, and continuing, as they ought to do, for one session only, must of course (as corruption without doors would then be *impossible*) consist of men most eminent for virtue and wisdom from every part of the kingdom. Every district, and every town, (freed from an undue influence by the *multitude* of its electors) would undoubtedly appoint for its parliamentary representative or attorney the person best acquainted with its interests, and best qualified to promote them. These representatives, feeling that dependence on their employers which an annual election would insure, and carrying with them into Parliament characters of value, would be doubly guarded against falling into temptation; besides, their virtue would be farther secured, from this important consideration, that, as no Minister in his senses would esteem it practicable to bribe a *majority* of such a Parliament, it follows, that bribing *individuals* could be of no use to him.

10. But such a Parliament cannot be had, unless we will revert to the first principles of our constitution, which we have so shamefully abandoned. Since electing a Parliament is our only security against an arbitrary power in the Crown, *election* itself must be not only the common right, but the common *duty* of all the people.

11. The only plausible objection which is held forth, in order to discourage the *manufacturing* towns from demanding representation, namely, *the loss of time amongst the workmen that would be occasioned by elections*, is an idle bug-bear.

12. All the idleness and vice of modern elections in this country are the consequences of that very inequality of representation, and that long duration of Parliament, of which we complain. While all but the *villains* of former times, that is, while *all free subjects* had their votes, and Parliaments were

were chosen sometimes twice and sometimes thrice in a year, tumult and debauchery at elections were unknown; and there were not above *two or three* cases of false returns or disputed elections in the course of *two hundred and seventeen years*, as stands proved by authentic records in the Tower. In a *single Parliament* of the present reign, the trials upon contested elections fill *five large volumes*; and the profligacy so frequently attending the choice of members is a reproach to our age and nation.—*Is it not time then to restore a representation of all and Parliaments of a single session; since they alone can insure us peaceable and virtuous elections.*

13. Prevent the temptation to the evil you dread, and the evil itself will be prevented: this is a law of nature. If parish officers, if common-councilmen of London, and mayors of corporations, if committees for all sorts of business, if, in short, deputies of any other description, can be annually or more frequently elected without any evil consequences, is it not an insult to our common sense to tell us, that deputies for transacting our parliamentary business may not be so elected also?—Prevent, I say, the *temptation* to the evil you dread, and the evil itself will be prevented. The temptation to the candidate—is the hopes of a place, a title, or what else he can get from the minister; the temptation to the borough elector—is the candidate's treat and his bribe.—*As elections of all, and sessional Parliaments*, would cut up by the roots this commerce of corruption, so they would insure you elections as peaceably and orderly, as your weekly meetings at Divine service, or in your markets. Thus, that glorious word, *election*, which is not to be found in the dictionary of any enslaved nation, would be restored amongst us to its plain and honest signification; carrying with it no other idea, than that of *a free choice of freemen, for their own benefit and happiness.*

14. But if we cannot believe history, nor place confidence in records themselves; let us, at least, trust our own senses, and observe what is the conduct of our sober and sagacious brethren of America. If representation be of no use to a trading people, and if elections are nuisances, why have the industrious citizens of Philadelphia, Boston, and all America, secured to themselves, by their new constitution, an *equal representation* and *annual elections*, as the very essence of that constitution which they inherit in common with ourselves,

and as that without which they knew they should not be a free people?

15. If you think to enjoy the benefits of representation through persons *chosen by other men*, and over whose dismission you have no power, you much deceive yourselves. Supposing a merchant had not the choice of his own clerks, nor workmen, nor household servants, but they were to be appointed for him by the exciseman, or by some neighbouring Lord who had an interest in so doing; and if, when so appointed, he could not get rid of them in less than seven years, let their idleness, extravagance, and dishonesty be ever so glaring, and their insolence ever so insufferable, does it need the spirit of prophecy to foretel, that his name would soon be in the Gazette, proclaiming him a ruined and miserable man? And is not that great merchant, the Nation, brought to the verge of bankruptcy by these very means?—A nation happy above others in the fertility of its soil, and the industry of its inhabitants; a nation which now possesses a district of India equal to the whole kingdom of France, and until the other day, possessed also a continent in America, is nevertheless, I say, and by the means I have pointed out, nearly reduced to the condition of a bankrupt. In consequence of losing, through supineness, the appointment of its own clerks, workmen, and servants, or in other words, its own Parliament, it is now indebted *two hundred millions of money*, and not only its lands, but *its future industry*, is deeply mortgaged for payment of the interest; whereas, had it constantly asserted its rights, it needed not at this day to have owed a shilling.

16. As the interest upon these two hundred millions is just so much to be deducted from the profits of the national industry, and as nations less taxed may consequently under-sell us at foreign markets, the manufacturing towns of this kingdom are peculiarly and eminently interested in restoring purity to Parliament. They ought also to recollect, that if it be neglected, an increase of debt, and consequently an increase of taxes, must follow; for, so long as the *cause* of extravagance remains, the *effect* will not cease.

17. Although it is granted, that, if petty boroughs and septennial Parliaments were still to remain *in statu quo*, and the only alteration to be obtained, were a mere election of *two* members for each manufacturing town, the general advantage therefrom would be trifling, and the new elections might perhaps be inconvenient; yet, *that is not what is proposed;*

posed; nor would it be the consequence, if those towns, *containing an immense proportion of the whole nation*, would properly exert themselves. In conjunction with Surry, Middlesex, and the Metropolis, united in quintuple alliance, and the many other generous towns and counties which have already petitioned, the vast weight of the manufacturing towns would no longer suffer our hopes and fears, our recovery or our total ruin, to hang in doubtful balance; but the sterling gold of reformation would preponderate, and treachery and oppression kick the beam.

18. Take a sketch of such elections as are proposed. It being found that the proportion of English electors to every representative, according to the present number in the House of Commons, is about *three thousand*; it follows, that each county and each town ought to be divided into districts of election, containing each about that number of male inhabitants, of twenty-one years of age. By the militia lists alone this might be easily done. In towns, where the whole number of electors for each district might inhabit one parish, there ought to be ten or twelve subdivisions of them, so that not more than three hundred at most should elect in one place. This would not only preserve peace, but insure the completion of the election in one forenoon: it would also so facilitate the attendance, that no manufacturer or mechanic need lose an hour's labour.

19. A moment's reflection will convince any candid man, that in such elections annually repeated there could be no such thing as bribery; and if a ballot were added, all undue influence of wealth or authority would be effectually guarded against. Bribery and threats out of the question, who could have an interest or temptation to promote any licentiousness? It has already been shewn also, that in Parliaments so elected, and so dependent on the esteem and confidence, and power of the people, it would be as impossible to a minister to obtain support by corruption, as now it is impossible to find support *without* corruption.

20. But a minister, it is said, cannot carry on the business of the nation without a *majority*. This is held to be an axiom in politics. And so it is. No maxim is more true. But it is equally true, that, in Parliaments chosen as our's now are, that majority must be had by means of *faction and bribery*; in a reformed Parliament, it must be gained by *the rectitude of measures alone*.

21. A reformation of Parliament would produce a total revolution in the condition of the minister.—Instead of continuing to be an haughty lord and master of the nation, he would instantly become its servant, as the word *minister* imports.—Instead of having through a corrupt majority the purse of the whole nation at his mercy, he would find that it would not yield him an extravagant or an unnecessary shilling.—Instead of creating jobs, offices, and contracts, and squandering millions of the public treasure to gratify himself, his connections, his creatures and dependents, besides the enormous bribery within the walls of Parliament, he must correct every wasteful expenditure, and transfuse a spirit of œconomy thro' every department of the state.—Instead of being in a condition to make inroads on the liberties of the people, or to make any thing law, by which he could ingratiate himself with royalty, or strengthen his own hands against every opposition to his will, he must be content to act *within his own sphere*, which is to *execute* the laws made by the concentrated wisdom of the nation in Parliament assembled.

22. In such a Parliament as must be the consequence of asserting our right to an equal representation and annual elections, it would be as impracticable for any *faction* to displace an able and virtuous minister, as for a cabal of grooms and chambermaids, in a private family, to displace a steward, whose reputation had been established for talents and integrity, and who acquitted himself to the satisfaction of his master. So long as the minister did the business of the nation to the satisfaction of the nation, the representatives of that nation, having no temptation to do otherwise, but an evident interest in supporting him, would support him accordingly. Nevertheless, the House of Commons would still continue to be the political theatre for ambitious spirits to act their parts in; and it ought to be so. It is the proper school of politics; and whenever a great genius for government should arise, and could satisfy Parliament of any considerable incapacity in the minister, and of his own superior talents and knowledge, it would be the duty of Parliament to see that the nation was served by the fittest person in the kingdom; and a change would take place as naturally, and as peaceably, as when a private gentleman parts with one servant and takes another. Thus, so far from annual elections preventing amongst foreign courts a confidence in our government, as some maintain, they would raise its reputation for wisdom, vigour, and permanency

nency throughout the world; and by preserving a *perpetual harmony between the crown and the people*, and keeping always at the helm the person best able to guide it, the King of England would once more become the most powerful and glorious monarch on earth.

23. The Duke of Richmond has nobly laboured in Parliament to procure such a representation, and such elections; and he ought to be supported by all the honest and independent part of the nation. Demand then, with one voice, my friends and countrymen, that share in making your own laws, to which, by the constitution and the laws of nature, you are entitled. Pursue the only course which can ever affect any considerable reduction of debts and of taxes, or materially advance the interests of manufactures and commerce!—In short, be Englishmen! be free, prosperous, and happy! And give your posterity the same cause to revere *your* memories, as you have to bless *those progenitors* who left you an inheritance in a free constitution!

THOMAS YATES, Secretary.

Resolved,

THAT the following Address to the Merchants, Manufacturers, and other Inhabitants of Leeds, Wakefield, Halifax, Manchester, Birmingham, Sheffield, Rotherham, and other unrepresented towns, be entered in the Books of this Society.

Friends and Countrymen,

Having shewn why, in my opinion, the reform of Parliament now in agitation ought not to be considered by you with indifference, give me leave to explain more particularly than fell within the design of my former letter, the nature and necessity of an equal representation.

1. The Commons, equally with the King and the Lords, have a right to share in making the laws of the land.
2. As a right to the *end* includes a right to the *means*, they may consequently exercise this right by *representatives*, chosen and authorized by them for that purpose; for otherwise it were impossible that the right could be enjoyed or the end obtained.
3. As all the people (King and Lords excepted) are included

cluded under the appellation of *Commons*, so all the people have a common and equal right to representation.

3. That distinction which gives the privilege of election to the forty-shilling freeholder, and denies it to the copyholder of large property, or to the merchant of the greatest opulence who happens to have no freehold, is too preposterous to be dwelt on. Nor, when this odious distinction shall be abolished, can any other be admitted, without a violation of common right, and a degradation of some of the community below the rank of free-men.

4. According to the present division of the kingdom by counties, an equal representation of the *people* can only be had by a proportional representation of *counties*; that is, for each county to elect members in proportion to its population.

5. And it is also necessary to equality, that each county be subdivided into as many *districts* as it is entitled to members; so that each district may choose *one*. For otherwise an inhabitant of Rutland would have a share in electing only *two* members, while an inhabitant of Yorkshire would share in electing about *forty*.

6. Without electing by districts, there would be the same species of impracticability in assembling all the people of Yorkshire (about 120,000 males of 21 years of age) at the city of York, in order to elect their law-makers, as there would be in assembling all the people of England in the city of Westminster, in order to make laws. Our *right* therefore to elections by districts stands on the same ground as our right to make laws by representatives, viz. it is *the necessary means* to the enjoyment of an equal representation, which is our right. See § 2. And that those districts should contain no more people than are entitled to elect *one* member, is also evident; since it is a principle of common justice, that no man be put to any unnecessary inconvenience in the enjoyment of his right.

7. Without electing by districts, the very objects and ends of election would be always hazarded, and often lost; for if forty members collectively were to be chosen for Yorkshire in one election, scarcely any person in the middle or lower ranks of society could be acquainted with *the characters* of the far greater part of those who would be elected; nor would it afford any probability of providing a peculiar and intelligent guardianship of all *local interests* respectively. Besides these capital objections, it is obvious, that in forming and supporting

ing *lists of candidates*, the influence of sundry peers would be found to operate against the freedom of our elections.

8. A farther necessity for electing by districts arises from hence, that, in any case where more than one member is to be chosen, all those who succeed may obtain their seats in Parliament, although only *a minority* of the electors have voted for each, which is *contrary to the principles of representation*.

Let A. B. and C. be candidates where two of them are to be chosen, and the electors are 100 in number. Their respective partizans being anxious for success, and confident of strength, give none but single votes, when it appears that A. has 30; B. 33; and C. 37. Here both B. and C. become the members for this elective body, although neither of them have had in his favour a majority of votes.

Again: We will suppose the same candidates, and the same electors, and that none of them give single votes, when it appears that

52 vote for A. 26 of whom vote also for B. & 26 for C.		
30 vote for B. and the same	—	30 for C.
18 vote for C. and the same	—	18 for B.

Upon the whole therefore A. has 52, B. 30, & C. 18

	26	26
	18	30
	—	—
	74	74

Here then it turns out, that A. loses his election, although *a majority* of the electors have voted for him. If these contradictions and absurdities are incident to our present elections, what must be the monstrous confusion, if *forty* members for Yorkshire were to be elected by about *one hundred and twenty thousand electors* at one and the same election? Although *forty* only were to be chosen, we might have *sixty* or *seventy* candidates; and when you have calculated how many changes may be rung between such a number of candidates and such a number of electors, you may then form some idea of a *county* election, when the rights of equal representation shall be established.

9. But it may be objected, that, even in a *district*, where *one* member only was to be elected, the most successful candidate, in case there should be *three* or more, might not have a majority of votes. It is true, but then it is to be observed, first,

first, that within *such narrow limits*, it is not probable that more than *two* candidates should often present themselves; and when *two* only contend, one of them must have a majority: and, secondly, that if by a contest between *three* or more, such an equal division of votes should take place, that no one had a majority of the whole elective body in his favour, a second election might be had between *the two most favoured* candidates, to the exclusion of the others. Within the narrow limits of a *district* this remedy would be easy; whereas in a large *county*, where thirty or forty members were to be chosen, it might prove totally impracticable to obtain by any means a majority of suffrages in favour of every one, although the whole year were spent in nothing but elections. And, without a *majority* of an elective body have chosen a man, he can in no sense be called the *representative* of that body.

10. As a right to the *end* includes a right to the *means*, it is established by the foregoing reasoning; first, that our right to happiness and security gives us a right to representation; secondly, our right to representation gives us a right to equal representation; and, thirdly, that our right to both establishes a right to a division of the counties into the smallest districts of election that are possible.

11. On the same principle, that a right to the end includes a right to the means, we may go still farther, and shew, that as *parishes* are the smallest *public* communities, so the people, in strict justice, have a right to have their suffrages taken in their own parishes respectively, where there are public officers already existing who are fully competent to preside and officiate, and who might afterwards assemble in the center of the district to determine how the elections were decided. Thus, all would be upon a footing of *equality*, both in the enjoyment of the right, and in the *convenience* with which it were exercised.

12. As I take it to be very universally allowed, that the different conditions of mankind in point of property induces a necessary *dependence* of the far greater part of the people on their *employers* and *superiors*; and as I believe it will be acknowledged, that many superiors and employers are but too prone to make an ill use of power, I venture to maintain that the people have also a *right* to the use of a *ballot* in their elections; since, without it, they would be exposed to re-

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sentment and oppression for having exercised their privilege as free-men to the best of their judgment.

Let my fellow-citizens of the manufacturing parts of this county but duly reflect on the nature and necessary effects of such elections as would be the immediate consequence of a *full recovery of their rights*, and they will see that they must prove as friendly to peace, harmony, sobriety, and industry, in their several towns and villages, as to the commerce, prosperity, and power of our country.

How other bodies of industrious men, employed and interested like yourselves in *manufactures and trade*, have thought on the subject of reforming Parliament, may be collected from the several petitions of the *unrepresented* in Tiverton, Cambridge, Scarborough, Lancaster, and other places; but more especially from that of the *Tower Hamlets*, which is subjoined. As that petition approximates far more towards the true principles of a constitutional reform, than the earlier productions of the same kind, so I hope *the West Riding of Yorkshire* will still improve upon this model, and point more directly towards what is necessary to the great end in view.—What is it that we want?—OUR RIGHTS;—Away, then, with hints and timid insinuations! It is our business to define our rights, and to demand them.

THOMAS YATES, Sec.

At a Meeting held at Holyland's Coffee-house in the Strand on Friday, July 25th 1783.

Dr. BROCKLESBY in the Chair.

Resolved,

THAT the following Letter from the Dean of St. Asaph, relative to the prosecution lately commenced against him for the re-publication of a Dialogue between a Scholar and a Peasant, written by a Gentleman eminent for extensive learning and sound constitutional knowledge, and which was originally published by this Society, be printed in the Newspapers.

Vol. II.

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“SIR,

" SIR,

June 16, 1783.

" I desire you will inform the gentlemen of the Constitutional Society, that their goodness has put me into a situation that is not a little distressing to a liberal mind. They have made me painfully anxious to appear grateful for their generous and voluntary protection, and to render myself, if possible, not unworthy of it. It will not content me to stand acquitted of the charge, I will not say of the crime that I am accused of; for I know of none: I trust I shall appear upon enquiry to have taken no forward, or vain, or interested part in politics, which I acknowledge to be unsuitable to the character of a clergyman; but only to have taught and practised, when the occasion called upon me, the duties we owe to our country; those duties, which I have always held to be the most important and the most sacred duties even of a Christian. Let the weight of their obligation appear from the evils we have suffered, and still suffer by the neglect of them.

" I confess, that I, with the rest of the Flintshire Committee, approved of the Dialogue, not merely from the deference we paid to the authority of the Society, but from our firm persuasion, that it contained the clearest and most solid principles of government; those very principles by which our own free government has been hitherto preserved and sometimes reformed.

" For avowing these principles, though there are many who are equally criminal, and many who are more criminal than myself (and amongst the latter I have the honour to reckon all the members of the Constitutional Society) am I singled out for the object of a prosecution founded on an anonymous letter, supported by anonymous abuse and lying reports, and carried on under a false name, with the clandestine malignity of an informer, that feels ashamed of his own malice.

" I will meet the attack with the spirit of an honest, injured man, and am happy to find that the malevolence of one bad neighbour has procured me the countenance and good wishes of so many of the best of my countrymen: and even in the midst of persecution I have one great comfort left; that though malice and faction may oppress a private man, yet the British constitution is proof against the
" most

" most formidable attacks: its own vigour, and the spirit and integrity it gives to those who love it, will always be able to defend the ground it stands upon.

" I have the honour to be, SIR,

" Your very obedient humble servant,

" W. D. SHIPLEY."

To Mr. THOMAS YATES,
Secretary to the Constitutional Society.

At a Meeting held at Holyland's Coffee-house in the Strand on Friday the 1st of August 1783.

Dr. J E B B (Vice-President) in the Chair.

Resolved,

THAT the following Addresses to the Volunteers of the Province of Ulster, together with the Resolutions passed at a Meeting of Delegates from 45 Corps of the above Province, be entered in the books of this Society, and published in the News-papers.

THOMAS YATES, Sec.

At a Meeting of the Delegates of the Ulster regiment, at Hastings in Lisburn the 24th of June 1783, Col. Rowley in the Chair, the following Address was unanimously agreed to, and ordered to be printed:

To the Volunteers of the Province of Ulster.

Countrymen, Friends, and Fellow-soldiers,

While most of the nations in Europe are tamely submitting to whatever form of government one, or a few despots, think fit to continue or impose; it is the pride and glory of this, that her sons have awakened from the slumber of ages, and asserted with success the birthright of MAN—the right of being governed only by laws of his own making. You, our friends, have been distinguished labourers in this great work; you have reared a temple to liberty, whose base is on a rock which time cannot move; your plan was that of a master, and the execution, hitherto, equal to the design: but permit us to remind you, that much is still wanting to its perfection.

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The people of Ireland are now free from the control of a foreign legislature, but still there are defects in our constitution at home. If these are not redressed, all that has been done will only tend to aggrandize a few: the happiness of the people will not be encreased; nor the burdens under which they laboured, lightened or removed. Among these defects, the present state of parliamentary representation loudly calls for the first notice. No man in *this* kingdom will be found hardy enough to affirm, that the constitution of that assembly is perfect, and stands in need of no alteration or amendment. To this reform we would now call your attention.—There is a wisdom in the nation able to save itself—Let the sentiments of the people be collected: when joined there will be an efficacy in them salutary and irresistible—As the first step to this desirable end, we take the liberty to invite you, our friends and fellow-labourers, to a conference and exchange of sentiments through your delegates. In the confidence of our past conduct we appeal to you and the world for the purity of our motives—we have a property in our country, and are enemies to commotions: we are acquainted with the blessings of equal government, and will never be the instruments of anarchy or confusion. From an attendance on such a meeting be not intimidated by threats nor cajoled by cunning. Remember the 15th of February 1782. Cherish a similar spirit of wisdom, moderation, and firmness, and like success will crown your efforts. One of the provinces has already led the way; let the others follow: let the PEOPLE be unanimous, and in IRELAND “the voice of the people must prevail.”

HERCULES ROWLEY, Chairman.

At a Meeting of Delegates from 45 Corps of the Province of Ulster, assembled at Lisburn, the 1st of July 1783, in pursuance of a public requisition of the Ulster regiment.

Lieut. Col. SHARMAN in the Chair.

Resolved unanimously,

That a general meeting of the Volunteer Delegates of the Province of Ulster, on the subject of a more equal Representation of the People in Parliament, is hereby earnestly intreated to be held at Dungannon on Monday the 8th day of September next.

Resolved

Resolved unanimously,

That the following Address be published in the Public Prints:

To the Volunteer Army of the Province of Ulster.

Fellow-citizens,

In common with every class of Irishmen, you are sensible that this kingdom for many centuries might have continued to bear its chains in ignoble and indigent obscurity, had not an army of its citizens, by a great effort, dared to cast them off.

That the dignified conduct of that army lately restored to the imperial crown of Ireland its original splendor, to nobility its antient privileges, and to the nation at large its inherent right as a sovereign independent state;—that by inculcating the glorious spirit of toleration, it has united the once distracted inhabitants of this country into an indissoluble mass; and promoted the most exalted reverence for the laws—are facts that will exhibit a splendid and interesting figure in the annals of the age.

From a military institution so singular in its nature as to comprehend the several gradations of nobles, commoners, merchants, yeomen, and mechanics, every substantial good will be expected by wise and virtuous men.

They will with honest pride behold in the state an unparalleled combination of the military with the civil character, existing only for the general interests of the community; and prepared on the purest principles of the Constitution to give efficacy to the wishes of three millions of people.

The idea of a well-digested Parliamentary reform has ever experienced a favourable reception in the uncorrupted breasts of Irishmen and Britons. It has been uniformly looked up to as the true source of public virtue and of political salvation, by the first characters these kingdoms have produced. In this age we have seen it warmly supported by that consummate statesman the Earl of Chatham; and revived by the heir to his abilities and name the present William Pitt. It has received the sanction of the most eminent and honest men in both houses of the British Parliament; of a great number of the most respectable shires in England; of the Volunteer delegates of the province of Munster; and within these few days of the unanimous vote of thirty-eight corps, reviewed at Belfast.

Among

Among the many glorious effects of which a more equal representation of the people in Parliament would be productive, the following are obvious:—The destruction of that party spirit, whose baneful influence has at all times been injurious to the public weal:—a revival of the native dignity of the Crown, by imparting to each branch of the legislature its distinct and proportionable weight;—and the abolition of that train of courtly mercenaries, who must ever continue to prey on the vitals of public virtue, till the balance of the Constitution being restored, the necessity for governing by regular systems of seduction shall no longer exist.

Then would the constituent body regain its constitutional control over its trustees—and venal majorities would not be found to support the most dishonorable and pernicious measures, in opposition to the sense of the unpolluted part of the legislature, as well as contrary to the universal wishes of the public, and to the true intent of the institution of Parliaments.

With due deference for the august body which we have presumed to address—we therefore beg leave to express our wishes that the Volunteer Delegates of Ulster would assemble with the same spirit of loyalty, patriotism, and firmness which actuated them on the memorable 15th of February 1782, to deliberate on the most constitutional means of procuring a MORE EQUAL REPRESENTATION OF THE PEOPLE IN THE PARLIAMENT OF IRELAND—as *the only measure* which can give permanency to the late renovation of our Constitution, or restore that virtue to the representative body, without which, though the mere forms of a free government may be preserved, its spirit must inevitably perish.

Signed by Order of the Meeting,
WM. SHARMAN, Chairman.

PRINTED AND DISTRIBUTED GRATIS BY THE
SOCIETY FOR CONSTITUTIONAL INFORMATION.

At a Meeting of the Society for CONSTITUTIONAL INFORMATION held on Friday, Nov. 14th, 1783.

Resolved,

THAT two thousand copies of the following Letter from the Duke of Richmond to the Committee of correspondence at Lisburn in Ireland, and his Bill for a more equal Representation, be printed by this society, and submitted to the consideration of the public.

Resolved unanimously, That the thanks of this society be presented to his Grace the Duke of Richmond, for his excellent constitutional and truly patriotic letter to Lieutenant Colonel Sharman, Chairman of the Committee of correspondence, appointed by the Delegates of forty-five Volunteer Corps assembled at Lisburn, and that the said letter be inserted in the books of this Society.

“SIR,

“I have been honored with a Letter from Belfast, dated the 19th of July last, written in the name of the Committee of Correspondence appointed by the Delegates of forty-five Volunteer Corps assembled at Lisburn on the 1st of the same Month, “for taking preparatory steps to forward their intentions on the subject of a more equal Representation of the people in Parliament,” and sign’d by their secretary, Henry Joy, junr. Esqr.

In this letter, after shewing the corrupt state of the Boroughs in Ireland, the general opinion of the people that the Constitution can be restored to its ancient purity and vigor by no other means than a parliamentary reform, and informing me of the steps which have been taken and are taking by the Volunteers, in determining to procure this desirable object, the Committee is pleased “to request my sentiments and advice as to the best, most eligible and most practicable mode of destroying, restraining, or counteracting this hydra of corruption, Borough influence, in order to lay my opinion before the provincial assembly of delegates, which is to be held at Dungannon on the 8th of September next.”

This great mark of confidence, from gentlemen in whom so much trust is placed, does me great honor; for as I have
Vol. II. L not

not the pleasure of being personally known to any of them, I can owe it but to the favorable opinion they are pleased to entertain of my constant and zealous endeavours in the public service.

I am sensible that the only proper return I can make for this honorable distinction, is to obey their commands in the best manner I am able; for altho' my insufficiency for so arduous a task would afford me but too good an excuse for declining it, yet I feel it would be inconsistent with my ideas of the obligation every man is under to serve the public as well as he can, if I was to refuse giving my opinions, such as they are, when thus called upon by a respectable body of Gentlemen.

Besides my inability, I have to regret the want of time to collect and arrange my thoughts in such a manner as to be fit to appear before you, and the necessary limits of a letter, which will not admit of the extensive investigation which a subject of this vast importance deserves; for although I fear I must be long, I am sensible I cannot do it justice.

The subject of a parliamentary reform is that which of all others, in my opinion, most deserves the attention of the public, as I conceive it would include every other advantage which a nation can wish; and I have no hesitation in saying, that from every consideration which I have been able to give to this great question, that for many years has occupied my mind, and from every day's experience to the present hour, I am more and more convinced that *the restoring the right of voting universally to every man, not incapacitated by nature for want of reason, or by law for the commission of crimes, together with annual elections,* is the only reform that can be effectual and permanent. I am further convinced that it is the only reform that is practicable.

All other plans that are of a palliative nature have been found insufficient to interest and animate the great body of the people, from whose earnestness alone any reform can be expected. A long exclusion from any share in the legislature of their country has rendered the great mass of the people indifferent whether the monopoly that subsists, continues in the hands of a more or less extended company; or whether it is divided by them into shares of somewhat more or less just proportions. The public feels itself unconcerned in these contests, except as to the oppressions it endures, and the exactions it suffers, which it knows must continue so long

long as the people remain deprived of all controul over their representatives. This indifference of theirs, when the last attempt was made for additional county members, was used by our opponents as an argument against all reform; it was asked with a triumphant air, where are the petitions from the inhabitants of Birmingham, Manchester, Halifax, and other great unrepresented towns? And their silence was deemed a proof of their acquiescence and satisfaction in the present form of elections. The truth is, that the people have been so often deceived, that they will now scarcely trust any set of men; and nothing but self-evident conviction, that a measure tends effectually to the recovery of their rights, can or indeed ought to interest them in its favor.

The lesser reform has been attempted with every possible advantage in its favor; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight both in and out of power. But with all these temperaments and helps it has fail'd. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter therefore I have nothing to hope. It is from the people at large that I expect any good.

And I am convinced that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear and indisputable rights of universal representation.* I call them such, not only from my own conviction, but from the admission of the friends to the more moderate plan, who in the second address of the Yorkshire committee to the people, confess that our claims are founded on the true principles of the constitution, and only object to them on account of impracticability. But their plan has now had a fair trial, and (if it is from the inclination of parliament that practicability is to be expected) has been found as impracticable as ours. The more extensive plan, at the same time that its operation is more complete, depends on a more effectual support, that of the people.

I am also persuaded that if the scheme for additional county members had proceeded any further, infinite difficulties would have arisen in adjusting it. Neither the Yorkshire committee nor Mr. Pitt have given the detail of their plan. A just reparation

tion would have been a most intricate task, for where different interests are separately represented, the proportion is not very easy to ascertain. The doubt you state concerning this mode of reform appears to me well founded; a few great families might divide a county between them and chuse the members by a house list, like East India Directors. Another difficulty from the increase of the number of Members, which might render the house more tumultuous than deliberative, has its weight. But the greatest objection, in my opinion, to this and to every other narrow and contracted plan of reform, is, that it proceeds upon the same bad principle as the abuse it pretends to rectify; it is still partial and unequal; a vast majority of the community is still left unrepresented; and its most essential concerns, life, liberty and property, continue in the absolute disposal of those whom they do not chuse, and over whom they have no controul. In the arrangements of plans of this kind there is no leading principle to determine that the addition ought to be, one hundred, fifty, or two hundred; that the allotment should be according to the population, property, or taxes paid in each county; that any supposed proportion between the landed and trading interest is the just one, and that the division of county and city members will correspond with this proportion when found. All is at sea without any compass to enable us to distinguish the safe from the dangerous course.

But in the more liberal and great plan of *universal representation*, a clear and distinct principle at once appears that cannot lead us wrong. Not conveniency but right: If it is not a maxim of our constitution, that a British subject is to be governed only by laws to which he has consented by himself or his representative, we should instantly abandon the error; but if it is the essential of freedom, founded on the eternal principles of justice and wisdom, and our unalienable birth-right, we should not hesitate in asserting it. Let us then but determine to act on this broad principle, of giving to every man his own, and we shall immediately get rid of all the perplexities to which the narrow notions of partiality and exclusion must ever be subject.

In the digesting a plan upon this noble foundation we shall not find any difficulty that the most common understanding and pains will not easily surmount. It does not require half the ingenuity of a common tax bill; and as a proof of this assertion I myself drew the form of a bill for this purpose, which

which I presented to the House of Lords in 1780; not as a perfect work, but merely to shew how easily the objections to the practicability of the plan, and the inconveniences that are suggested, might be got over.

I believe the sending you a copy of my bill will be the best way of explaining its operations. I have not one ready at this moment, but it shall soon follow this letter.

I shall therefore only mention at present a few of its provisions, which I think entirely remove the most plausible objections that have been urged against it.

The present number of members in the House of Commons is preserved, so that all apprehension from too numerous an assembly ceases.

An account of the whole number of males of age in the kingdom is to be taken and divided by the number of members to be sent, which will find the quota of electors to chuse one member; from the best accounts I can now get, it will be about *two thousand six hundred*; these are to be formed into districts or boroughs from the most contiguous parishes; and by having all the elections throughout the kingdom in one and the same day, and taken in each parish, all fear of riot and tumult vanishes.

The great expence of elections, which arises chiefly from the cost of conveying electors to the place of poll, and entertaining them there and on the road, will be no more when every man will vote in his own parish. Bribery must entirely cease; in a single borough it would be difficult, on so many as to have any effect, impossible. The numbers to be bought would be infinitely too great for any purse. Besides, annual parliaments, by their frequency and by their shortness, would doubly operate in preventing corruption.

The vast expence 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 being a British subject, and of age, there can be but little left to contend upon as to the right of electors to vote. All other questions that could afford ground for a petition would be trifling, and might be decided in one Day.

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Many other objections are obviated by the bill, but it is needless here to mention them.

But there is another sort of objection against which no provision can be made, as it is merely imaginary. It is feared by some, that the influence of power and riches will give to the aristocracy so great a lead in these elections, as to place the whole government in their hands. Others again dread, that when paupers and the lowest orders of the people shall have an equal vote with the first commoner in the kingdom, we shall fall into all the confusion of a democratic republic. The contrariety of these two apprehensions might of itself be a sufficient proof that neither extreme will take place. It is true, that the poorest man in the kingdom will have an equal vote with the first, for the choice of the person to whom he trusts his all; and I think he ought to have that equal degree of security against oppression. It is also true, that men of superior fortunes will have a superior degree of weight and influence; and I think that as education and knowledge generally attend property, those who possess them ought to have weight and influence with the more ignorant. But the essential difference will be, that altho' the people may be led they cannot be driven. Property will have its weight, as it ever must have, in all governments; and I conceive, that in this plan it will precisely find its just proportion combined with talents and character. A man of great property that is beloved and esteem'd, will, as he ought, have the greatest sway; but tyranny and oppression, tho' attended with riches, may be resisted, and will no longer be attended with a burgage tenure at command.

Another subject of apprehension is, that the principle of allowing to every man an equal right to vote tends to equality in other respects and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strike me as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes. The equality and inequality of men are both founded in nature; and whilst we do not confound the two, and only support her establishments, we cannot err. The protection of property appears to me one of the most essential ends of society; and so far from injuring it by this plan, I conceive it to be the only means of preserving it; for the

the present system is hastening with great strides to a perfect equality in universal poverty.

It has been said, that this plan of extending the right of voting to every individual creates much uneasiness in the minds of quiet and well-disposed persons; and that if paupers, vagabonds, and persons of no property, were left out, there would be no objection to extend it to all householders and persons paying taxes, and that the same division into districts might take place. My answer is, that I know of no man, let him be ever so poor, who in his consumption of food and use of raiment, does not pay taxes, and that I would wish to encourage an enthusiasm for his country in the breast of every subject, by giving him his just share in its government. I readily admit, that such an alteration would be a vast improvement; but I must prefer the adhering rigidly to a self-evident principle, especially when attended with no inconvenience in the execution, that I can foresee. Besides, we should again fall into the difficulties of drawing the line of separation, and into the disputes about qualification.

The apprehensions that our government will become too democratic, have been urged on another ground. It has been said, that the House of Commons has usurped the whole power of government: that the crown in reality no longer possesses its negative, and must in all things be ruled by the House of Commons: that the House of Lords, in consequence of its exclusion (by the will of the House of Commons and not by law) from interfering in money bills, no longer in fact exercises the functions of a branch of the legislature: that the only means by which the balance of the constitution is now in any degree preserved, is by the *irregular* influence of the Crown and of the Peers in the House of Commons: and that if they are totally excluded from interference there, as it is supposed will be the case if this bill passes, and are not restored to their original share of power, the equilibrium will be destroyed, and the Government become purely democratic.

To remedy this objection, it has been answered by others, that it is but just and reasonable, and that they mean at the same time that the Commons are restored to their rights, that the Crown and the Peers should recover theirs. This answer has been ridiculed in my opinion with more wit, than solidity of argument. It has been represented as admitting that whilst the House of Commons continue corrupt, the King and Lords should

should submit to its decisions; but that when it should really speak the voice of the people, then it would be right to revive the dormant powers of resisting it.

For my part I agree in opinion with those who are for restoring to all parts of the state their just rights at the same time; to do it generally, not partially, is what I must contend for. At the same time, I admit that I am not for restoring the negative of the crown. My reason is, that it appears to me preposterous that the will of one man should for ever obstruct every regulation which all the rest of the nation may think necessary. I object to it, as I would to any other prerogative of the crown, or privilege of the Lords, or people, that is not founded on reason.

But I agree, that if the House of Commons was reduced to its natural dependence on the people alone, and the present system of making it the exclusive part of government was continued, we should approach to a pure democracy more than our constitution warrants, or than I wish to see. I am not for a democratic, any more than for an aristocratic, or monarchic government, solely; I am for that admirable mixture of the three, that our inimitable and comprehensive constitution has established: I wish to see the executive part of government revert to where the constitution has originally placed it, in the hands of the crown to be carried on by its ministers: those ministers under the controul of parliament; and parliament under the controul of the people. I would not have parliament made, as it daily is, a party concerned in every act of state, whereby it becomes the executive for which it is not calculated, and loses its superintending and controuling power, which is the main end of its institution. For when the two Houses are previously pledged by addresses, votes and resolutions, it becomes extremely difficult for them afterwards to censure measures in which they have been so deeply engag'd by acts of their own. Another great inconvenience arises from parliament's taking so much of the executive of government on itself, which is, the excessive length of the sessions; an evil which of late has greatly encreas'd. Now that parliament is engaged in every detail in order to screen the minister, it never can finish its business till the middle of the summer, when the independent country gentleman, tired of a long attendance and hot weather in town, is retired to his private business in the country, and that of the public left to be settled in thin houses by a few dependents of the minister.

minister. A short session of two or three months would be sufficient to examine the expenditure of former grants, to make new ones, to redress grievances, and pass such general laws as circumstances might require. The inconveniency and expence to a private member of parliament, in attending his duty would then be trifling; and instead of forty commoners and three peers to form a quorum to decide the greatest matters of state, the attendance of two thirds of each body, which would give respect to their proceedings, might and ought to be required. I am also free to own my opinion, that when the House of Lords shall be effectually prevented from having any influence in the House of Commons, as I think it must by this bill, it should at the same time recover its equal rights in every respect with the House of Commons as a co-ordinate branch of the legislature. These sentiments are I think consonant to the Idea so well expressed in your letter to the volunteer army of the province of Ulster, "to restore to the Crown its original splendor, to nobility its ancient privileges, and to the nation at large its inherent rights."

I believe I have now troubled you with all that is necessary concerning my plan. My Bill will shew the detail as far as concerns the House of Commons and the election of Scotch Peers: The regulations for restoring to the crown its executive and to the House of Lords its deliberative functions should be added to and form a part of this Bill; but I have not as yet had time and leisure to prepare them.

In what I have said, I have shewn, my opinion concerning the 1st, 3d, 4th, 6th and 8th questions you have proposed to me. There remains the 2d, 5th and 7th to be considered.

In respect to the second, which I presume relates to the admission of Roman Catholics to vote at elections; I can only say, that the same principles which go to civil liberty, equally lead to liberty of conscience; I admire with you the glorious spirit of toleration which you say has united the once distracted inhabitants of Ireland into one indissoluble mass: And I am sure that nothing short of evident danger to the state can warrant its interference in religious opinions. But unacquainted as I am with the state of Ireland, it is impossible for me to know the present temper and disposition of the Roman Catholics there, and those only who are on the spot can judge how far exclusions of this sort are necessary, or ought to extend.

With regard to the 5th question, if voting by ballot is advisable? I am clearly of opinion that it is not. The idea of a ballot can have arisen but to avoid the effect of some improper influence; and I conceive it much more noble, directly to check that influence, than indirectly to evade it by concealment and deceit. I am convinced that trivial circumstances in things like this tend greatly to form the national character; and that it is most consistent with that of a British or Irish freeman, that all his actions should be open and avowed, and that he should not be ashamed of declaring in the face of his country whom he wishes to intrust with its interests. Upon the same idea that ballots may be a cover for independence, they must also be a cloak for bribery and a school for lying and deceit.

As to the 7th question, whether it would not be equitable or expedient that Boroughs now in the possession of individuals should be purchased by the nation? I think, that altho' no man can have a strict claim in equity to be refunded the loss of what neither buyer nor seller had a right to barter, yet it will be wise to purchase the good will, or at least to soften the resistance, of the present powerful possessors of boroughs by a most ample compensation. The liberties of a nation cannot be bought too dear; but the whole cost of these boroughs would not amount to the profits of one jobbing contract.

I have now answered all the questions you have been pleased to propose; but I must mention another advantage which ought to recommend the measures you are pursuing to every friend to the internal peace and quiet of the kingdom, which is, that when the people have obtained a regular, legal, and speedy way of giving effect to their sentiments, there can no longer be any apprehension of their endeavouring to redress themselves by mobs and tumults; and even such regular and well-conducted meetings as yours will become needless. I mention this circumstance with the more satisfaction, as it stamps your conduct with the most unequivocal marks of disinterested patriotism. Power, when once acquired, is generally endeavoured to be preserved by its possessors; but you after having taken up yours from necessity, and employed it usefully, are now endeavouring with unexampled virtue to render its continuance unnecessary. For great as your services have been, in so soon forming a complete army, in the advantages you have procured for your country, in the good order you have preserved, and in the efficacy you have given

to law, you will derive still greater credit, in my opinion, from your good sense in seeing that a great military force totally unconnected with the civil government cannot be a permanent establishment in a free country, whose first principle is never to trust absolute power in any hands whatever. Your present endeavours to restore the constitution to its purity and vigor evidently tend to make this and every extraordinary institution unnecessary; for when the people are fairly and equally represented in parliament, when they have annual opportunities of changing their deputies, and thro' them of controuling every abuse of government in a safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous tho' sometimes necessary expedients of an armed force, which nothing but a bad government can justify. Such a magnanimous end to your proceedings, when after having restored liberty, commerce, and free government to your country, you shall voluntarily retire to the noble character of private Citizens, peaceably enjoying the blessings you have procured, will crown your labors with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers.

Before I conclude, I beg leave to express a wish that the mutually essential connection between Great Britain and Ireland may soon be settled on some liberal and fair footing. That which did subsist was on such narrow and absurd principles that no friend to either kingdom can regret its loss; founded on constraint and dependence, incompatible with the condition of freemen, Ireland had an indisputable right to dissolve it whenever she chose so to do. But surely, if we do not mean a total separation, it would be right to agree upon some new terms by which we are to continue connected. I have always thought it for the interest of the two Islands to be incorporated and form one and the same kingdom, with the same legislature meeting sometimes in Ireland as well as in England. But if there are difficulties to such an union not to be got over at present, some sort of *federal union* at least between the two kingdoms seems necessary to ascertain the many circumstances that concern their joint interests; and an union of this sort may now be formed with much greater propriety than before, as it will be sanctified by the free consent of independent nations.

I do conceive that some step of this sort is absolutely necessary, because the present footing, of separation rather than union,

union, is too unfair to be able long to subsist. England, besides the load of the whole debt contracted for the use of both kingdoms, bears all the burdens of naval defence and foreign negotiations, and by far more than its proportion of the land service in time of war. But what is worse, is that there is no certainty now left that we shall have the same enemies and the same friends: Different interests as they may appear, may lead one kingdom to think a war necessary, and the other to remain in peace: The same King, in his different kingdoms, may think it wise to follow the advice of his respective Parliaments: I need scarcely add, that the unavoidable consequences of such a difference are a *war* between the two kingdoms. Unless some settlement takes place upon these and many other important subjects, I am far from being clear that it will be for the advantage of liberty in either kingdom, that its Monarch should continue the sovereign of a neighbouring state with which it has no connection. I am sensible that there are great difficulties attending the adjustment of such an union, and that it requires great wisdom and temper to form it, especially on the part of Ireland, which must feel that she ought to give the preponderance to Great Britain; but I am sure the business ought not to be neglected, and that every true friend to both kingdoms ought to give it his most zealous assistance.

I beg pardon for having gone into a subject not immediately belonging to that, upon which you have desired my opinion, but I thought it so connected with it, and at the same time so important, that I trust you will excuse my having introduced it. I fear I have been very long, but it was impossible for me to compress so much matter into a less compass, and when you wished to have my opinion I thought it best to give it fully, or at least as fully as I could in a letter. If it contains one thought that can be useful I shall be happy. I have only to assure the Committee of the zeal I feel for the cause the Volunteers have undertaken, to the support of which I shall ever be ready to give every assistance in my power; and that it is with the highest respect and admiration for their conduct that I have the honor to be

Their most obedient

and most humble Servant,

RICHMOND, &c.

August 15th, 1783.

To Lieut. Col. SHARMAN.

The

[The following Bill has undergone some verbal correction since it was sent to Ireland, but the substance is the same.]

A BILL, ENTITLED,

An act for declaring and restoring the natural, unalienable, and equal right of all the Commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their Representatives in Parliament: For regulating the manner of such elections: For restoring annual Parliaments: For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland: And for establishing more equitable regulations concerning the peerage of Scotland.

WHEREAS the life, liberty, and property of every man is or may be affected by the law of the land in which he lives, and every man is bound to pay obedience to the same.

And whereas, by the constitution of this kingdom, the right of making laws is vested in the three estates of King, Lords, and Commons, in Parliament assembled, and the consent of all the three said Estates, comprehending the whole community, is necessary to make laws which bind the whole community.

And whereas the House of Commons represents all the Commons of the realm, and the consent of the House of Commons binds the consent of all the Commons of the realm, in all cases on which the legislature is competent to decide.

And whereas no man is, or can be actually represented who hath not a vote in the election of his Representative.

And whereas it is the right of every Commoner of this realm (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the Representative who is to give his consent to the making of laws by which he is to be bound.

And whereas the number of persons who are suffered to vote for electing the members of the House of Commons do not at this time amount to *one sixth* part of the whole commons of this realm, whereby far the greater part of the said commons are deprived of their right to elect their Representatives; and the consent of the majority of the whole community

munity to the passing of laws is given by persons whom they have not delegated for such purpose; and the majority of the said community are governed by laws made by a very small part of the said community, and to which the said majority have not in fact consented by themselves or by their Representatives.

And whereas the state of election of members of the House of Commons hath in process of time so grossly deviated from its simple and natural principle of Representation and equality, that in several places the members are returned by the property of *one man*; that the smallest Boroughs send as many members as the largest Counties; and that a majority of the representatives of the whole nation are chosen by a number of voters not exceeding *twelve thousand*.

Now for remedy of such partial and unequal Representation and of the many mischiefs which have arisen therefrom; and for restoring, asserting, and maintaining the *rights* of the Commons of this realm, be it it declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, *That every Commoner of this realm* (excepting only infants, persons of insane mind, and criminals incapacitated by law) *hath a natural, unalienable, and equal right to vote in the election of his Representative in Parliament.*

And whereas it was accorded by statute in the fourth year of the reign of King Edward the third, "that a Parliament should be holden every year once, and more often if need be;" which statute was confirmed by another statute passed in the 36th year of the reign of the said King Edward the third; And the practice in ancient times was for writs to issue for the election of a new parliament every year.

And whereas frequent elections are indispensably necessary to enable the commons to alter and amend the choice of their Representatives as they may see occasion; and such elections ought to be as frequent as may be, consistent with the use of a representative body; and the ancient practice of annual elections is well calculated for such purpose.

And whereas triennial and septennial Parliaments, by rendering the exercise of the right of election less frequent, tend to make the representatives less dependent on their constituents than they always ought to be; and also deprive the Commons

mons for many years after they come of age of their franchise of electing their own representatives; Be it declared and enacted by the authority aforesaid, *That the election of members to serve in the House of Commons ought to be annual.*

And whereas, in order to reform the manifold abuses which in process of time have been suffered to take root in the manner of electing the Representatives of the Commons, and in order to establish a free, true, and equal representation of all the people, it is necessary that all the laws respecting the election of Members of Parliament not applicable to the present intended reform should be repealed and annulled, and that the manner of electing the Commons in Parliament, and all matters and things respecting the same, be new modelled according to the present state of the kingdom and to the ancient and unalienable rights of the people: Be it enacted by the authority aforesaid, That all future elections for Representatives of the Commons of Great Britain in Parliament shall be made according to the provisions and regulations of this act, and not otherwise; and that all other acts, laws, customs, and usages contrary thereto, or such parts of them as are inconsistent therewith, shall be, and the same are hereby repealed, annulled, and made void to all intents and purposes whatsoever.

And be it further enacted, That the number of Members to sit in the House of Commons shall remain and be the same as at present, and shall consist of *five hundred and fifty-eight members.*

And whereas the due proportion of Commoners to elect each Member of Parliament can be properly determined but from a knowledge of the whole number of Commoners in the kingdom having a right to vote; Be it enacted, That in order to ascertain the same, this act shall forthwith be transmitted by one of his Majesty's principal Secretaries of State to the minister of each parish, and likewise to each acting Justice of the Peace, in Great Britain: And each of the said ministers shall read, or cause to be read, the said act in his parish church immediately after divine service and before the sermon every Sunday in the month of November next: And each of the said Justices of the Peace within their respective districts shall diligently enquire on every Sunday in the said month of November next, whether the several ministers have read this act accordingly; and if it shall be found that any minister shall have neglected so to do, the Justice of the Peace finding such

such neglect shall cause this act to be read by some other person on the next Sunday in such parish church in manner aforesaid.

And be it further enacted, That on the first of December next the minister of each parish, together with the Churchwardens and Overseers of the poor, shall hold a vestry at the church in the said parish, which shall open at eight o'clock in the forenoon and shall close at six o'clock in the afternoon of the same day, at which all persons, not belonging to the Royal Navy, or serving in the embodied Militia or Army, and being on that day in the said parish, shall have liberty to attend. And the said Minister, Churchwardens, and Overseers shall make out a true and correct list of the christian and surname, trade, occupation, age, and usual place of dwelling, of all the men of the age of 21 years and upwards, who on that day shall be in their respective parishes, and who shall appear and claim a right to vote for the election of members of parliament, and shall subscribe and take the following oath before the said Ministers, Churchwardens and Overseers, who are hereby enabled and required to administer the same, viz. "I A. B. do swear; that I am a natural-born subject of Great Britain, that I am of the age of twenty-one years, that I am not serving in the embodied militia, nor belonging to the royal navy or army, and that I have not this day been to claim my right of voting for the election of a Member of Parliament, or have been sworn for the same before, in this or any other parish or place, so help me God." And such lists so made out shall be certified, under the signature and seal of the said Minister, and of each of the Churchwardens and Overseers who shall attend such vestry, to be a true and correct list; and a copy of the same shall be taken and preserved by such Minister and by each of the said Churchwardens and Overseers; and such original list, together with all the copies of the same, shall on the 15th day of December next be carried by such Minister, Churchwardens, and Overseers to the Justices of the Peace, who are hereby required to hold petty sessions on that day within their respective divisions; and such lists and copies shall then and there be sworn to as true and correct before such Justices of the Peace by such Minister, Churchwardens, and Overseers; and their respective affidavits shall be certified on the said list by such Justices of the Peace. And such original list, so sworn to, shall by such Justices of the Peace be transmitted to the clerk of the

the peace of their respective counties, or to the town clerk in cities which are counties of themselves, so that such clerk of the peace or town clerk may receive them on or before the first of January next. And the said clerks of the peace and town clerks shall transmit the said lists to one of his Majesty's principal Secretaries of state, so that he may receive them on or before the 20th of January next. And one of the said Secretaries of state shall forthwith send the said lists to the twelve Judges, who shall meet in the Exchequer chamber on the 21st of January next for the purpose of receiving such lists.

And be it enacted, That the said twelve Judges, then and there assembled, shall divide the total number of persons so returned by the number five hundred fifty-eight, being the number of members to be chosen; and the quotient found shall be adjudged to be the number of persons having a right to elect one member of Parliament. And the said Judges shall then proceed to compute from the said lists the number of Persons who have a right to vote in each County, or City being a county of itself, in Great Britain; and shall determine the number of members to be elected by each county, or city being a county of itself, in proportion (or as near as may be) to such number of electors in each county or city, giving the advantage to the smaller counties or cities where the numbers will not admit of exact division. And the said Judges, having so determined the number of members to be returned by each county, and city being a county of itself, and the number of electors to chuse one member, shall, on or before the 1st of February next, transmit an account thereof to the Lord High Chancellor of England.

And be it enacted, That the said Lord High Chancellor shall, within four days after receiving such account, issue his Writ to the High Sheriff of each county, and to the Chief Magistrate in each city which is a county of itself, in Great Britain, directing him to summon a grand jury consisting of all such persons then living as have been heretofore summoned on grand juries at the assizes in his county, to meet at eight o'clock in the forenoon, on the 10th of March next, at the usual place of holding the summer assizes for his county; and likewise the Minister, Churchwardens, and Overseers of each parish within his county, to attend the said grand jury. And the said Chancellor shall transmit to the said High Sheriff and Chief Magistrate an account of the number of members to be

returned by his county, and of the number of electors to chuse one member; which account the said Sheriff and Chief Magistrate shall deliver, or cause to be delivered, to the said Grand Jury when assembled,

And be it enacted, That on the 10th of March next the said High Sheriff of each county and Chief Magistrate of each city which is a county of itself in Great Britain shall attend, and be foreman of, the said grand jury; or in case of unavoidable absence another person shall be chosen as foreman by the said grand jury; and such foreman is hereby authorized and required, first to take, and then to administer to every person summoned and who shall attend the said grand jury, the following oath: "I A. B. do swear that in the allotment of the several parishes, or parts of parishes, into districts for the election of members of parliament within this county, I will act according to the best of my judgment and discretion, fairly and equally, and for the conveniency of the said districts, so help me God." And the said grand jury shall then proceed to distribute into districts the several parishes of their county. And each district shall consist (as nearly as may be) of such number of persons, having a right to vote, as are allotted to chuse one Member of Parliament according to the lists made out in such parishes, which will appear by the duplicates preserved by the Ministers, Churchwardens, and Overseers, who are hereby required to attend such grand jury with such duplicates. And where parishes shall be greatly too large or too small to form districts of themselves, such parishes may be divided, or joined either in whole or in part with other contiguous parishes, for the purpose of forming districts as aforesaid, according to the judgment and discretion of the said Grand Jury. And the said Grand Jury having so divided their county into districts, the same shall be adjudged to be and be called *boroughs*: And the said Grand Jury shall affix to each borough the name of the principal parish in such borough. And the said Foreman shall return into the court of Chancery, so that it may arrive there on or before the 1st of April next, a list of such boroughs within his county, certified under the hands and seals of the said foreman and of all the members who attended the said Grand Jury; and such certificate shall be in the following form: "We, whose names are hereunto subscribed and seals affixed, the Foreman and Grand Jury of the county of _____ assembled on the 10th of March 178_____ in pursuance of an act passed in

in the _____ year of his present Majesty's reign entitled An act, &c. do certify that the above distribution is an equal division of the said county into districts as directed by the said act, or as nearly so as the circumstances of this county would admit."

And be it enacted, That each of the said boroughs in Great Britain shall be entitled in all future elections to elect one member to serve in the Commons House of Parliament, and no more. And each member so elected shall be called a burges. And the said burgeses shall constitute and form the House of Commons of Great Britain. And no county, city or borough (other than is directed by this act) shall in future be entitled to send any Knight, Citizen or Burges to Parliament.

And be it enacted, That the Lord High Chancellor, having received the returns herein before directed to be made to him by the said Foreman of Grand Juries, shall, on or before the 15th of April next, issue his Writ to the High Sheriff of each county, and to the Chief Magistrate of each city being a county of itself in Great Britain, for the election of one member to serve in parliament for each of the several boroughs within his county or city: And the form of the said writs shall be such as is annexed to this act. And the said High Sheriff and Chief Magistrate shall, within four days after the receipt of the said Writ, issue his precept to the Head Constable or senior Peace officer, for the time being, of each borough within his county or city (who is hereby appointed returning officer of such borough) for the election of one member to serve in Parliament for the said borough; and the form of the said precept shall be such as is annexed to this act.

And be it enacted, That the returning officer of each borough shall on the 15th of May next cause proclamation to be made in each Parish within his borough, that the day fixed for chusing a new Parliament is the first of September following; and that every person, intending to offer himself as a candidate for the said borough, and duly qualified by law, is to send to him the said returning officer a declaration in writing, signed by such person, of his being a candidate to represent the said borough; so that he the said returning officer may receive the same on or before the 15th of June next. And the said returning officer shall, on the 16th of June next, cause the said declaration or declarations to be proclaimed in every parish within his borough, and a copy thereof, attested under his signature, to be affixed on the door of the Church of every parish within his borough; or

in case he shall not have received any such declaration he shall make proclamation that there are no candidates for the said borough. And it shall and may be lawful for the inhabitants of such borough to assemble in their respective parishes on the 17th of June next, to consider of the candidates (if any) who offer, and to declare any other candidate or candidates they may think proper, by writing addressed to the returning officer and signed by not less than one hundred of the said inhabitants; provided such declaration be delivered to the said returning officer before six o'clock in the evening on the said 17th day of June next, and that the qualification of such Candidate or Candidates to sit in Parliament be situate within the said borough. And the said returning officer shall, on the 18th of June next, cause a list of all such Candidates, distinguishing those who offer themselves from those who are set up by the inhabitants, to be proclaimed in every parish within his borough, and likewise a copy of such list attested under his signature to be affixed on the door of the church of every parish within his borough. And the said returning officer shall, on the said 18th of June next, transmit by the post to one of his Majesty's principal Secretaries of State a list of such Candidates; and one of the said Secretaries of State shall cause the same to be inserted in the Gazette on or before the 15th of July next: And no other person shall thereafter become a Candidate for such borough at such election.

And be it enacted, That every person who shall be so declared by one hundred of the inhabitants of any parish to be a candidate for the borough in which such parish is situate, and whose qualification shall at the time of such declaration be situate within the said borough, shall, if chosen, be compellable to attend parliament like other members. Provided always that no person having served for one parliament shall be compellable to serve again.

And be it enacted, That the senior peace officer for the time being of each parish shall act as deputy to the returning officer of the borough in which such parish is situate, and shall in all things respecting this act pay due obedience to such directions as he shall receive from the returning officer, and previously to his acting as his deputy shall take the following oath before the said returning officer, "I A. B. will faithfully and honestly discharge my duty as deputy to the returning officer of the borough of _____ in the election of _____ of

of a Member of Parliament, so help me God," which oath the said returning officer is hereby authorized and required to administer.

And be it enacted, That on the first of September next the senior peace officer in each parish throughout the kingdom of Great Britain shall make proclamation at 8 o'clock in the forenoon, at the church of the said parish, that he is immediately proceeding to the election of a member to serve in parliament for the borough in which such parish is situate; and that such election will close at six o'clock on the same evening. And such senior peace officer shall then declare the names of such persons as are legal candidates for such borough, and read or cause to be read the clauses in this act, which inflict penalties on persons who shall be found guilty of perjury, bribery, corruption, or other offences against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of, a Member of Parliament. And the said senior peace officer shall then proceed to collect the votes, by taking a poll in such manner, as is herein after directed, of all such men as shall on that day be in the said parish and shall offer themselves to vote. And such poll shall continue open until six o'clock in the afternoon of the same day and no longer. And every man offering himself to vote, shall give an account of his christian name, surname, trade or occupation, and usual and last place of abode, and shall sign his name or make his mark opposite to an entry thereof which shall be made in a book to be provided by the senior peace officer for such purpose. And every man offering himself to vote shall take the following oath, which the said officer is hereby authorized and required to administer; "I A. B. do swear that I am a natural born subject of Great Britain, that I am twenty-one years of age, that I have not on this day voted before in this parish or in any other parish or place for the election of a Member of Parliament; that I am not an officer, non-commissioned officer, warrant officer, drummer or private man in the embodied militia, navy, or army; and that my christian name, surname, trade, occupation, and usual and last place of abode is such as by me now declared, so help me God." And every man offering himself to vote shall further take such oath or oaths as are, or may be enacted against bribery and corruption. And every man whatever (not of insane mind or a criminal incapacitated by law) offering himself to vote in any parish, who

who shall have given an account of himself as aforesaid, and shall have taken the aforesaid oaths, shall be admitted to vote at such elections for such legal candidate as he shall think fit.

And be it enacted, That in case the said senior peace officer shall have cause to suspect that any person voting at such election is not entitled so to vote according to the true intent and meaning of this act, or shall be requested by any of the candidates or by any of their agents to place a quere opposite to the name of any voter, such officer shall enter in the poll book a quere opposite to the name of such voter with the reason of such quere, but shall not refuse to take the vote of any man who shall have signed the book and taken the oaths aforesaid; and the validity of such queried vote shall afterwards be determined, upon petition, by the committee of the House of Commons to which such election shall be referred. And such peace officer shall on the day next after the election deliver to the returning officer of his borough the poll book so taken. And the senior peace officer of every parish shall provide a sufficient number of clerks to aid and assist him in taking the said poll. And the Justices of the Peace in their quarter sessions, to be held next after such expence for the hire of the said clerks and the purchase of the said books shall have been incurred, shall allow the same, or so much as they shall deem reasonable; and such expences so allowed shall be paid by the treasurer of the county out of the county rates.

And whereas men serving as officers, non-commissioned officers, warrant officers, drummers or private men in the embodied militia, navy or army, may at the time of election be assembled together in large bodies in places distant from their respective parishes, and if suffered to vote like other subjects for whatever borough they may chuse, might combine together under improper influence and vote in bodies, and thereby decide the election in places to which they do not belong, and where they have no connection, to the prejudice of the inhabitants of such places and of the kingdom at large: And whereas it would be unjust that men who expose their lives for the defence of their country should be deprived of those essential rights which are by this act restored to every subject, Be it enacted for the preservation of such rights, and for the prevention of such inconveniences, That every officer, non-commissioned officer, warrant officer, drummer, and private man

man in the embodied militia, navy or army, shall be entitled to vote for the election of a member to represent him in parliament in the manner herein after directed, and not otherwise.

And be it enacted, That every officer, non-commissioned officer, warrant officer, drummer and private man in the navy or army, and every officer, non-commissioned officer and drummer of militia when embodied, shall (if he shall so think fit) as soon as he shall arrive, or be, in any port or place within this kingdom, go before and be examined upon oath by a Justice of the Peace touching the place of his last settlement if in England, or of his birth if in Scotland; and such Justice of the Peace shall for the purpose of this act adjudge the same accordingly, and give a certificate of such adjudication to the commanding officer of the ship or corps to which such man belongs; and when any man shall enter, or enlist, or receive a commission in the militia, navy or army, a similar proceeding in respect to such man shall be had if required; and the said commanding officer shall from time to time, within eight days after the receipt of any such certificate from a Justice of the Peace, transmit the same to the office of Admiralty or War office; and such certificate shall be filed and kept in the said office as matter of Record. And the Board of Admiralty or Secretary at War shall, within one month after the receipt of such certificate, cause a copy thereof attested by the Secretary or chief clerk of the said office to be transmitted to the parish to which such man is adjudged to belong: And in case any man shall be removed or drafted from one ship or corps to another, an account of such removal shall in like manner be certified to such parish; and all such certificates so transmitted to such parish shall be preserved in a chest in the church of such parish.

And be it further enacted, That every officer, non-commissioned officer, warrant officer, drummer, or private man, in the navy or army, shall be entitled to vote for the election of a Member of Parliament only for the borough in which the parish to which he has been so adjudged to belong is situate: And every officer serving in the militia, who shall have delivered in to the clerk of the peace his qualification, shall, during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in such borough where such qualification, or the greater part thereof, is situate: And every other officer, non-commissioned officer and

and drummer of militia shall, during the time he is embodied, be entitled to vote for the election of a Member of Parliament only in such borough in which the parish he shall have been so adjudged to belong is situate: And every private militia man, while he is embodied, shall be entitled to vote for the election of a Member of Parliament only for the borough in which the parish he shall then be serving for is situate. And the clerk of the peace in each county where the militia is or shall be raised, shall on the first of August next make out a certificate of the qualification delivered to him of each officer who shall then be serving in the embodied militia, and shall sign and transmit the same to the senior peace officer of the parish in which the said qualification, or the major part thereof, is situate.

And be it enacted, That as soon as the list of candidates shall appear in the Gazette, every officer, non-commissioned officer, warrant officer, drummer and private man in the embodied militia, navy or army, who shall at that time be residing in Great Britain, or be in any port within the kingdom, shall, within twenty-six days after the said publication in the Gazette (that is, on or before the 10th of August next) have a right to go before a Justice of the Peace, and give his vote in favor of any person who is a legal candidate for such borough as he is entitled to vote for. And the said Justice of the Peace shall read to such person a list of the candidates for the borough for which he shall claim a right to vote, as published in the Gazette; and also the clauses in this act which inflict penalties on persons who shall be found guilty of perjury, bribery, corruption, or other offences against this act, and which incapacitate persons convicted of certain crimes from being elected, or from voting for the election of a Member of Parliament; and shall likewise administer to such persons the following oath; "I A. B. do swear that I am a natural born subject of Great Britain, that I am twenty-one years of age, that I am an officer, non-commissioned officer, warrant officer, drummer, or private man in the embodied militia, navy or army (as the case may be, specifying the ship or corps to which such person belongs) and that I have not before voted for any other place than that for which I now claim a right to vote." And likewise such oath or oaths as are, or shall be, enacted against bribery and corruption. And such Justice of the Peace shall then take an account of the name, rank, and corps of such person, and of the candidate for

for whom he shall vote; which account shall be subscribed and sworn to by such person, and certified by such Justice of the Peace, who shall by the next post transmit the same to the returning officer of the borough for which such person shall vote, such person paying to the clerk of the said Justice of the Peace one shilling for the same, and no more. And the returning officers of the several boroughs shall not be chargeable with any duty of postage for letters containing such certificates.

And be it enacted, That one of his Majesty's principal Secretaries of State shall cause the Gazette or Gazettes, containing the said list of candidates, to be transmitted, as soon as published, to every acting Justice of the Peace within the kingdom.

Provided always, That nothing in this act contained shall deprive or be construed to deprive any person belonging to the militia when disembodied, from voting in such borough as he shall think fit, in the same manner as all other commoners are by this act enabled to do.

And be it enacted, That the said returning officer shall, immediately after having received the poll books, proceed with the assistance of the peace officers who have taken the poll books, to examine the said poll books, together with such certificates as shall have been made to such returning officer from Justices of the Peace of the votes given by persons in the embodied militia, navy and army, for his borough; and shall compare such certificates of votes with the certificates before transmitted from the Admiralty, or War office, of the adjudications respecting such right of voting; and with the certificates of the clerks of the peace concerning the qualification of officers of militia: And such of the said votes as shall appear to the said returning officer to be legal votes, shall be by him admitted as such: And such returning officer shall, within three days after the election, declare that candidate to be duly elected who shall appear from the poll books, and from the certificate votes, to have the greatest number of legal votes in his favor, admitting such as are queried. And the several returning officers shall, immediately after having made such declaration, make their returns to the precepts from their respective High Sheriffs. And the respective High Sheriffs shall immediately after receiving such returns from the returning officers, make their returns to the writs from the Lord High Chancellor. And the Lord High Chancellor shall cause

a list of the names of the members who are returned for the respective boroughs, to be published in the Gazette, on or before the first of October next.

And be it enacted, That it shall be lawful for every commoner (possessing a landed qualification as by law directed) to offer himself as a candidate for any borough within the kingdom, and for as many boroughs as he shall think proper; and if any candidate is returned a member for more than one borough, such member shall, within fourteen days after the list of members returned shall have been published in the Gazette, make his option in writing, directed to the Lord High Chancellor of England, of the place for which he chuses to serve. And the Lord High Chancellor shall forthwith issue a new writ for a new election for that borough, or those boroughs, for which such member hath not made his option to serve. And in case any vacancy shall happen for any borough previous to the election of a speaker of the House of Commons, the Lord High Chancellor shall issue his writ for filling up such vacancy; and in case any vacancy shall happen for any borough after a speaker is chosen, the speaker shall issue his warrant for filling up such vacancy.

And be it enacted, That when any vacancy for a borough is to be filled up, such persons only as by the poll books or certificates shall appear to have actually voted at the last general election in or for the borough where such vacancy shall happen, shall have a right to vote at the election occasioned by such vacancy.

And be it enacted, That the House of Commons, so chosen, shall meet every year, when summoned by his Majesty's proclamation for the dispatch of business: That all petitions concerning undue returns shall be presented the first day of the sessions: That the House of Commons, immediately after swearing their members, shall proceed to chuse Committees, as by law directed, to decide elections against which petitions shall have been presented: That no other business shall be proceeded on until all the said controverted elections shall be decided: That several Committees may proceed at the same time on different elections: That the house shall sit and be called over every day until Committees for all contested elections shall be formed: That no Committee shall be allowed to sit longer than three days for the determination of any one election: That no counsel for any of the parties shall be allowed to speak after the first day: And that the witnesses shall be examined by the Committee and not by the counsel.

And be it declared and enacted by the authority aforesaid, That the House of Commons so elected shall be taken and reputed to be the only true representatives of all the Commons of Great Britain, and shall by the consent of the said representatives, or by the majority of them, bind the consent of all the Commons of Great Britain, in all matters and things on which the said House of Commons is competent to decide, and to the passing of all such laws as parliament hath a right to enact.

And be it further enacted, That the House of Commons so chosen shall continue and be the representatives of the Commons of Great Britain for one year only, and no longer; to be computed from the first day of September on which such election shall have taken place. And that on the first day of September in every year, for ever after, (or on the second of September when the first shall fall on a Sunday) all the Commons of Great Britain (excepting only minors, persons of insane mind, and criminals incapacitated by law) shall proceed to the election of new burgesses, in the same manner and form as is herein before directed to be observed for the election of burgesses for the year next ensuing.

And whereas the oaths, which by this act are directed to be taken, for preventing the admission of illegal votes, may not be a sufficient guard against the same, unless the breach of such oaths be attended with punishments adequate to such offences, be it enacted, That in case any person shall be duly convicted of wilful perjury, in falsely taking any of the oaths prescribed by this act, every such person shall be committed to the common gaol of the county where such offence shall have been committed, there to remain without bail or mainprize for the space of three years, and be incapable of ever voting again in any borough for the election of a Member of Parliament. Provided always that every prosecution for such offence shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And be it enacted, That no person who has been, or shall be duly convicted in a court of law within this realm of the crimes of high treason, treason, murder, felony, perjury, forgery, grand or petty larceny, or any of them, shall be capable of being elected, or of voting for the election of, a Member of Parliament in or for any borough within this kingdom.

And be it further enacted, That if any person herein directed to perform or do any matter or thing relative to the carrying this act into execution, shall neglect, or refuse to pay due obedience thereto, in such manner, and at such times, as is, and are herein prescribed, every person so offending shall forfeit the sum of Five hundred pounds to any person who shall sue for the same in any of his Majesty's courts of record at Westminster by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law, nor more than one imparlance shall be allowed. And in case such offender shall be the Lord High Chancellor, or any of the Judges, or either of the Secretaries of State, or any clerk of the peace, he shall, over and above such penalty, be, from the time of such conviction, incapable of ever holding any office of trust or profit. Provided always that every suit, action, or prosecution for such offence, shall be commenced within twelve calendar months next after the same shall have been committed, and not afterwards.

And whereas the Peers of Scotland in the Parliament of Great Britain are at present elected for seven years, whereby the said Peers of Scotland are not upon the same footing with the hereditary Peers of England, be it enacted by the authority aforesaid, That the Peers of Scotland shall, on the first day of September next, proceed to the election of sixteen Peers to sit in the parliament of Great Britain for the kingdom of Scotland, and that such sixteen Peers so elected, and their heirs male succeeding to their peerage, shall, from the time of such election, continue to sit and vote in the parliaments of Great Britain, as Peers of Scotland, without any new election for such purpose. And when any vacancy shall happen, by the extinction of the male line in any of the peerages belonging to the Peers elected to represent the peerage of Scotland in the parliament of Great Britain, such vacancy shall be filled up by a Peer of Scotland, to be chosen by the Peers of Scotland; and the Peer so chosen, and his heirs male succeeding to his title, shall, from the time of such election, continue to sit and vote in the parliaments of Great Britain, as a Peer of Scotland, without any new election for such purpose.

And whereas Peers of Scotland having a right to sit and vote in the Parliament of Great Britain, whether by election of the Peers of Scotland, or by being also English peers, ought not to have another vote to be represented in the said parliament, be it enacted, That no person having a right to sit and vote in the parliament of Great Britain, either as a Peer

Peer of England or of Scotland, shall have a right to vote for the election of a Peer of Scotland to sit and vote in the said parliament of Great Britain.

And whereas the Peers of Scotland, not elected to sit and vote in the Parliament of Great Britain, will have a more distant prospect of being so elected, when the right of sitting and voting is hereditary in the male line of the families of the peers so elected, and when there will be no new elections excepting when such peerages in the male line shall become extinct; and it is unreasonable that the Peers of Scotland not elected as aforesaid should for so long a time be deprived of the capacity, which all other subjects within the realm have of being created Peers of Great Britain, and of being elected members of the House of Commons: And whereas it is also unreasonable that the eldest sons, and heirs apparent, of Peers of Scotland should not be eligible to represent the commons of Scotland, in the same manner as they, and the eldest sons and heirs apparent of the Peers of England, are eligible to represent the commons in England, be it enacted by the authority aforesaid, That all Peers of Scotland, as likewise the eldest sons, and heirs apparent, of Peers of Scotland, shall in future be capable of being created Peers of Great Britain, and of sitting and voting in parliament in consequence of such creation, and that the prior possession of a peerage of Scotland, or being eldest son, or heir apparent, of a Peer of Scotland, shall be no bar or hindrance to such new creation. And that all Peers of Scotland, not elected to sit and vote in the parliament of Great Britain, and the eldest sons, and heirs apparent, of Peers of Scotland, shall be, and they are hereby declared to be capable of being chosen to represent the commons of Great Britain, for any borough within the realm, in the same manner as other persons not having a right to sit and vote in the House of Lords. And that the possession of such peerage of Scotland, or the being eldest son, or heir apparent, of a Peer of Scotland, shall be no bar or hindrance to such election, in any borough or place within the realm.

Form of the writ to be issued by the Lord High Chancellor, on or before the 15th of April, every year, to the High Sheriff of each county, and to the Chief Magistrate of each city, being a county of itself, in Great Britain.

GEORGE the third, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, and

and so forth. To the Sheriff of the county (or city) of greeting: Whereas by the advice and assent of our council for certain arduous and urgent affairs, concerning us, the state and defence of our kingdom of Great Britain, and the church, we have ordered a certain parliament to be holden at our city of Westminster on the _____ day of _____ next ensuing, then and there to treat and have conference with the prelates and great men and peers of our realm, therefore we command and strictly enjoin you, that you cause proclamation of the day and place aforesaid to be made in your next county court to be holden after the receipt of this our writ, and that within four days after receiving this our writ, you issue your precept to the Head Constable or Senior peace officer for the time being, of each borough within your county (or city) for the election of one member to serve in parliament for such borough, directing him, on the 1st of September next, to cause one burges of the most sufficient and discreet, freely and indifferently, to be elected by those who shall be present at such election, according to the form of an act passed in the _____ year of our reign, entitled "An act for declaring and restoring the natural, unalienable and equal right of all the commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their representatives in parliament: For regulating the manner of such elections: For restoring annual parliaments: For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland: And for establishing more equitable regulations concerning the peerage of Scotland." And the names of those burgeses so to be elected (whether they be present or absent) you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present at such election, and them at the day and place aforesaid, you cause to come in such manner, that the said burgeses for themselves and the commonalty of the said boroughs, may have from their full and sufficient power to do and consent to those things which then and there by the common council of our said kingdom (by the blessing of God) shall happen to be ordained upon the aforesaid affairs, so that for want of such power, through an improvident election of the said burgeses, the aforesaid affairs may in no wise remain unfinished. Willing nevertheless that neither you nor any other Sheriff of this our said kingdom be in any wise elected. And that the elections, in the full boroughs in your county, so made distinctly and openly

openly under your seal and the seals of those who shall be present at such election, you do certify to us in our Chancery, at the place aforesaid, immediately after returns shall have been made to your precepts from the aforesaid head constables or senior peace officers of each borough within your said county, (or city) remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster the _____ day of _____ in the _____ year of our reign.

Form of the precept to be issued by the High Sheriff of each county, and by the chief Magistrate of each city, being a county of itself, in Great Britain, every year, within four days after receiving the writ from the Lord High Chancellor, to the head constable or senior peace officer, for the time being, of each borough within his county or city.

— (to wit) A. B. Esqr. Sheriff of the county (or city) aforesaid, To the head constable or senior peace officer of the borough of _____ in my said county (or city) greeting. By virtue of his Majesty's writ under the great seal of Great Britain to me directed for electing a burges to serve in the parliament to be holden at the city of Westminster on the _____ day of _____ next ensuing, for the borough of _____ aforesaid, These are therefore to will and require you that you make proclamation within the said borough of the day of election, and cause freely and indifferently to be elected one burges of the most sufficient and discreet, by those who shall be present at such election, according to the form of an act passed in the _____ year of our reign, entitled "An act for declaring and restoring the natural, unalienable, and equal right of all the commons of Great Britain (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to vote in the election of their representatives in parliament: For regulating the manner of such elections: For restoring annual parliaments: For giving an hereditary seat to the sixteen Peers which shall be elected for Scotland: And for establishing more equitable regulations concerning the Peerage of Scotland."—And the name of the said burges so elected (whether he shall be present or absent) you cause to be inserted in certain indentures to be made between me and those who shall have interest in such election, and that you cause him to be and appear at his said

[110]

said Majesty's parliament to be holden at the said city of Westminster on the said day of next ensuing, so that the said burghers may have full and sufficient power for himself and the commonalty of the said borough, to do and consent to those things which of the common council of the said realm shall be requisite and necessary to be done: And you are not to elect me or any other Sheriff of Great Britain. And the said election you are forthwith to certify to me, sending to me one part of the said indentures annexed to this precept, that I may certify the same to his majesty in Chancery; herein fail not. Given under the seal of my office this day of in the year of the reign of our sovereign Lord George the third, of Great Britain and so forth, and in the year of our Lord

N O T E.

THE Form of the writs and precepts still in use, (which is supposed to be very antient,) has been adhered to as much as possible. And it is remarkable that these writs to the Sheriff still direct that all the members for the county, and for every city, and for every borough in his county, shall be elected by those who at the proclamation (to be made in the county court) shall be present, according to the form of the statute in such case made and provided: Indentures are to be made between the Sheriff and those who shall be present at such election; the election is to be made in his full county distinctly and openly, and the members are to come in such manner that they may have for themselves and the commonalty of their respective boroughs, &c. sufficient power to do and consent to those things which by the common council of the kingdom may happen to be ordained upon the said affairs (on which parliament is summoned) so that for want of such power, through an improvident election of them, the said affairs may in no wise remain unfinished.

The precept from the Sheriff also directs the returning officers of cities and boroughs, that two members shall speedily and indifferently be elected by those who shall be present at the said election, according to the form of the Statute in such case made and provided.

THOMAS YATES, Sec.

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