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REFORM
WITHOUT INNOVATION:
OR,
CURSORY THOUGHTS
ON THE
ONLY PRACTICABLE
REFORM OF PARLIAMENT,
CONSISTENT
WITH THE EXISTING LAWS,
AND THE
SPIRIT OF THE CONSTITUTION.

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REFORM

WITHOUT INNOVATION.

THE public mind being at this moment greatly agitated, on account of certain abuses, generally understood to have taken place in the administration of certain departments of the state, it has been thence concluded, that a considerable portion, not to say the whole, of the evils complained of, has arisen from a defective representation of the democracy in the lower House of Parliament; and a general outcry has been consequently raised, in almost every part of the kingdom, for such a reform in that representative body, as shall bring it as nearly as possible to, what is termed, the true and genuine Spirit of the British Constitution. To this end various discordant

and impracticable plans have been at different periods proposed, most, if not all, of them, deemed by the more sober and enlightened part of the community completely wild and visionary; unadapted, as well to the present condition of things, as to the existing circumstances of the times; and so far from being applicable to the remedy of any abuses, supposed to exist, as demonstrably to bring with them much greater mischiefs than those they are proposed to remove. One speculator in this line, is for universal suffrage; so that every male, from a certain age upwards, shall have a voice at the election of his department: another, is for the opening of all boroughs generally, not only to their residents, but their neighbourhood within certain limits; or without any limits at all, but those of the county in which such boroughs chance to be situated: another, for doing away the boroughs altogether; and transferring the elective rights to the counties at large, &c. &c. In a word, to detail all the plans, of all the different projectors

on this subject, would alone occupy a volume of no inconsiderable magnitude; suffice it therefore to say, that they all appear, to the cool and reflecting mind, rash and impracticable in the extreme; and not a single one of them more likely to suit the fancies of the other reformers, who, although looking to the same professed end, are yet eager to proceed to it by far different routes, than the present existing state of things, under all its pretended circumstances of abuse and mismanagement. With respect to the supposed corruption of Parliament, partly attributed to the influence of the crown, and partly to the borough system, an unprejudiced and considerate man would naturally say, first ascertain the facts on which you found your conclusions, and do not lay down premises which may be afterwards demonstrated to be fallacious, and then argue from them as if they were proved. Let it be in the first place considered, that the crown having the disposal of an immense revenue, dispersed through every department of the state,

must necessarily, and in the very nature of things, have a considerable influence over those departments, in all their several branches : and in what manner, if it be deemed an evil, such evil can be remedied, must remain with the proposers of reform to suggest. Would they annihilate the revenue and resources altogether ? or throw the direction of them into the hands of the aristocracy, or democracy ? or how else would they dispose of them ? Within no very long space of time, restrictions have been laid upon the royal prerogative, and various descriptions of people disfranchised of their rights, either to sit in Parliament, or to give their voices for representatives in it, on account of their supposed connection with the immediate servants of the crown ; and had not the increased revenues of the state occasioned a proportional increase in the number of those employed in their collection, as well as of those through whom such revenues are dispensed, the crown had at this moment possessed little, if any influence at

all ; none at least in any degree adequate to the demands of strictly constitutional necessity. For it should be considered, that without a certain portion of influence on the part of the crown, the public business could not be carried on, probably for a single day ; but the state engine, with all its nice and complicated machinery, would fall into confusion at once.

With regard to the Borough system, it seems the natural and necessary consequence of the ordinary progress of human affairs, that certain parts of a great community should mount in the scale of population and opulence, whilst others proportionally sink in it ; and if every city, town, and borough, in the kingdom, were to have their chartered and representative rights done away, the moment their commerce, their manufactures, or other sources of population and opulence began to decay, there would be no end to such changes in the municipal bodies of the state ; as they must in that case be for ever necessarily varying, accord-

ing to the ever varying condition of the different parts. Independently of these considerations, which cannot fail to have their weight with every thinking man, is it reasonable to suppose, that an assembly, so constituted as the lower House of Parliament now is, would submit, without the compulsions of external force, to any such extraordinary modes of reform, as either of those above alluded to, by which one moiety of its members, at the least, would be immediately deprived of their seats, and with them of the greater part of their personal consequence ; and the other moiety be rendered the absolute slaves of a wild democracy, without a power of judging, or acting, for themselves ; but be compelled, like puppets, to play such parts in the political drama, as from week to week, and from day to day, should be arbitrarily assigned to them by their constituents? Let any reflecting mind be turned for one moment to this view of the subject, and the total impracticability of such a measure, without

such others of external compulsion as should tend to overturn every part of the existing constitution, must be sufficiently apparent to render all other statements, and all other arguments on the subject, unnecessary. What then, it will be said, remains to be done, or attempted, with any probability of success? Various abuses are supposed to have been discovered, which demand a remedy, and if those who have been guilty of them will not apply it, either the people must take the power into their own hands, or some conciliatory measures be adopted by those who possess that power, calculated to ameliorate future prospects, and to afford a sort of earnest to the people, that the unauthorized commission of such supposed abuses will hereafter be provided against. This, in the humble opinion of the writer, is no otherwise to be practically effected, than by rendering the lower House of Parliament as respectable as the spirit of the existing laws and constitution of the country will admit of, without abandoning first principles, or

exciting any violent convulsion in the state. And this every one must allow to be desirable in the highest degree, though how to be effected may not be so immediately apparent. The very short and simple plan, the writer has to propose, will, he humbly submits, untie the Gordian knot, and solve the difficulty at once; not only without altering the spirit of a single existing law, but merely by a strict adherence to, and enforcement of, the genuine principles of those already in existence; the spirit of which has been shamefully violated, equally to the evident dishonour of the representative, and the just dissatisfaction of the constituent bodies. A violation, by which in direct contradiction, or, at least, evasion, of one of the plainest, and most clearly expressed acts, which the legislature of this country ever framed, the lower House of Parliament, instead of being constituted of individuals, each and all of them possessing a certain defined stake in the great national interests, is become an asylum for men of ruined and desperate

fortunes, who seek their seats in it at any expense of honour, or money, or other means within their reach, for the purpose of sheltering themselves from the demands of their just creditors,* and of obtaining besides a chance for their share in the general scramble, according to their several measures of talent, or want of principle, which chance too seldom turns up a blank, if well supported by both those constituent parts. Perfectly aware that inviolability of person is absolutely essential to the freedom of Parliament, the writer would be one of the very last to propose its infringement in the most distant way; so far indeed is any such infringement from his intention, that it would be the warmest wish of his heart, that every member should not only be free in his person (so far as is ne-

* An instance has recently occurred, where a party, actually in prison, procured himself to be elected, and thus obtained his emancipation and future protection, with that money which ought to have been applied in satisfaction of the demands of his Creditors.

cessary to the execution of his public functions), but be equally so in his thoughts and his actions, and alike respectable throughout, in his conduct, his character, and his situation. This the writer, upon the best founded conviction, not only believes, but knows may be done by a rigid adherence to the sense and spirit of the Qualification Acts, as they now stand—By the act of the 9th of Queen Anne, Chap. 5th it is, for the better preserving the freedom and constitution of Parliament, enacted, that “no person shall be capable to sit or vote as a member of the House of Commons, for any County, City, Borough, or Cinque Port, within that part of Great Britain called England, the Dominion of Wales, and Town of Berwick upon Tweed, who shall not have an estate, freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements, and hereditaments, over and above what will satisfy and clear all incumbrances that may

affect the same, lying or being within that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, of the respective annual value hereafter limited, videlicet, the annual value of six hundred pounds, above reprises, for every knight of a shire; and the annual value of three hundred pounds, above reprises, for every citizen, burgess, or baron of the Cinque Ports; and that if any person, who shall be elected or returned to serve in any Parliament, as a knight of a shire, or as a citizen, burgess, or baron of the Cinque Ports, shall not, at the time of such election and return, be seized of, or entitled to such an estate, in lands, tenements or hereditaments, as for such knight, or for such citizen, burgess, or baron, respectively, is herein-before required or limited, such election and return shall be void.”

In order the better to ensure the observance of the above statute, another act passed in the 33d of the late King, chap. 20, by which, after reciting the former act, it was enacted, that “in order to enforce and

render the said act more effectual, "every person, who shall be elected a member of the House of Commons, shall, before he presumes to vote in the House of Commons, or sit there during any debate in the said House of Commons, after their Speaker is chosen, produce and deliver in to the clerk of the said House, at the table in the middle of the said House, and whilst the House of Commons is there duly sitting, with their Speaker in the chair of the said House, a paper or account signed by every such member, containing the name or names of the parish, township or precinct, or of the several parishes, townships or precincts, and also of the county, or of the several counties, in which the lands, tenements, or hereditaments do lie, whereby he makes out his qualification, declaring the same to be of the annual value of six hundred pounds above reprises, if a knight of a shire; and of the annual value of three hundred pounds above reprises, if a citizen, burgess, or baron of the Cinque Ports; and shall also, at the same time, take and

subscribe the oath therein set forth to verify the fact."

By the second section of the last mentioned act, the election of persons presuming to act without being so qualified, is declared to be void. Now it should be observed, that the *quantum* of this qualification was fixed in times, when money, by its proportional scarcity, was in fact equal, in real value, to three or four times the same nominal amount in those we live in; so that a fair demand might perhaps be made by the people for its proportional increase; but as that would be attended with various difficulties, as to the precise ascertainment of the now proportional equivalent, the writer, whose sole object is to attain much, or at least as much as he thinks at all necessary, at the smallest possible expense, consents to wave that consideration altogether, and content himself simply with the spirit of the law as it now stands; the evasion of which is notoriously, and every day, practised without the smallest notice whatever. Men without a

single foot of land in the world, without a single guinea they can justly claim as their own, borrow qualifications as they purchase seats in Parliament, and frequently of the very same parties; the furnishing a qualification being made a specific part of the contract for the seat. Now to do away this evasion altogether, and render the representative at least as independent as he professes to be, and ought to be, the writer's proposal is, that every qualification, whether real, or borrowed, shall remain liable to the demands of the member's creditors, during the whole period of his sitting in Parliament; instead of its being lent, as is frequently the case at present, for four and twenty hours, for the mere temporary purpose of enabling the member to take his seat, and to be then returned to the real owner:—in other words, if a person really choose to accommodate a member with a qualification, let him do it at the peril of being liable to that member's debts. In order to avoid all possible inconvenience, respect-

ing doubtful or disputed demands, the writer proposes, that the claims of creditors should not attach, or become a lien upon the qualification, until a judgment shall have been actually recovered at law for the amount; and that immediately after the recording of such judgment, the member should have three months time given him to furnish an additional, or new qualification; so that he should *at all times possess a clear unincumbered qualification to the stipulated legal amount*, while he sits in Parliament; and in default thereof, that his seat should become, ipso facto, and irrevocably vacated. By this simple measure, without any innovation on, or substantial alteration of, the existing laws, the end and object of those at present in force, for designating the qualifications of representatives would be preserved; and every ruined, or much incumbered, individual, instead of seeking refuge from the claims of his fair creditors in the House of Commons, would, from the publicity of the measure, fly from it, as from "plague, pestilence, and fa-

mine;" and the body at large thus purified become at once the most respectable, and the most respected too, of any that history has handed down to us in the annals of the world. Every player would then have a real stake in the political game, and not be liable to be driven, by personal distress, into measures injurious to his country, and dishonourable to himself. The writer is well aware, that so moderate and plain a mode of reform, as is here proposed, cannot hit the tastes of all alike. The Crown and Anchor reformers will probably, on the one hand, consider it as nothing; a mere drop in the ocean of corruption, which could neither purify its waters, or alter the course of its current; whilst the men of ruined and desperate fortunes, now basking in the sunshine of representative immunity, would proclaim it one of the most visionary, impracticable, and inefficient schemes, ever submitted to the consideration of the public. Visionary, however, and inefficient as it may appear, nothing can be more easy than its execution; and

nothing more certain and salutary than its effects. Without either altering or infringing the spirit of any existing law, the representative body would thus be at once purged of its most objectionable and destructive parts; and new life and vigour, in consequence, be restored to what remains. Every individual, occupying a seat in the lower House of Parliament would then be, in circumstances, at least, of some independence: and whatever germs of corruption might be discoverable in him, must be co-existent with his natural frame and constitution; and not derived from the circumstances of external situation. It will be asked, perhaps, how, in such times as the present, when the prices of every article, essential not only to the comforts, but even the necessities of life, have experienced so immoderate and disproportioned a rise, could the possession of a clear three hundred, or six hundred pounds a year, place a man beyond the reach of corrupt influence? The answer is, that, though it might not do so wholly

(which probably might be the case), yet would it be well worth the experiment; for surely one possessing either of those incomes, or the moiety, or even the quarter of them, "*above reprises,*" would stand upon much more respectable ground than another, who does not possess any income at all, and is induced, *by that very circumstance,* to seek an asylum in Parliament from the just demands of his creditors. The former may prove, it is true, a very dishonourable and unworthy member of society; but the latter, almost necessarily, is such before he would aspire to a seat in Parliament, on the grounds, and for the purpose, stated; and should any spark of honour lurk latent in his frame, is liable to have it extinguished by the very first drop from the phial of temptation that is poured upon it. How many individuals do we not know under this degrading predicament? How many disguised under the cloaks of patriotism, and pretended zeal for the rights of the people, who are themselves the greatest enemies

to those rights, by an equal disregard of their own honour, and the claims of those who have just demands on them? How many, on the other hand, become the most active and mischievous creatures of ministerial influence, from the same degrading and dishonourable motives? Were men, before they courted seats in Parliament, to place themselves in a clear and independent situation, and be enabled to enter that respectable assembly with erect countenances, and say, "We claim our seats here as chosen representatives of the people, to defend their rights, and maintain our own; here are our titles to that property, which constitutes our legal qualifications—assail them who may, we stand at all times on our defence, perfectly conscious that our failure involves the forfeiture of that situation, which we have been most ambitious of obtaining."—How truly respectable would an assembly of such representatives render themselves, not merely in the eyes of their constituents, but of the world at large; and, what is more than all the

rest, in their own? Instead of being pointed at, as is now too frequently the case, with the finger of scorn, as substantially aliens from that community whose rights they are bound to protect; as fugitives from law and justice, under the shadow of privilege, and sheltering themselves under the meanest evasions, for the basest and most criminal of purposes, they would then become the true and fair representatives of the people who elected them, with no other bias to betray their trust, than what might be referred to the failings of our common nature, to the total eradication of which no human institutions can apply. Thus by a simple adherence to *the spirit of the existing laws*, which had their origin both in reason and expediency, and were never yet evaded even in letter, without the virtual *breach of a solemn oath*, would the supposed defects in the representative body be at once remedied, so far as the constitution permits, without a dereliction of rights, or principles, on the one hand; or a forcible invasion of them, on the

other. The representative would thus be rendered respectable; and the constituent content, at least to all reasonable purposes, and to the full satisfaction of *every reasonable mind*: for he who expects that any plan could be formed, or hint suggested, that should equally meet the objects and wishes of all parties, would be just as weak as the countryman of Æsop, who attempted to adjust the management of his beast, conformably to the advice of every passenger; and with as rational a hope, as to the ultimate result, as the other of Horace, who

“ Rusticus expectat dum defluat amnis, at ille
“ Labitur, et labetur in omne volubilis ævum.”

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