THE

POSTSCRIPT

TO

MAJOR CARTWRIGHT'S REPLY

TO

SOAME JENYNS, ESQ.

THE POSTSCRIPT TO MAJOR CARTWRIGHT's REPLY TO SOAME JENYNS, ESQ;

HUMBLY RECOMMENDED TO THE PERUSAL OF LORD NORTH's ADMIRERS, PREVIOUS TO HIS LORDSHIP's NEXT SPEECH AGAINST A PARLIAMENTARY REFORM.

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TO

SOAME JENYNS, ESQ.

HAVING suggested that our author has not derived any advantage from Mr. Pitt, Mr. Fox, or Junius, who, although in some degree they have countenanced a part of his creed, are on the subject of reform in general, his direct adversaries, particularly the two former; I might perhaps incur a charge of partiality, were I to question only what *they* have advanced in his favour, without adverting to the less doubtful support which his doctrine has received from those who entirely agree with him. Let us therefore hear his ablest coadjutor, who, both by precept and example, has done more perhaps than any other man, our author himself not excepted, towards establishing the doctrines we controvert. The

* Internal Evidence: or, an Enquiry how far Truth and the Christian Religion have been consulted by [Soame Jenyns, Esq.] the author of *Thoughts on a Parliamentary Reform.*

reader knows I ſpeak of Lord North. He knows likewiſe, that I could not cite his lordſhip at a moment more favourable to the cauſe of our author, than when his lordſhip has juſt delivered his whole mind on the ſubject, in a long parliamentary oration, which has been extolled, as one of the moſt *argumentative* and able ſpeeches he ever made. To the ability of this ſpeech, we ſhall at preſent ſay nothing; but confine ourſelves merely to its argument. Now, as the end of argument, is to convince and perſuade, by eſtabliſhing facts, juſt principles and ſound doctrines; and as poſitions are intrinſically the ſame, whether clad in coarſe and vulgar attire, or robed in flowing tiſſue of the niceſt and richeſt texture, we ſhall drop the gorgeous clothing of eloquence, in which his lordſhip preſented his ſentiments to the houſe, and take the liberty of contemplating only his mere poſitions in their proper form, when placed naked before the eye; in order that, not prejudice, but reaſon; not fancy, but judgment, may decide upon the true merits of this celebrated ſpeech.

His lordſhip, then, to the beſt of my recollection, amongſt other poſitions, laid down the following: namely,

Firſt Poſition.

That to renovate, or reſtore the conſtitution, would be to renovate or reſtore what it is our happineſs is gone to decay; ſince he argued, that the conſtitution in former times was much more arbitrary than at preſent; and that our anceſtors experienced far leſs popular freedom than we enjoy, with ten times more monarchy and twenty times more ariſtocracy.

Second Poſition.

That freedom conſiſts in living under laws equally binding on the rich and the poor, the great and the ſmall.

Third

Third Position.

That the disfranchising act of 8th Henry VI. left the people at that period in a much worse condition than they now are in; because, forty shillings of their money being equivalent to thirty pounds of ours, the act excluded a far greater number of freeholders than at present.

Fourth Position.

That the commons gained an addition to their freedom from Henry VIII. who added very considerably to the elective body, by incorporating many boroughs.

Fifth Position.

That the present inequalities and disproportions of representation are not even discernible, when we contemplate the fair form and admirable beauty of our body politic; but are to be compared to mere warts on the human body, not in the smallest degree affecting its health; but if these were cut off, a mortification and death might ensue.

Sixth Position.

That the late parliament was *not* dissolved, because the influence of the crown preponderated in the late House of Commons; and that, if the present speak the sense of the people, the influence of the crown is gone, and there is no ground for reformation.

Seventh Position.

That representation was not essential to prosperity, since Manchester, Birmingham, Sheffield, Leeds, Halifax, &c. had grown opulent without it, while many favoured boroughs had gone to decay.

Eighth

Eighth Position.

That becauſe the great manufacturing towns had not prayed for a diſtinct repreſentation, and there were no petitions on the table from any of the people, therefore the Houſe ought not to agree to the motion then before them, ' for a committee to inquire into the ſtate of the ' repreſentation of the Commons of Great Britain in par- ' liament,' nor make any alterations.

Having thus ſtated eight of his lordſhip's poſitions, I ſhall content myſelf with ſome little comment upon each of them; not meaning to go into a full diſcuſſion of the ſeveral queſtions, but merely to ſuggeſt how far each of them appears in my judgment to be unfounded in reaſon. If in any reſpect the poſitions are ſtated erroneouſly, I ſhall very thankfully receive correction. Taking them in order, then, I ſhall begin with

Obſervations on the Firſt Poſition.

It does not appear to me, that his lordſhip underſtands the conſtitution he took ſo much *hiſtorical* pains to unfold; and I muſt aſk, what became of all his hiſtorical reaſoning, as ſoon as in reply it had been obſerved by Mr. Pitt, that the *principle* of our conſtitution is *repreſentation?* upon this ſingle flaſh of truth from the lips of youth, the hoary adverſary's whole chain of argument, or rather, his rope of ſand, inſtantly crumbled to duſt and rubbiſh. It may be obſerved, that the Houſe of Commons either does, or does not, ſtand in need of a reform: or, in other words, that it either is, or is not, formed according to the conſtitution. Its moral, its political, its commercial, its legal or literary character, is a ſubordinate conſideration; ſince its being virtuous or venal, knowing or ignorant, inclined to principles of freedom or ſlaviſhneſs, are all accidental circumſtances, not perfections or blemiſhes in its inſtitution. Now the conſtitution ſays, that the Houſe of Commons is a repreſentative body. Of whom it ought to be the repreſentative, its name ſufficiently imports, and by the figure in common

common uſe at this day it is ſtiled, the Commons in Parliament aſſembled. The conſtitution, again, being no reſpector of perſons, no prevaricator, no quibbler, but an oracle of truth and juſtice, declares that 'None ſhall 'be bound by laws but thoſe who aſſent, either perſon-'ally or by their repreſentative.' And that conſtitution knows no more what is meant by virtual repreſentation, as diſtinguiſhed from actual repreſentation, than the chancellor of the Exchequer would know what you meant, were you to talk of virtual taxation, as diſtinguiſhed from real taxation, and tell him it were every whit as good, although it brought him not in a ſingle ſhilling towards his ways and means: or, than a proteſtant knows what a papiſt means, when he talks of the prieſt as the repreſentative, by whoſe prayers, pardons, and indulgencies, inſtead of his own piety and good works, he is to find his way to heaven; and that this virtual religion is all that is fit for the multitude; who are too poor, too ignorant, too ſtupid, to be intruſted with the exerciſe of any real religion. Having ſhewn the conſtitutional principle in reſpect to repreſentation, we are to note, that our conſtitution can only be defined or aſcertained *by its principles*; for in vain ſhall we attempt to fix its indentity, by a reference to the practice of this period or of that; by talking of the revolution *, the reſtoration, the Norman or the Saxon æras, or any other epoch, antient or modern. Although therefore, it be certainly true, that repreſentation in this country was never enjoyed to the extent of the above principle; yet it is as certain, that that completeneſs of repreſentation is nevertheleſs the conſtitution. To argue otherwiſe, and to ſet about defining the conſtitution by the preciſe degree of repreſentation enjoyed at one period or at another, were to argue groſsly and abſurdly. What is it that conſtitutes the identity of a man? What principle is that by which you define him, and aſcertain that it is the ſame man who five, or fifty, or five hundred years ago defeated the enemies of his country or propoſed a ſalutary law? Do you, if he be living, refer to his muſcles, his bones, his blood or his limbs; or, if dead, to

* Alluding to the *hiſtorical* part of Lord North's ſpeech.

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the ſcattered particles of duſt which once compoſed his body; and maintain that they are the ſame muſcles, bones, blood and limbs, or elſe the very particles of duſt, which at the period in queſtion, conſtituted the man you mean? No: for you know they are not the ſame; you know that by accretion and waſte, perpetually operating, his body was never the ſame for two days, two hours, two minutes together, and that his duſt, for aught you know to the contrary, may have conſtituted part of other human bodies ſince his was laid in the grave. Is it not then, the ſoul, the ſpiritual, the conſcious principle, the immortal part, by which alone you can ſtrictly and philoſophically aſcertain his identity? Is it not this principle that is always the ſame, whether the body be healthy or diſeaſed, whole or mutilated, alive or dead, which truly conſtitutes the man, and to which that body was a mere habitation?—Aſſuredly it is. And thus when we treat of repreſentation, or any other political right of men, we muſt be careful to diſtinguiſh accurately between the groſs, varying and periſhable *body-politic*, and *the conſtitution*, which is its ſoul and vital principle. Nor is it an objection to ſay, that there are governments on earth where no ſuch rights are acknowledged, and where yet there are principles and a conſtitution. I deny the fact. Governments founded in tyranny are againſt all principles, and deſpotiſm has no conſtitution. As ſoon as principles operate, tyranny is no more; as ſoon as a conſtitution is eſtabliſhed, deſpotiſm is at an end. Having therefore proved that univerſal repreſentation is required by the conſtitution of this country, I need not prove that equal repreſentation is ſo alſo; unleſs it be neceſſary to prove that juſtice is not injuſtice. And a few words will prove, that parliaments of a ſingle ſeſſion, and that ſeſſion not exceeding one year, are likewiſe eſſential to the principle of repreſentation in its purity. For if repreſentation be every man's natural right, as ſoon as he attains to manhood he muſt enter into poſſeſſion, or he is debarred of his right; and it is a contradiction to admit, that there can any where exiſt a right to deſtroy right. If the community be debarred from electing for ſeven years, perhaps

haps a million towards the end of that period, will have no representation in parliament, and thousands upon thousands will have descended to the grave, without ever having enjoyed that peculiar blessing of the English constitution *. The same palpable objection, although in

* Ingenious, but not very ingenuous cavillers pretend, that this doctrine of universal representation carried to the utmost, overturns itself by proving too much; for if, say they, every man is to enter into possession of his right as soon as he arrive at manhood, there must be daily, instead of annual or sessional elections. The answer is not very difficult. Men have not a right individually, but collectively, to elect representatives; that is, no individual is to elect a person to represent him alone, but is to partake only in choosing a representative for the community or body of which he is a member. Now the several communities into which the great constituent body is divisible, are likewise collectively, and from time to time as occasions of state may require, to elect a representative body for the whole. This representative body is to be appointed for *a special purpose*, namely, to confer with the crown and the peers on the weighty affairs of the realm *then* requiring consideration and *dispatch*; and consequently requiring the presence of a parliament. The constituent body then in existence electing for *a special purpose*, do, by the very act of election, confer an authority to effect that purpose; consequently, an authority to endure until the affairs are dispatched which required *the presence of a parliament*. With the necessity of *presence* is to end the parliament. To deny the competency of the whole state, to confer such authority must surely be making as extraordinary an use of reason, as it would be to maintain, that, because a thousand persons are this day come of age, such an act of many millions agreed on yesterday, is not to continue in force until the business shall have been performed.

But no such absurdity is involved in this question; for those who attain to manhood subsequent to this act of the state, will actually enter into immediate *possession* of their right, and if it were possible to dissolve the parliament so elected on the morrow, and to choose another the next day, they would then share in the election of a new one. It is also to be observed that *possession* of a right, and the *exercise* of a right, are distinct things. A man therefore may enter into possession in January, without exercising his right till June. Now those who become adult after the election of one parliament, cannot possibly exercise the right of election before there is occasion to assemble another parliament. But since, under constitutional parliaments chosen once at least in every year, they must enjoy even the exercise sometime within the first year of manhood, and so on once in every succeeding year, which is all that any others can do, they would have both possession and exercise of their right fully and completely.

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a leſs degree, lies againſt triennial parliaments. Seſſional parliaments are conſequently the only parliaments acknowledged by our conſtitution. If, therefore, the Houſe of Commons be an univerſal and equal repreſentation of the people in parliaments of one ſeſſion, it is according to the conſtitution, and ſtands not in need of a reform; but if it be no ſuch thing, it is foreign to the conſtitution, and a reform is neceſſary. And it will be the more neceſſary, in proportion as the departure from the conſtitution has been great, and the ill conſequences thereof have been injurious and alarming. Suffice it at preſent to ſay, that its departure from the true principle of repreſentation is in ſuch an extreme, and the ill conſequences thereof have given ſo great an alarm, that the beſt and wiſeſt men in particular, and the public in general, have called for a reform.

Obſervations on the Second Poſition.

Here, again, his lordſhip ſhews himſelf not only utterly unacquainted with the conſtitution of England, but with the very elements of the ſcience of civil government; for his definition of freedom would ſuit with a ſtate of the moſt complete deſpotiſm, where the ſovereign ſhould be ſole legiſlator; whenever his laws ſhould bear equally on all ranks of his ſubjects, and be faithfully adminiſtered. Poſſibly his lordſhip may have defined what exiſts this moment in Pruſſia or in Auſtria; but he has not defined liberty. Thoſe who mean to be free, ought to know that laws and the adminiſtration of laws, be they ever ſo perfect, are but ſecondary objects. The primary object, is the authority whereby laws are made; and to be free, is to live under laws to which we have given aſſent, either perſonally, or by repreſentatives in whoſe election we had a power of voting. In the words of the old maxims, the definitions run thus; "Laws, "to bind all, muſt be aſſented to by all; and, None "ſhall be bound by laws, but thoſe who aſſent." Thoſe who are denied the exerciſe of this right, may be protected, but they cannot be free.

Obſer-

Obſervation on the Third Poſition.

His lordſhip's third poſition ſays no more, than that the ſtatute of disfranchiſement was far more tyrannical and iniquitous, than is commonly imagined.

Obſervations on the Fourth Poſition.

When the borough of Saltaſh, during his lordſhip's adminiſtration, had become extinct, it was I preſume, with a view to increaſe the freedom of the people, that he prevailed on his Majeſty, as I have been well informed, to revive, that is, to renovate or reſtore the ſaid borough; and, as the moſt effectual means to that end, to give the new charter to his lordſhip himſelf, together with a few of the dock-officers at Plymouth, and other ſelect perſons. Charters of incorporation granted by *Henry the eighth*, or adviſed by *Lord North*, I doubt not have been equally auſpicious to the cauſe of freedom. Indeed we are now full ſenſible of our obligations, not only to Henry the eighth, but to all other princes whoſe borough charters have in fact placed in the hands of leſs than ten thouſand perſons, the appointment of more than half the Britiſh Houſe of Commons. But whence a *royal* charter derived authority to ſay unto ſix perſons, 'You alone of the ſix-thouſand *Commons* of whom your 'town conſiſts, ſhall have repreſentatives in parliament,' I believe it will puzzle his lordſhip to prove; unleſs any abſurd or tyrannical practice, merely from the circumſtance of being *an hiſtorical fact*, is to become the proof of a *conſtitutional principle.* *

* The inhabitantcy of Edinburgh is reckoned at *ſeventy-thouſand* ſouls, whereof *thirty-nine* perſons elect thoſe who, by "a ſingular ſtretch of fancy," are called *the repreſentatives of that city.* Glaſgow has *forty-thouſand* ſouls; of whom, only *twenty nine* are repreſented in parliament. See a circular Letter to the royal Burghs in Scotland.

Obſervations on the Fifth Poſition.

What a happineſs to poſſeſs a talent for *ſimiles* and *alluſions!* By this rare faculty, our *argumentative* orator proved, to the infinite ſatisfaction of the majority in a Britiſh Houſe of Commons, that the whole maſs of inequalities in the national repreſentation, like a mere wart on the human ſkin, are not even to be ſeen when any one contemplates the fair proportions and general beauty of the whole frame! nor do they in the ſmalleſt degree affect our political health! Nay, ſo perfectly inſignificant are all ſuch inequalities, that, in the ſober eye of reaſon, they amount to no more than, "Here, a hair or "two, too little; there, a hair or two, too much." O, happy, happy, Britain, that haſt an experienced counſellor to ſatisfy thee ſo convincingly, that all thy grievances are imaginary! Be not thou, then, O my country, the deaf adder of ſcripture, when ſo charming a charmer ſweetly tunes his muſical voice, to charm away the very ſenſe of thy wrongs! Why in the exceſs of thy ſpleen, and in the perverſeneſs of thy rugged nature, wilt thou make rude and peeviſh diſtinctions, between a houſeleſs borough and a populous county? Why fret and chafe, and murmur, becauſe *two hundred and eighty* members, or a *majority* of thy repreſentative body, are elected by a leſs number of perſons, than in the city of Weſtminſter, are reſtricted to the choice of *two* only? Why object to thy whole community being liable to be bound by laws, to which poſſibly the aſſent of ſo ſmall a part only, as not to exceed the inhabitants of this ſingle city, ſhall have given their aſſent? Why imagine that this monopoly of repreſentation by a few, together with all its inequalities and diſproportions, can be productive of unequal laws, or partial legiſlative deciſions? or otherwiſe affect the health of thy body-politic? Or why ſuſpect, that a ſecond rejection, *by men ſo elected*, of a mere motion for only *inquiring into the ſtate* of repreſentation, as well as conſtant defeats of all attempts to ſhorten the duration of parliaments, lengthened by a traiterous act of *men ſo elected*, ſhould have been at all owing to

thoſe

thoſe inequalities and diſproportions of elective power amongſt thy people? Thy beſt phyſicians and thy moſt anxious friends have told thee very truly, that wherever the vital principle of election is wanting, that part of thy body is politically palſied and dead; that it is evident, from the preſent deficiencies, inequalities and diſproportions of the elective right, that from this dead palſy, not above a ſixth or ſeventh part of thy political body is free; and that nothing but reviving the dead parts, by *reſtoring* this vital principle, can ever reſtore thy health: but the facetious, the wiſe, and witty NORTH —he whoſe counſels have been thy greateſt bleſſing, and whoſe purity of mind and purity of conduct have been equally conſpicuous; he who never flattered, who never deceived, who never betrayed thee; he who never waſted thy treaſure, nor ſpilt thy blood in the cauſe of iniquity, and againſt thy every intereſt; he, I ſay, aſſures thee that, at this inſtant, thou art all health and beauty; that this grievous diſeaſe of thine is all imaginary; and that even the niceſt obſerver cannot diſcover on thy frame, a blemiſh that is more than equivalent to, "Here, a hair or two, too "little; there, a hair or two, too much!"—Dropping however, all irony, I muſt once more take notice of his lordſhip's extreme *ignorance of the conſtitution*; with regard to which, his figurative illuſtrations have been no leſs fallacious, than his hiſtorical deductions. Under a conſtitutional law for univerſal and equal repreſentation, when the elective diſtricts muſt unavoidably vary in their reſpective numbers, by differences of ten, or fifty, or a hundred inhabitants, according to circumſtances; when, amongſt the thouſands in each diſtrict, a few individuals not deſerving freedom, ſhould nevertheleſs enjoy the common rights of ſociety, becauſe not *legal* criminals; and when the free ſuffrages of uninflueneed electors, ſhould ſometimes place a few worthleſs and contemptible men amongſt the intelligent and reſpectable in the Houſe of Commons; then, indeed, would his lordſhip's alluſions to warts, ſpecks and almoſt imperceptible inequalities of hair on the human body, be ſtrictly applicable to ſuch natural and trivial blemiſhes in the body politic, whoſe general health, vigour and beauty could ſuffer thence

thence no ſenſible diminution. The neceſſity therefore of ſuch a law, is made evident by this very argument of its ableſt opponent. His Lordſhip's objection to *cutting off* even warts, as alluding to the oft-propoſed *amputation* of petty boroughs, is certainly juſt, and founded in conſtitutional truth. The equal and juſt ſpirit of the conſtitution ſays, 'Cut not off from freedom a ſingle citizen; 'but diffuſe liberty equally to all.' To melt down all monopolies and diſtinctions of ſuffrage, without touching thoſe parts of charters that are protective of private rights or productive of internal police, and then to portion out anew that ſuffrage, which is the birthright of us all, in equal ſhares and due proportions, would not disfranchiſe a ſingle individual, but give freedom to millions. On the utter inſufficiency of a borough charter from the *crown* to confer an excluſive monopoly of repreſentation in parliament, to any particular perſons amongſt the *commons*, I have already touched. It is at once ſo ſelf-evidently unconſtitutional, iniquitous, and abſurd; that 'tis a doctrine not to be reaſoned upon, but to be ſpurned with contempt and indignation.

Obſervations on the Sixth Poſition.

As the diſplay of a quibbling dexterity in the war of words, there is too little ingenuity in the party argument contained in his lordſhip's ſixth poſition, to be worth our notice, was it not for the concluſion againſt reform which he has drawn therefrom. If the late Houſe of Commons was *not* diſſolved becauſe the influence of the crown preponderated in that houſe, it certainly *was* diſſolved for one of theſe two reaſons; either that a dangerous influence of ſome kind *did* preponderate, or that the influence of the PEOPLE did *not* preponderate. His lordſhip is welcome to chooſe his alternative.

Again: although the preſent Houſe of Commons may ſpeak the ſenſe of *its electors*, on the ſingle point of execrating the coalition; it by no means follows, that it ſpeaks their ſenſe on other queſtions. Nor is it poſſible, that it can at all ſpeak *repreſentatively* the ſenſe of *thoſe who have not made it their repreſentative*; who are by far the

the greateſt part of this nation. It may indeed happen to coincide with them in opinion, on this topic or on that; and ſo may the parliament of Ireland or of Paris, the States of Holland or the Congreſs of America; but he who calls this *repreſentation*, or ſpeaking *the ſenſe of the people* according to conſtitutional intendment, knows as little of the conſtitution as he does of the third heavens.

Beſides; the preſent Houſe of Commons ſtanding upon the ſame monſtrous inequalities, the ſame iniquitous diſproportions, the ſame pernicious monopolies of ſuffrage, and inordinate duration of power, as the laſt ſtood on, how can we have a ſhadow of ſecurity, that, before its diſſolution, it ſhall not become as verſatile and infamous as the late parliament; which began its career, with ſupporting the worſt of wars and the worſt of miniſters,—which proceeded in the ſame courſe, until, thro' a ſudden dread of damning proofs being held forth to the public, it ſubſcribed to the general opinion of mankind, recording its own infamy in that memorable vote, "That "the influence of the crown has increaſed, is increaſing, "and ought to be diminiſhed," the plain Engliſh of which is, 'That the corruption of this houſe has in-'creaſed, is increaſing, and ought to be diminiſhed:' * which alſo ſoon after pulled down the whole miniſtry, and ſupported a new one upon oppoſite principles:—which then put on the grimmace of reform, but took care to get rid of the only motion that led to any thing deſerving the name:—but which, ſoon tired of even the ſhew of virtue, quickly gave itſelf wholly up to the intrigues of men, who had no ſcruples to ſacrifice their conſiſtency, their characters, and their country, to private revenge and the luſt of power:—and which cloſed its career, with an intemperate and violent ſupport of the very miniſter it had before ſo juſtly degraded, and the reſt of a profligate and deſperate faction, in their attempts to enſlave at once both king and people.

* This ſelf-condemning vote has been attributed to a threat of Mr. Dunning, to expoſe by name a great number of members for acts of venality if they ſhould oppoſe it.

Obſer-

Obſervations on the Seventh Poſition.

The places mentioned in this poſition, undoubtedly have, by the force of ſituation and other natural advantages, thriven exceedingly under the diſadvantage of wanting a diſtinct repreſentation in parliament; nor is it even improbable, but that *under a capricious, arbitrary, and ridiculous ſyſtem of repreſentation productive of infinite election evils*, the circumſtance of being free from thoſe evils, may in ſome degree have contributed towards that proſperity; notwithſtanding Briſtol and Liverpool, London and Weſtminſter, as examples of another kind, might not readily conſent to part with their elective rights. A candid acknowledgment of any real objection, can never hurt an honeſt ſyſtem; but the objection to which I here allow its full weight, under a plan for univerſal and equal repreſentation in annual parliaments, according to the conſtitution, would ceaſe to be an objection; becauſe ſuch a plan, doing away election evils, would remove every objection of Mancheſter, Birmingham, and the other manufacturing towns, to a diſtinct and local choice of repreſentatives. To ſay that thoſe towns would derive no benefit from ſuch a repreſentation, would be to talk againſt the common ſenſe of mankind, and to libel the conſtitution of England; whoſe peculiar glory it is, to preſcribe a full repreſentation of its people in the legiſlature. Even ſuppoſing repreſentation were an evil, it ought either to be held back from thoſe places which ſuffer from it, or impoſed on thoſe which thrive by its abſence, at the expence of other parts of the community. This at leaſt would be giving us an *equal* law, the living under which is his lordſhip's definition of freedom.

Obſervations on the Eight Poſition.

In laying down this poſition, his lordſhip aſks, 'Do 'the people call for reform? Is there a ſingle petition 'for it *on the table?* Read me in particular the petitions 'of Mancheſter, Birmingham, &c.' When, on a former

mer occaſion, there were ſo many petitions, that, for want of room, they were piled on the floor, all the reſpect the member for Banbury then thought fit to ſhew them, was to introduce in his ſpeech a ſilly jeſt, on the numerous petitions "under the table." It is however a new doctrine, and as curious as it is new, that where there are no petitions, there is to be no legiſlative interference. And it is a ſtill more extraordinary idea, that, unleſs a petition be ſigned by a majority of the people, its allegations ſhall not be conſidered as true, nor its prayer be even taken into conſideration; much leſs, complied with. It is now an argument with his lordſhip, that there are *no* petitions; it was on the former occaſion his argument, that they were only ſigned by a *minority*; and it may be remembered in particular, that he even counted the ſignatures to the petition of Somerſet. This mighty man of argument never told us, that I remember, how many millions had petitioned for the coalition India bill. And may we not aſk where are now the petitions from the public in general, or from the tea-dealers in particular, to protect the fair trader, improve the revenue, and benefit the ſtate, by a ſuppreſſion of ſmuggling? The notoriety of the abuſe, the certainty of the iniquity, and the magnitude of the evil, have, *on this occaſion*, been thought ſufficient grounds for the application of a legiſlative remedy. Nor has any one member, not even the member for Banbury, thought it either parliamentary or *decent* to maintain, that the abuſe, the iniquity, and the evil, ought ſtill to prey upon the public revenue and the public morals, until ſo far magnified beyond endurance, as to extort from the people petitions for redreſs; nay that that redreſs ought not to be granted; no, nor even the complaint *inquired* into, unleſs a majority of the nation ſhould have become petitioners. I believe, on the contrary, it has been thought one of the great merits of this proceeding, that it made complaints and petitions unneceſſary, by meeting the public wiſh, and providing for the public good, unaſked. But who ever doubted, that it belonged to parliament itſelf, as an indiſpenſible duty, that it was in the very eſſence of its character, as a repreſentative *guardian* of the public, to

be

be vigilant and induſtrious in the *discovery* of all pernicious irregularities; to inſtitute *ſpontaneous* inquiry into all ſerious abuſes coming to its knowledge; to *anticipate* all application for redreſs; and to promote the welfare and the contentment of the people, by arreſting corruption and abuſe in their *beginnings*, and nipping injuſtice and evil in the *bud?*—If this be the proper character and duty of a Houſe of Commons, what ſhall we think of the fate which has uniformly attended all our petitions and all our attempts for redreſs of thoſe two notorious, enormous, and intolerable grievances, partial repreſentation, and unconſtitutional duration of parliaments? And when we recollect that, in addition to its legiſlative authority, that houſe, in matters of election, claims alſo the powers of a ſupreme and final judicature, how ſhall we account for its refuſing even to *inquire* into the ſubject of our complaint? It is no part of the boaſted law and conſtitution of England, that the adminiſtration of juſtice ſhall be optional; and that our judges ſhall preſume to have a choice in cauſes, to hear, or not to hear, at their pleaſure. Much leſs, is it part of that conſtitution, that the judges in a ſupreme and final court of judicature, on a queſtion immediately intereſting to themſelves, ſhall firſt cloſe againſt us all inferior courts, and then diſmiſs our cauſe unheard, as regularly as we attempt to bring it before them. If the Houſe of Commons, in matters of election, be indeed a judicature, it muſt be open to our ſuit; it muſt receive our evidence; it muſt render juſtice. It has no alternative. Good God! ſhall men ſit in the ſacred ſeats of judgment, and dare to deny juſtice! It were not only the conſummation of tyranny to man, but a mockery of God and his laws, of the utmoſt impiety!

Such, then, are the reflections which aroſe in my mind, on hearing the ſpeech of Lord North. Nor did I at the moment notice a ſingle poſition, but what, when taken out of his lordſhip's hands and placed in a juſt point of view, would have made ſtrongly in favour of parliamentary reform. The difference of opinion on this extraordinary oration is certainly very wide indeed; ſome admiring it as a *chef d'œuvre* of eloquence and ability, and, in re-

ſpect

ſpect to the conſtitution, learned and argumentative in a high degree; while others conſidered it, as no better than a mere quibbling and ſophiſtical harangue of an artful pettyfogger, and, with regard to the conſtitution, that it betrayed either the ignorance of a Hottentot, or, what is as little commendable, an abuſe of knowledge and a perverſion of truth. For my own part, I only lament that it has not been in my power to do more ample juſtice to this ſpeech, which I ſhould be happy to ſee in print, and bound up with "*Thoughts on a Parliamentary* "*Reform*;" in order that the writer and the orator might mutually reflect light and reputation upon each other; and that the public might ſee in a ſmall compaſs, all that their wit, genius, and learning, have to advance againſt equalizing repreſentation and ſhortening the duration of parliaments.

When his lordſhip or his friend ſhall have invalidated the four ſhort propoſitions contained in the ſubjoined *Declaration*, or refuted the arguments uſed in the notes upon the ſame, it will be time enough to meet them again in the field of controverſy. Till then, I bid them adieu!

" DECLARATION OF RIGHTS,

" Without which no Englishman can be a free
" Man, nor the English Nation a free
" People.

" I. THE right of making Laws for this realm is, " by the constitution, lodged in the hands of " King, Lords of Parliament, and the Representatives " of the Commons.

" II. Every Englishman (infants, insane persons, and " criminals excepted) is, of common right, and by the " laws of God, a *free* man, and intitled to the full en- " joyment of political liberty.

" III. It is essential to an Englishman's political " liberty that he have *an actual share*, either in legisla- " tion itself, or in the electing of those who are to frame " the laws; which, although they ought to protect him " in the full enjoyment of those absolute rights, that are " vested in him by the immutable laws of nature, may " yet be fabricated to the destruction of his person, his " property, his religious freedom, family and fame.

" IV. It is a natural right of the Commons of Eng- " land, and required by the principles of the constitu- " tion, that they elect a *new* House of Parliament once " at least in *every* year: because, whenever a parliament " continues in being for a longer term than *one session*, " then thousands who, since it was chosen, have at- " tained to man's estate, and are therefore intitled to en- " ter into immediate possession of that elective power " which is their best and most sacred inheritance, are in " that case unjustly *denied their right*, and *excluded from* " the enjoyment of political liberty."

Note

Note 1ſt. The rich and the poor being of *the ſame ſpecies*, are under the ſame laws of nature, and being alike capable of benefit or injury from their legiſlators, they neceſſarily have, in the election of thoſe legiſlators, *the ſame rights*. But the rich, in defence of their liberty and property, have every advantage which wealth, knowledge, and the purchaſed ſervices of others can afford them; while the poor, deſtitute of all theſe, have no ſecurity but in *the purity of legiſlation*, nor any means of ſelf-defence, but in *retaining their ſhare of the elective power*.

The poor then, have an *equal right*, but *more need*, to elect repreſentatives than the rich. He that is free, poſſeſſes that which is more to be valued than riches; but, robbed of liberty, he is poor indeed!

Note 2d. All who talk of a *virtual* repreſentation, agree that it is not a *real* repreſentation; conſequently it is no repreſentation at all. All *electors* ſhare in a *real* repreſentation; becauſe the choſen perſon repreſents the *body* of which they are ſeverally the *members*. Why does an attorney at law repreſent his client?—Becauſe choſen ſo to do *by* that client. Why does a parliamentary attorney repreſent any particular community or body of electors?—Becauſe choſen ſo to do *by* that community or body of electors. But beyond the limits of *election*, there can be no *repreſentation* whatever. And where there is no repreſentation, there is no conſtitutional power of taxation or legiſlation. Who ever heard that the attorney of *John* ſhall diſpoſe of the property of *Thomas*, becauſe John and Thomas happen to reſide in the ſame town or country? Or who now admits, that men choſen by *Henry* and *Edward* only, ſhall have power over the life and liberty of *William* and *George*?

Note 3d. Neither is the member choſen by one community, the repreſentative of *any other* community; much leſs of *all other* communities in the kingdom. The member choſen to repreſent Yorkſhire is undoubtedly, *with others*, a *joint-legiſlator* for the whole Kingdom; but to call him who is choſen by Yorkſhire *alone*, the *repreſentative* of *all* England, is to trifle with words, and to confound ideas which are totally diſtinct. If, on occaſion of a joint concern, three partners, John, Thomas, and Samuel, appoint each his ſeparate attorney, to be paid out of his ſeparate purſe, to follow his ſeparate inſtructions, and to take care of his ſeparate intereſt, at the ſame time that he was required, *in conjunction with the others*, to promote the joint intereſt of the whole partnerſhip, each perſon ſo appointed is ſtill the attorney of *his own principal*, and not the attorney of *the partnerſhip*. As no one could be the attorney *of* the partnerſhip without being choſen *by* the partnerſhip; ſo no member of parliament can be the attorney or repreſentative *of* the whole kingdom until choſen *by* the whole kingdom.

Note 4th. Thoſe Engliſhmen who have *no* votes for electing repreſentatives, are *not* free men, as the rights of nature and the principles of our conſtitution require; but are *enſlaved* to the repreſentatives of thoſe who have votes: For, to be enſlaved, is to have *no*

will

will of our own in the choice of law-makers, but to be governed by legislators whom *other men have set over us*. This was the unhappy condition of the antient *villani* or villains; who being accounted *not free*, had no votes for electing representatives. But there being now, *none who in law are accounted not free*, there are consequently none to whom we can pretend to deny the sacred right of election.

Note 5th. But by the operation of *one* unconstitutional and wicked law (the disfranchising statute of 8 Hen. VI.) about *six-sevenths* of the English nation are at this day totally debarred of their birthright of voting for members of parliament, which sacred inheritance and right of nature was enjoyed by their free ancestors, until the enacting of that statute: and by the operation of *another* iniquitous law (the septennial act) the remaining *seventh part* are also debarred six years in every seven!

As, by the IVth article, it is demonstrated, that no parliament could possess any just authority to prolong its own existence beyond one session; so it is also evident that any submission on the part of the people to the injustice of the *septennial* or *triennial* statutes, could not weaken their natural right to a sessional choice of representatives.

Note 6th. The people's right to parliaments of *one session* was uniformly asserted in the written law of the land from the remotest antiquity down to the reign of *Charles the first*. Not a single disadvantage to liberty from the shortness of sessional parliaments was ever recorded in history. But the evils of long parliaments—are they not written in tears and in blood! and have such parliaments left us aught of Liberty but the name!

Note 7th. With the poor exception then, of *one* year of freedom in every seven, and in favour of only *one seventh part* of the nation, it is *demonstrated*, that the people of England are constantly *taxed without being represented*, and *compelled to obey laws to which they never gave assent*.

Are not these the very definitions of slavery! and are not Englishmen thus degraded to a level with the very cattle in the field and the sheep in the fold, which are a property to those who rule over them, and have no voice to say, Why are we bought and sold? Why are we yoked and laden with heavy burthens? Why are we fleeced and led to the slaughter?

THE END.

A

NARRATIVE

OF THE

Conduct of the Tea-dealers,

During the late SALE of TEAS
at the INDIA HOUSE.