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**MAJOR
CARTWRIGHT'S
LETTER**

TO

Sir Francis Burdett,

AS

CHAIRMAN OF THE MEETING,

AT THE

CROWN-AND-ANCHOR TAVERN,

FOR THE

RELIEF OF THE SUFFERERS

UNDER THE

Suspension-Act,

On MONDAY, FEBRUARY 2, 1818.

“ You see your *Enemies*, kill them or they will kill you.”—To the *Parliamentary Reformists* I, in like manner, say — “ You see the *Borough-mongers*, put down their *Usurpation*, or you and your *Posterity* must be their *Slaves*.” *Major Cartwright.*

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LETTER,

&c. &c.

To the Chairman of the Meeting, for the relief of persons, who have been prominent victims of a foul conspiracy against the liberties of our country—persons who have been infamously calumniated as guilty of High Treason,—have suffered false imprisonment, indignities, and cruelties,—and are now liberated without any compensation for their sufferings.

MY DEAR SIR FRANCIS,

NOT able, through indisposition, to attend the friends of freedom and humanity, among whom you are this day to preside, I beg leave to submit to them, through your means, the following observations, having *immediate relation to the case of the sufferers*, which is, in truth, the case of every man in the United Kingdom.

Their case having had its root in an Act of *Parliament*, it is my purpose to prove, that *Parliament* hath not *authority* to suspend, for one hour, the personal liberties of Englishmen.

I rest nothing on the notorious fact that the House of Commons does not represent the nation; or, on that other fact, equally notorious,—that the House of Lords is deeply implicated in the rotten-borough system, which facts, in the opinions of some, amount to an incapacitation of *Parliament*, in its present condition, *rightfully* to impose laws on the people.

No, Sir, my argument, for proving that *Parliament* hath not the *authority* in question, stands on broader and more solid

ground, equally applying to a Parliament *de facto*, and a Parliament *de jure*.

Although Parliament, holding its *proper office* in our system of government, were ever so perfect, I mean to shew, that it would *not* have *authority* to suspend for a single day, for a single hour, for a single moment, the personal liberty of Englishmen; placing all freedom from chains and dungeons, at the mercy of a minister.

What is any such suspension, but a suspension of the *constitution*? Can any inferior suspend its superior? Can a constable, when he pleases, suspend a magistrate? Can a magistrate, at his will, suspend the Court of King's Bench? Can that Court, at its discretion, suspend the functions of Parliament?

But no one of these suppositions is more monstrous, or more tending to anarchy, and its dire convulsions; or to the military despotism likely then ^{ce} to result, than an admission that parliament, in any conceivable case, can have *authority* to suspend the constitution.

What has at any time been the *pretence* for an act so monstrous? Why, truly, *necessity*. But is it not proverbial, that *necessity*, sometimes softened down to *expediency*, is the tyrant's plea? Then, *who*, at any time, is to be the *Judge* of this necessity or expediency? Why, truly, the *men in power*.

And these, last year, did not condescend to explain, *even to either House of Parliament*, the grounds of their desire to suspend the constitution; while the obsequious parliament did it on the mere report of two *packed* committees, who had looked into the mysterious Green Bags of the *men in power*.

Without further preface, I will now state my argument. To understand our *system of government*, and the respective functions of *Parliament*, of magistracy, and of all other authorities, we must carefully look to *first principles*; and we must ever keep in mind, that a *violation of principles*, accordingly as it flows from ignorance or from design, is folly or crime. Not even the Universe, the work of an Almighty Creator, could stand, nor suns, nor planets, be preserved in their orbits, if the *principles* of the system could by any adverse power be *violated* and *overthrown*; as then chaos must return. Let not men there-

fore think lightly of the *principles* of our constitution, which are *principles* of free government.

And notwithstanding the constant sneers and sarcasms of factious politicians, and of impostors in the solemn garb of statesmen, at *theory* and *abstract notions*, let all men be assured, that whenever they see violated a *principle of freedom*, they see that which is infinitely more mischievous to their country, than a thousand mere errors of policy, or blunders in the administration of government.

Tracing then our system to its *first principles*, we shall find a simplicity that will furnish a clear light, by which we shall see its excellence, as well as discover how to pull off the mask, that hides its beauty; to strip off the sevenfold cloak, that clogs it, till as inert as a mummy; and to strike off its disgraceful manacles and fetters.

To this end, plain and artless is the train of reasoning. The freedom of individual men is *merely* the stuff of which the collective freedom of the community is composed, and *nothing else*. National freedom is, consequently, that mere aggregate, that whole, of which the separate freedoms of the individuals are, essentially, the vital parts; and it is *nothing else*. Wherefore national and individual freedom, the whole and the parts, are alike sacred; as in the natural body of man, the arm, or the hand, or the smallest finger, is as sacred from lawless destruction as the head or the heart.

It is thus seen that, to violate any individual man's personal freedom, is to violate the national freedom; or, in other words, to stab the community in one of its members. What is this but to stab the Constitution, of which the political liberty of the community, and the personal liberty of every man in it, is the very end, the scope, the object?

It has lately been well said in the House of Lords, that—"the right which had been *suspended* was not one which had been granted by Parliament. The personal liberty of the people was *no concession*. It was a right *antecedent* to any statute, and *equal* to the rights of their lordships to vote in that House, or to the right of the King to sit on the throne."

With deference to the noble speaker, our right to personal

freedom, is *superior* to those other rights he noticed; inasmuch as it is *inherent*, whereas these are *derived*; it is original and antecedent to all government, whereas those of the Lords and of the King are the mere concomitants of *trust*, conferred by, and to be exercised for the benefit of the people.

The noble lord is reported to have proceeded thus, "he did not mean to say that there was any absolute *limitation* to the power of Parliament on this subject, where *circumstances* rendered such a stretch of power *indispensable*." What, can Parliament take away a right it never gave? a right antecedent, by thousands of years, to its very being?

Such notions can only have had their birth in a superficial study of the science of government, and a very careless consideration of the English Constitution.

To decide on the question of parliamentary competence, to take away, in any conceivable case, the natural, inherent, original rights of a people, it is proper to inquire into what are the respective imports of the words *constitution*, and *parliament*.

If these be indeed real entities, and not shadows or dreams, or unfathomable mysteries, they must admit of definition and explanation.—Now a CONSTITUTION is that system of polity, by which a free people agree to *govern themselves*; that is, through the medium of representation, to impose on themselves all the laws they shall observe, and all the taxes they shall pay; and of which system all the principles of truth and justice, so necessary to preserve the community's liberty, and to promote its well-being, are the very life and soul.

Their CONSTITUTION is, therefore, necessarily, the criterion, in that community, of political rectitude; a sacred law to their legislature; a "limitation" of its authority it cannot without criminality pass; and on all occasions an indispensable rule for its conduct, and that of all other functionaries of the state. Such being the CONSTITUTION, we next inquire,—what is PARLIAMENT?—In the foregoing definition of the CONSTITUTION, as in a mirror, we see the outline of its image. Farther to explain it, we say it is a *trustee* in the ordinary work of legislation for the management of public affairs; as well as in the superintendence of all magistracy and all judicial

proceedings; for keeping the several functionaries to their duty.

It is not necessary to descend to minutes^{ia}, touching any distribution of its offices, between the Lords and the Commons, but it is proper to remark that, although PARLIAMENT is competent to enact such statute-law in the management of public affairs, according to the CONSTITUTION, as may be expedient, it would be manifestly absurd to admit that it hath authority to take away, or for one moment to suspend one iota of the constitution; or, under any pretence whatever, to violate a single principle thereof: for it is a maxim of law, that, "If one principle be violated, all are shaken."

The statutes in a free nation, like the bye-laws in a corporation, can declare principles, and can supply what is wanting to regulation, but cannot take away what was fundamental to the individuals, anterior to their becoming ^{corpor} explainators.

I trust, Sir, it is now apparent, that PARLIAMENT, which is a mere creature of the people, their trustee, their agent, merely to officiate in their service, for their benefit, and hath no other function whatever, and which, in an especial manner, is bound to officiate, ~~and~~, as limited by the CONSTITUTION, hath no more right, ~~ex~~ no more authority, to violate that Constitution, and deprive the people of their liberties, than your attorney or your steward hath to embezzle the title-deeds of your estate—to withhold from you to their own use the estate itself,—and, as the Archbishop of Canterbury dared to say of the people, impudently to proclaim you mad, and thereupon to put you in irons, A to thrust you into a solitary dungeon, to treat you as a felon, just as long and as often as they should think fit.

I know, indeed, that it is to be found in books written by lawyers, that PARLIAMENT is "absolute,"—that it is "despotic,"—that it "can change and create afresh the CONSTITUTION of the kingdom;"* that is, (for no less can be the meaning of these words,) that, at its will and pleasure, for the Constitution of England, it can give us the constitution of Spain, with its Holy Inquisition!—or of Algiers, with its sabre justice!—or of

* Blacks. Com. I. 160.

A to silence you with a gag.

Morocco, where men's heads are struck off for royal amusement.

Nay, and for the consolation of our Bible-societies, tell this in *Gath*, publish it in the streets of *Askelon*,—these lawyers also affirm, directly in so many words affirm, that “Parliament can “alter the established religion of the land;” words which must mean, that it can abolish homage to a deity infinite in perfection and set up a *Moloch* to be worshipped with *human sacrifices*; and, to say the truth, we have seen the way paved for such an *alteration* in the religion of the land, by certain devotees of *Moloch*, while professing more than ordinary sanctity as Christians.

The same lawyer who penned the contemptibly ignorant positions I have quoted, as it to reach the climax of absurdity, likewise declared, that “Parliament could change and create afresh ITSELF,” that is, it could at one and the same time be *cause* and *effect*; the *potter* and the *pot*.

But lawyers do not write, and plead, and expound, nonsense for nothing. Nonsense is a fog which they have a peculiar art of raising in exhalations from the quagmires of their own sophistry, for confounding the minds of men to some evil end; and never hath more wickedness, or more tyranny, worked its way, than in this law-fog of pretended *parliamentary omnipotence*.

Traces of the infernal mischief are distinctly seen in all the present Attorney General's political *indictments*; in which are introduced, with a disgusting, a nauseating reiteration, this miserable nonsense—“the constitution, as by *law* established;” a phrase utterly unknown to the lawyers themselves; even so late, as when, in our own time, *Hardy*, *Tooke*, *Thelwall*, and many others, were indicted for High Treason, in 1794.

The very first appearance of this contemptible jargon, this gross absurdity, was in the gagging acts of parliament of the following year, into which acts it was foisted, as I have been credibly informed, as an *amendment*, by that paragon of scripture parodists, that most learned of the learned, the present Lord High Chancellor.

The drift hath ever since been most visible to all but the wilfully blind. IF Parliament at its pleasure could *change* the con-

stitution;—and IF a rotten borough oligarchy could once usurp all the functions and authority of parliament, what more could be wanting to the complete establishment of a rotten-borough-constitution, composed of all that is corrupt and tyrannical; with statutes to declare all parliamentary reformists traitors to their rotten-borough-majesties?

For more than twenty years *parliamentary reformists have been uniformly objects of slander and persecution*; nor shall I ever forget certain significant words uttered in my hearing on the trial of Mr. *Horne Tooke*, by the present Chancellor, then Attorney General, and member for a close borough: the words were as follows:—“*If the KING should consent to act with any representation, otherwise than as it is now constituted, HE OUGHT TO DIE, and I TRUST IN GOD HE WOULD DIE.*”*

A Sir *Andrew Agnew* is said to have made, to a regiment of soldiers he commanded, this concise harangue, “You see your enemies, kill them or they will kill you.” To the parliamentary reformists I, in like manner say, ‘you see the borough mongers, put down their usurpation, or you and your posterity must be their slaves.’

By last year’s grape-shot shower of petitions, corruption was thrown into convulsions, panic, and phrenzy. Her violences exposed her wickedness to hatred, as her extravagancies brought her folly into contempt.

For petitions by hundreds, overwhelm her with petitions by thousands, and then shall soon be seen a statute for radical reform worth a thousand *Magna Chartas*, and a thousand *Bills of Rights*; in as much as you shall then have possession of those sacred rights and liberties which those boasted charters did very little more than *declare!*

JOHN CARTWRIGHT.

* Commonwealth in Danger, published in 1792, p. 81.

THE END.

















