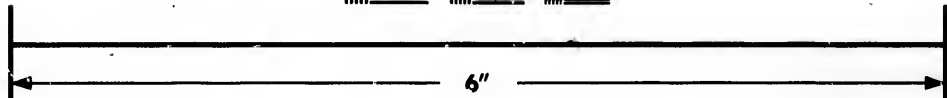
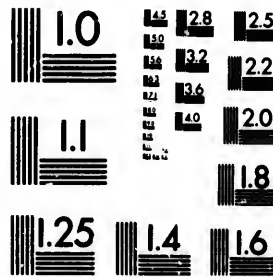


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14590  
(716) 872-4303

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1984**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- |  |  |
|--|--|
| <input type="checkbox"/> Coloured covers/<br>Couverture de couleur   | <input type="checkbox"/> Coloured pages/<br>Pages de couleur   |
| <input type="checkbox"/> Covers damaged/<br>Couverture endommagée  | <input type="checkbox"/> Pages damaged/<br>Pages endommagées   |
| <input type="checkbox"/> Covers restored and/or laminated/<br>Couverture restaurée et/ou pelliculée  | <input type="checkbox"/> Pages restored and/or laminated/<br>Pages restaurées et/ou pelliculées  |
| <input type="checkbox"/> Cover title missing/<br>Le titre de couverture manque   | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/<br>Pages décolorées, tachetées ou piquées   |
| <input type="checkbox"/> Coloured maps/<br>Cartes géographiques en couleur   | <input type="checkbox"/> Pages detached/<br>Pages détachées  |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/<br>Encre de couleur (i.e. autre que bleue ou noire)   | <input checked="" type="checkbox"/> Showthrough/<br>Transparence   |
| <input type="checkbox"/> Coloured plates and/or illustrations/<br>Planches et/ou illustrations en couleur  | <input type="checkbox"/> Quality of print varies/<br>Qualité inégale de l'impression   |
| <input type="checkbox"/> Bound with other material/<br>Relié avec d'autres documents   | <input type="checkbox"/> Includes supplementary material/<br>Comprend du matériel supplémentaire   |
| <input type="checkbox"/> Tight binding may cause shadows or distortion<br>along interior margin/<br>La reliure serrée peut causer de l'ombre ou de la<br>distortion le long de la marge intérieure   | <input type="checkbox"/> Only edition available/<br>Seule édition disponible   |
| <input type="checkbox"/> Blank leaves added during restoration may<br>appear within the text. Whenever possible, these<br>have been omitted from filming/<br>Il se peut que certaines pages blanches ajoutées<br>lors d'une restauration apparaissent dans le texte,<br>mais, lorsque cela était possible, ces pages n'ont<br>pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata<br>slips, tissues, etc., have been refilmed to<br>ensure the best possible image/<br>Les pages totalement ou partiellement<br>obscurcies par un feuillet d'errata, une pelure,<br>etc., ont été filmées à nouveau de façon à<br>obtenir la meilleure image possible. |
| <input type="checkbox"/> Additional comments:<br>Commentaires supplémentaires:   |  |

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

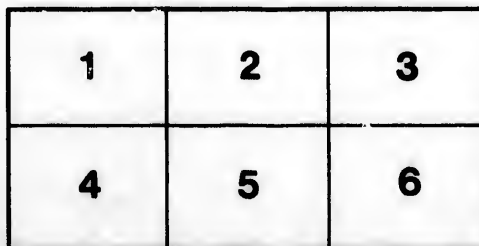
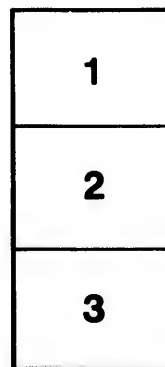
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

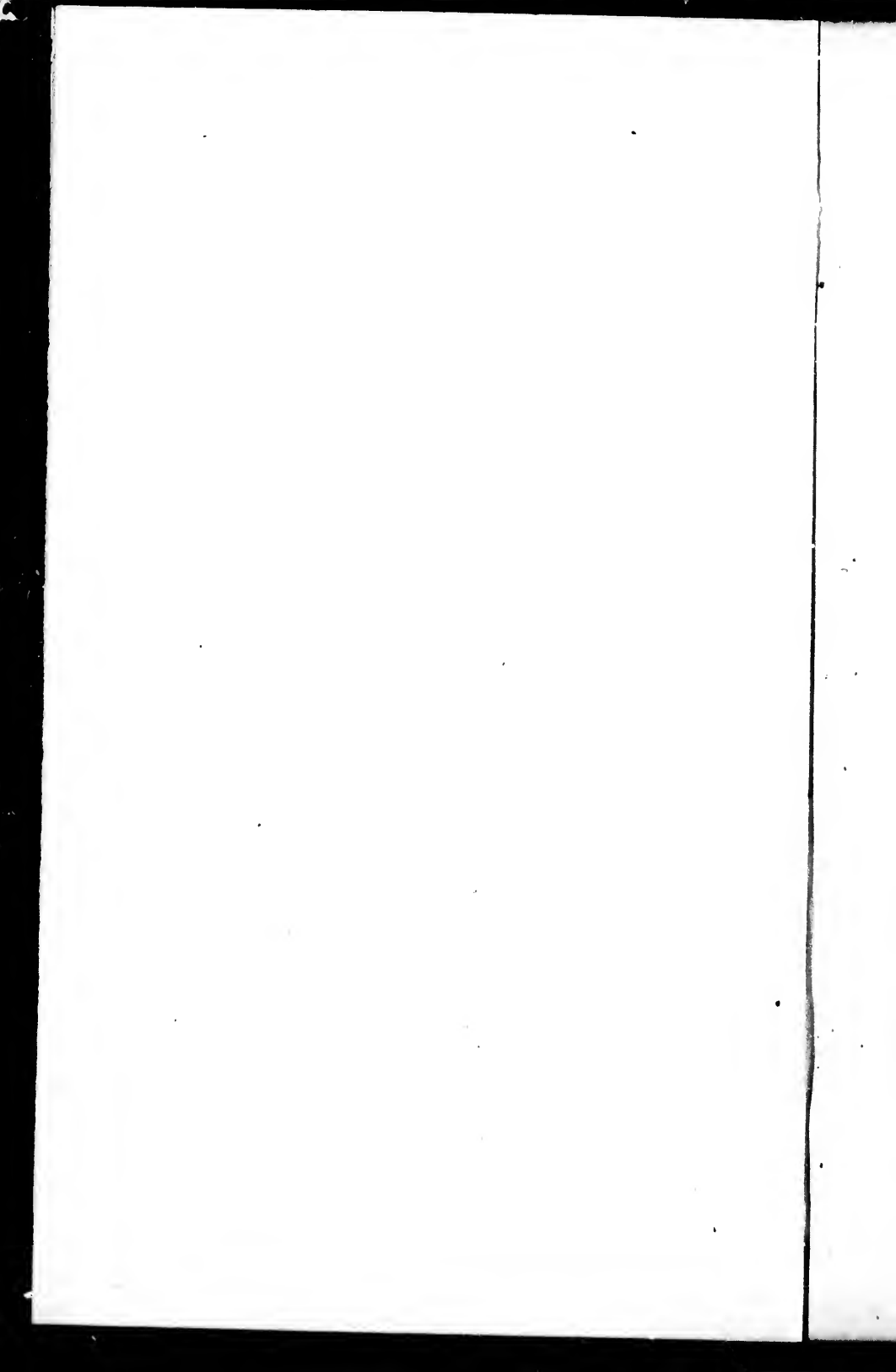
La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



A  
DIALOGUE  
ON THE  
ACTUAL STATE  
OF  
PARLIAMENT.

---

Multa dabo, quibus vitia non nocuerint; quædam quibus profuerint: quæ si quis corrigit, delèt: sic enim vitia virtutibus immista sunt, ut illas secum tractura sint.

SENEC. Ep. cxiv.

---

---

LONDON:  
Printed for J. STOCKDALE, Piccadilly.  
M.DCC.LXXXIII.

1

Faint, illegible text, possibly bleed-through from the reverse side of the page.

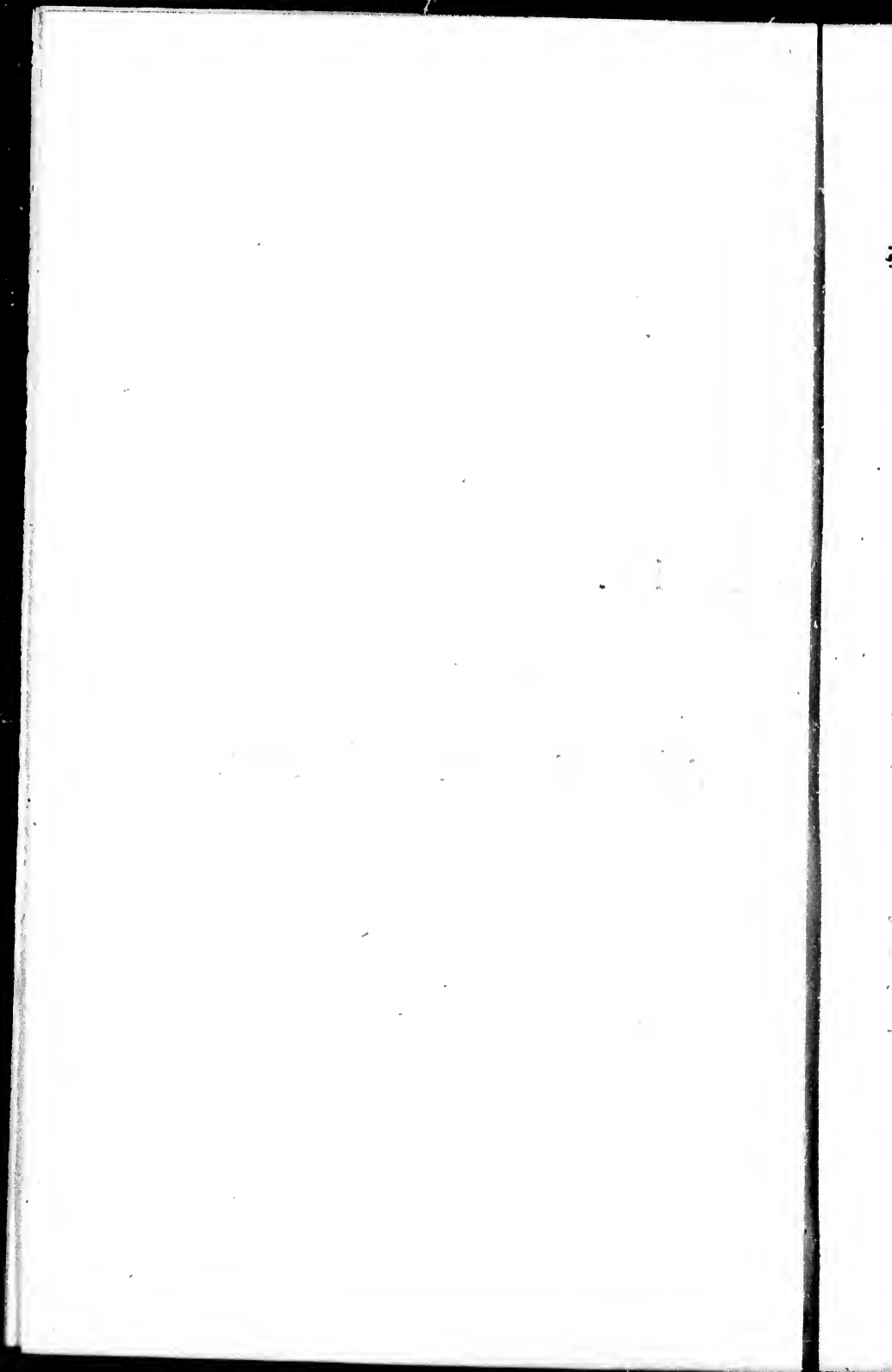
I

A  
D I A L O G U E

O N T H E

Actual State of Parliament.





A

## DIALOGUE, &c.

---

**T**WO gentlemen, one of whom I took to be a foreigner by his dress and accent; though he understood English perfectly, the other, as I found out afterwards, a member of parliament, came into a coffee-house not far from the Exchange; and, placing themselves in the next box to me, began by talking over the fights they had been visiting; and then fell into a conversation upon the British government, which I thought so curious, that, when

B

I came

I came home, I endeavoured to recollect it, and to throw the substance of it upon paper.

---

A. What a wonderful privilege is a good government ! When I look upon this little island in the map,— the *penitus toto divisos orbe Britannos*,— I can scarcely think it is the same country that has extended its empire from the St. Lawrence to the Gulf of Mexico ; given law to the kingdoms upon the Ganges ; trampled under foot, in our own memory, the united force of France and Spain ; and spread the treasures of its commerce through every region of the globe. Even now, when civil dissention and the perfidy of its powerful enemies have reduced it almost within its original limits by the events of war, — when it stands single and unfriended against the entire strength of four states combined to its destruction, without one object to divert their united power ;—how great do you appear  
even

even in your calamity ! What fleets have you not equipped ! what armies have you not maintained ! what resources of wealth and power have you not displayed ! Above 100,000,000 sterling have been expended in your defence, whilst your commerce stands interdicted by half Europe and by those American colonies who were understood to be the principal vent for your manufactures. Yet have you no mines of gold, no extraordinary fertility of soil or advantages of climate : you have nothing but industry, an insular situation, and a free government.

I have heard and read a great deal of your boasted constitution. The history of Europe is a sufficient evidence of the importance it has conferred upon you in the scale with other nations. I have now the pleasure of contemplating the grandeur it has acquired in the magnificence of this proud capital, the first commercial city that probably ever existed in the world.

B. We have been indeed a great and happy country ; but every thing is subject to vicissitudes. A train of errors has been for some years sapping the foundations of our greatness ; and those exertions, which appear to you the proofs of our strength, are to us indications of our approaching decay ; they are rather the convulsive efforts of dissolution than the exercise of wholesome natural faculties. I fear some ambassador will say to ours as well as to the Venetian treasury, when he lifts up the carpet and looks under the table, — *non c'è la radice*, “ here is no root to it.”

A. Come, come, — this is the effect of climate ; for want of present evils you Englishmen are looking forwards to future mischiefs. Your happy constitution of government is the *radice*, the root, of all your prosperity ; and, till that fails you by some fatal revolution,  
you

you will still retain your ascendant in the scale of Europe. A free country, brave, industrious, and public-spirited, has resources which are unknown to arbitrary governments. Yours has every advantage united : it has the justice and equality of the most perfect democracy, since your people, through their representatives, have a share in the legislature ; it has the gravity, consistency, and moderation, which accompany great possessions and hereditary honours in a patrician senate ; whilst, at the same time, it has all the splendour, the activity, secrecy, and decision, of monarchy, the prerogative having vested in the crown not only a negative in the legislature, but the whole executive power and patronage of the kingdom. These three principles, which have each of them, when single, established as the sole spring of government, been found productive of so many evils to compensate their advantages, are in your consti-

tution so happily balanced and adjusted, that, so long as they are kept separate and independent, the good only of each principle is felt without its inconvenience.

*B.* You say, truly, that the peculiar excellence of our constitution consists in the participation of these three principles; but, believe me, you are deceived in thinking, they are or ought to be distinct and separate. On the contrary, their advantage arises really from their being mixed and blended together in a manner that the superficial observer is little aware of, though it is felt by those whom practice has made familiar with our government. Were these three principles independent of each other, as the theorist contends for, and such jarring elements opposite in their nature, and uncontrouled in their exertions, a political chaos must instantly ensue. The *veto* of one branch, as of one individual in a  
Polish

Polish diet, would interrupt all decision, being constantly in an interest opposite to the other two. Parliament must be dissolved within a week after it had been convened ; as we have seen to be the case as often as the crown and the two houses, or the two houses with each other, have asserted their distinct rights and independency. No : it is upon the harmony, not the dissention, of these principles ; upon the close and intimate connection, not upon the opposition, of them ; that depend the beauty and efficacy of the British constitution.

*A.* Are not, then, the three branches of your legislature independent of each other ? and yet, has not the necessary harmony subsisted for ages notwithstanding this independence ?

*B.* According to plan and theory it should seem so undoubtedly ; and it is no wonder you should judge by appearances,



ances, when so few amongst ourselves, and even amongst our loudest politicians, have a suspicion of the true nature of our government.

*A.* Explain to me in what I am mistaken. Your king, for example, has he not a right, by his prerogative, to refuse his consent to every law that is presented to him ; the right of appointing all officers, civil and military ; of making peace and war ; of conferring honours ; of pardoning offences ; in short, the whole branch of the executive power ?

*B.* He has, indeed, those powers vested in him by his prerogative ; but they are committed to him in trust, and he is responsible to parliament for the exercise of them through his ministers and advisers. In most instances, the signature of some minister is necessary to give validity to an act of the crown, that the responsibility may be the more apparent ;

rent; by which means the servants of the crown are interposed, both as a pledge to the nation that the powers of the crown may not be abused, and that, when they are so, the odium of bad measures may be attributed to them who are liable to punishment, and rise no higher than to the feet of the throne. It is the maxim of our law, "that the king can do no wrong," *quia contra leges nil facere potest*.

The king has an undoubted *right* to refuse his assent to any bill in the last stage: without such assent an act of parliament can properly have no validity. But parliament have as clear a right to insist upon knowing, from the king, who it is that presumes to interpose his advice and opinion against the sense of the peers and commons in parliament assembled. Thus has this important right fallen into disuse; nor can it ever be revived, to any great effect, without setting the crown at variance with the rest of the legislature;

ture; and a right, which no prudence can never be exerted, amounts in fact to no right at all.

The right of treaties, of peace and war, and every other exertion of the prerogative, are all subject to the revision of parliament; and, though they are valid under the censure of both or either house, yet impeachment and punishment are in the breasts of those who disapprove. Under these circumstances, who can doubt that the prerogative is actually subservient to, and dependent upon, parliament; that the ministers of the crown are actually the servants of the parliament rather than of the king, their master, whose commands are admitted as no plea of justification to them, and whose authority can afford no screen to them against the resentment of his people? I think you are now convinced that one branch at least of the legislature is in a state of dependence upon the other two. Were it otherwise, and were not the crown accountable

countable for the functions of its prerogative, the very idea of liberty could not subsist an hour in the country.

*A.* If this be really the situation of a king of England, he is in truth a king only in name. His will is of no consequence. He is decked out with all the pageantry of royalty, to be himself no more than the first servant of his parliament. What can be the purpose of such a splendid cypher, I am yet to learn; but the power of your state resides in your double senate, the patrician, which being limited to the *great*, includes only the *few*, and the *plebeian* assembly, which, by representation, comprehends the *many* of all descriptions. Royalty with you seems a mere representation, but in another sense.

*B.* I do not wonder, after what I have stated to be fact, our king appears to you to be useless and insignificant; whilst our apprehension, on the contrary, alarms

us

us left his influence, which we feel already to preponderate, should soon totally overturn the balance, and through the corruption of the times, render our government absolute.

A. Explain to me this paradox. But first let me understand precisely the constitution of the two houses of parliament; the house of lords, the *consilium magnatum*, comprises, I imagine, all the great nobility and principal landed property in the kingdom. The same cause which secures to each individual his independence and importance, must draw to them, as a body, the respect and veneration of the public; which, indeed, is sufficiently apparent in the great trust reposed in them, the decision of all causes in the last appeal. Their education, therefore, must be such as may best qualify them both for judges and legislators; and I conclude, they cannot enter upon the full exercise of their privileges, till the

the gravity and experience of mature age and long study shall have enabled them to acquit themselves of these important duties with credit to themselves, and advantage to the public. As to the representatives of the people, I conclude they consist of the mercantile and manufacturing classes of the community, with perhaps some of the second gentry of small fortunes; and are therefore conversant in such matters as chiefly affect the plebeian interest, out of which they are chosen, and to which they themselves belong.

*B.* You have a pretty just idea of what was the original constitution of the two houses, but nothing can be less applicable to their state at present. There are many peers voting in person, or by proxy, who are so far from possessing great landed property, that they subsist only upon the bounty of the crown. Nay, there are new-made peers not unfrequently,

frequently, who have pensions assigned to them by the king, when he confers upon them their patent, expressly to enable them to support their dignity. At the same time, there are, in the house of commons, individuals of the oldest families, possessing in landed property from 3 to £30,000 per annum. There are peers who could scarce trace back an ancestor to the third generation when they were ennobled ; whilst the eldest sons of dukes, for example, are sitting in the lower house, who have the right of precedence, by act of parliament, over every peer under the rank of a marquis. Thus you see neither landed property, nor ancient ancestry, which constitute the idea of a patrician, are necessarily implied in the idea of a peer of Great Britain, or incompatible with that of a representative of the people. As the peerage is hereditary, and the privilege begins to be exercised at the age of one and twenty, the characters and qualifications of our peers are very much like the nobility of other

other countries. There are, in the number, men whose talents and whose virtues do honour to their station. But were they *all* endowed with every advantage that wisdom, and experience, and information could bestow, it would avail little to their power, whilst the different classes among them who are necessarily under the immediate influence of the crown, constitute so large a majority of their number, as to leave to the dissentient in support of their opinion, no more than the record of a vain protest upon their journals. Ministers, of whatever description, can prophecy before-hand the decisions of that house upon political questions, with a most unerring certainty. Upon appeals, the peers usually defer in silence to the opinion of the law lords, among them who are more conversant in jurisprudence, even though the cause is generally brought up to them, at least in English causes, from the tribunal of one of those very law lords in his judicial capacity.



capacity. I have already stated how little the distinctions of birth or property are essential to the obtaining the high honour of peerage. Talents, public service, and distinguished merit, are, in my opinion, far more flattering claims to pre-eminence. When the public voice happens to acknowledge such claims in the object of the royal favour, the personal character certainly confers a lustre upon the honour, which no patent can bestow. If in any case, or at any time, pretensions of an opposite nature have been substituted, and the public voice has refused the sanction of its testimony, I will only say, that, in such instances, the patent may command precedence but it can confer no honour. The personal respect, therefore, to peers, as individuals, from the public, is in exact proportion to their personal characters: They are distinguished by their rank, and the addition to their style; but there are others, equal to them in blood, equal in property,

property, in knowledge, in accomplishments, in real importance of every description. As a body, as a deliberative assembly, as a branch of the legislature, their consideration must be estimated in exact proportion to their independency ; and of that independency I think I have enabled you to form your own judgement. Thus therefore, if the crown is dependent upon parliament, this branch of parliament is immediately dependent upon the crown, and both of them ultimately upon the house of commons. Such is the real state of those distinct and independent *rights*, which theorists imagine operate in separate scales, as checks to one another ; and yet, circumstanced as they are, all these institutions have still their utility, and are beneficial to each other from their connection, though not by their mutual opposition, as it is falsely imagined.

A. The condition of the house of peers, as you have explained it, does in-

C

deed

deed surprife me. If the actual state of your house of commons differs as widely from its theory as the other two branches of your legislature, I shall think your form of government the most capricious, or the most inexplicable constitution, that ever yet prevailed in a civilized country. I wish to hear the origin of the house of commons, and how far it has departed from its original constitution.

*B.* Antiquaries have endeavoured to trace back the rights of the commons from the remotest Saxon assemblies; and one of our most learned historians, with a laudable partiality, has endeavoured to substantiate the evidence of a supposed charter as old as king Athelstan; but, as this controversy, in itself rather curious than important, has employed the ablest pens, whose conjectures have at last left the matter totally undecided, we must have recourse to the first  
parliament

parliament where we can find with certainty that the commons made a branch of the legislature. In the 48th year of H. III. 1264, the king, being taken prisoner in battle by his barons, at the head of whom was Simon de Montfort, E. of Leicester, issued regular writs to the sheriffs of counties to send to parliament *duos milites singulorum comitatum, et duos de discretioribus et legalioribus et probioribus tam civibus quam burghensibus suis*, from the cities and boroughs. Whether this was a new institution suited to the exigency of the conjuncture, or an old usage of which there is now little or no trace left to us, from that time the commons have been considered as an essential constituent part of parliament, though for above a century after this date varying in the constitution and circumstances with all possible irregularity, till it acquired at length its settled and permanent establishment. The number of representatives, for counties, cities,

and boroughs, varied from one to two, to three and four, delegates from each place, as the writs were made out upon the occasion; though generally two were summoned, which has been the number established since the institution has taken its consistence. There is an instance where the members of a former parliament have been required to attend without any new election; another, in the reign of Ed. III. where they were summoned to sit and deliberate separate, at the same time, in distinct places nearer their several homes, for the greater dispatch of business. There is no reason to think they made a distinct body before the reign of the same king, when even then they had not a speaker; and, so little were they esteemed necessary to any thing more than the assessing aids of money, and the humble remonstrance of grievances, that the same king, after he had dismissed them from their attendance, retained his lords and counsellors  
to

to advise him in the matters of moment he had to propose to them in 1332. In a few years after, they themselves decline giving their advice upon the *ardua regni*, promising to confirm implicitly the advice of the nobles, whose assistance they crave humbly, upon another occasion, conscious "of the weakness of their abilities to advise the best." The treatment they received from the great peers, as well as the kings and their ministers, proves too plainly the little weight they had in those times, when a steward of the household answered their remonstrances, upon a state of the nation, with giving them the lie direct; and the princes of the blood complained of them as libellers for aspersing their characters. Such was the origin, and such the condition, of the house of commons in its original institution, when it was, what it professes to be, the true representatives of the commonalty, chosen out of their body, *de burgenfibus suis*; "dubbed knights,"

(as one of the writs expressed it,) “ or  
 “ the most worthy, honest, and discreet,  
 “ esquires in each county, *the most ex-*  
 “ *pert in feats of arms*, and no others;  
 “ and of every city two citizens, and  
 “ of every borough two burgeses, dis-  
 “ creet and sufficient, *and such who had*  
 “ *the greatest skill in shipping and merchan-*  
 “ *dizing.*” If the condition of this as-  
 sembly in our days, and long since, has  
 been so different from the picture I have  
 been drawing, it is because it has depar-  
 ted so much more from its original in-  
 tention; it is because the persons it is  
 now composed of are no longer of the  
 plebeian order; in short, because pro-  
 perty and personal consideration of every  
 kind, which in those days were confined  
 to the nobility, have found their way  
 into the lower house, till, by degrees, it  
 has decided the balance in its favour.  
 The house of commons, indeed, is still,  
 to a degree, plebeian, because it has a  
 more intimate connection with the inte-  
 rests

rests of the people. But it is so far from consisting principally of what you would imagine by the words *citizens* and *burghesses*, that no man is allowed a seat in that assembly who does not swear to a qualification of 300l. per ann. in land. A very few considerable merchants, such as our ancestors had no conception of, men of large moneyed property, mixed, as I have before observed, with those who, from their birth, and education, and landed possessions, have every title to be ranked in the patrician order: a few ambitious rising lawyers, a great many sons and younger brothers of peers; country gentlemen of decent fortunes, with some few men of parts, of little or no fortune, introduced by the influence of individuals: all these together form that medley which composes the house of commons. Yet from this medley, so different from our first representatives of the commonalty of England, has grown that power, and importance,



which has drawn all the efficiency of the constitution to itself.

*A.* This, indeed, affords a most striking contrast; and I should be glad to know by what revolution it has been brought about, that the nobles have lost their original ascendant, which has been usurped by the house of commons.

*B.* The struggle for power in this kingdom, previous to the Tudor family, was a competition in which the commonalty had little or no interest. The three contending powers, who possessed the great property, and consequently the strength, of the nation, were the king, the nobles, and the clergy. The *liberi homines*, whose rights were asserted by Magna Charta, extended to few indeed of the inhabitants of the island, where the feudal system had, in defiance of the natural rights of mankind, established itself upon the slavery of the *many*, who  
were

were bought and sold as the property of the *few*. The heroes of *Runymede*, who put the bit into the mouth of monarchy, and Simon de Montfort, who, as I have said, called the first parliament, according to its present form, in support of that charter, were at the head of the aristocracy, which trampled upon the people, and had no power to wrestle with but the crown. It was under these principles that the two great pillars of liberty, as they have been since applied, the Magna Charta and the house of commons, were established. The institution of the lower house, if then first adopted in times of trouble, which I do not assert or deny, might have had for its object the obtaining a farther sanction to irregular proceedings; but the assessing money seems, at all times since, to have been its principal function. It was for this reason, doubtless, that *those skilled in merchandizing* were included in the writs of summons as well  
as

as the representatives of counties. The king, as the first baron, enjoyed, from his extensive manors, which amounted, in the Domesday-book, in the time of Wm I. to no less than 1422 in number, together with many other sources of revenue, according to the manners of those days, an ample fund for the supporting the ordinary charges of his government: but, when the mismanagement of his finances, or extraordinary emergencies, called upon him for extraordinary supplies, he was compelled to have recourse to the assistance of his parliament. The barons, the clergy, and the knights of shires, representing the inferior gentry, included the chief property of the kingdom, except that species of it which arose from trade and manufacture, and which was protected from the oppressions of feudal tyranny by the *franchises* of chartered corporations. These sanctuaries of wealth were therefore necessarily to bear their parts  
in

in the common burthen, and were required to send their delegates to parliament. This privilege must be considered to be at least as much an onus upon them as a grace, as their delegate was supported at their expence during the whole time of his attendance. The number of such privileged communities could never be fixed or limited. As towns grew into opulence they became the proper objects of it; as they fell into decay they petitioned to be relieved from a burthen they could ill afford: by which means the number of members became diminished frequently on the one hand, whilst it was augmented on the other. The right of originating money-bills, which the lords may reject but cannot alter, has been long claimed by the house of commons and acquiesced in by the lords. It seems to have grown naturally out of the first object of their institution, and to have established itself by prescription. Whatever it has been founded in, it is  
now

now an acknowledged right, the most important to the power and authority of that house, and one of the principal means by which it has acquired its ascendancy in the legislature. But the great revolution, which has made the balance preponderate in favour of the house of commons, originated in the reign of Hen. VII. when not only the manners of Europe began every where to subvert the feudal system, and to introduce more liberal maxims; but when the prince upon the throne, who united by his marriage the contending claims of York and Lancaster, after a series of usurpations, murder, and civil war, was persuaded that the crown could never be firmly established but upon the humiliation of the barons. By permitting the alienation of their estates, and by the encouragement given to commerce, property became in a short time diffused upon a broader basis; and the commons were not without their share of the spoils upon

upon the abolition of monasteries in the succeeding reign. Property can never fail to carry power with it ; and, so sensible was the increase of power in the house of commons in the reign of Elizabeth, grand-daughter to Henry VII. that the crown already found it necessary to cultivate an interest in that house, by reviving obsolete boroughs and creating new ones in such places where the royal influence could be supposed most likely to prevail. This is the reason of the many members summoned in that reign, principally in the county of Cornwall. Notwithstanding these precautions, the house of commons grew every day more powerful. Queen Elizabeth flattered, and her successor bullied ; but they both felt the change in their situation ; which Charles thought so formidable to his authority, that he lost his crown and his life in contesting with it. So much are men deceived in the tendency of innovations, that an institution, that possibly was

was created by the barons, certainly was brought forward by them in support of their power against the encroachments of the crown, has by degrees assumed to itself all the weight of their body; has upon a great occasion declared them useless to the state; and has sunk their authority for ever. Whilst that alteration in the balance, which Henry VII. imagined was to secure the stability and extend the prerogative of the crown, destroyed the monarchy altogether in four generations; and has bound it within such limits, since the restoration, as neither force, nor artifice, nor corruption itself, has hitherto been able to break asunder.

*A.* What you observe is curious: and, when I reflect upon it, I should scarcely think it possible that the same forms should be capable of adapting themselves to times, and circumstances, and principles, so extremely different.

Surely

Surely this is no small testimony to the wisdom of the original contrivers.

*B.* Not at all. Chance, or (to speak more philosophically) an imperceptible chain of causes and effects, has produced events which no human wisdom could have foreseen, or consequently have provided for. The word *constitution* we are so fond of has no definite meaning. If it describes only a government by king, lords, and commons, it means the form, and not the substance: it means no more than the word *republic* applied to the absolute dominion of the Cæsars. If it is to convey the idea of certain powers and influence in any given distribution among the three branches, it has been varying from the earliest period to this hour. In this sense, how different is the constitution of the Plantagenets from that of the Tudors or the Stewarts! and theirs from that established among us since the Revolution! Theories must bend themselves to circumstances, not  
circumstances



circumstances to theories. Our ancestors were plain men, not philosophers; and acted upon the spur of the occasion. They understood little of refinement: they found the counties divided, and the cities and towns built to their hand; and this was a sufficient guide to them in the constitution of the lower house. The terms, *representative* and *actual representation*, were unknown to them: all ideas of apportionment were out of the question; the institution answered every practical purpose, and they looked no farther. Political commentators have, in after times, endeavoured to reconcile the state of things they found to the systems of abstract speculation they had conceived; and, like learned commentators, force and torture the text into a meaning the author never dreamed of. A seat in parliament, which was formerly so burthenfome that the expence of it was to be defrayed by the constituents in the days of our political insignificance, is now become of that value,  
in

in the esteem even of those who make no profit by it, that it is coveted at an expence which has often sunk our most opulent families for several generations : reduce that seat again to its former value by degrading the importance of the body, and you will cut up bribery at elections by the roots. New towns, of the first consideration for trade and manufacture, have not yet had imparted to them the honourable privilege of sending delegates ; and, what is more, they deprecate that honour which would be attended with serious mischiefs to their looms and manufactures ; whilst the privilege still remains attached, in certain instances, by prescription, to the soil, after the houses have been, long since, in part or in the whole, removed to some other situation. What is the evil arising from so glaring a partiality ? that the new towns flourish, and that the old ones send members of all others the least liable to the influence of the ministers. System is loud in support

D

of

of popular elections, as the least liable to influence, and the most consonant to every idea of justice and equality; experience condemns such elections, as liable always to the influence of the worst men, as theatres of disorder and corruption. The total number of our electors, of all denominations, is computed to be about 200,000 out of 8,000,000 of inhabitants, still a number infinitely greater than was intended when the right of electing was confined among the comparatively few freeholders of former times, to those who possessed 40s. per annum, a sum which would now be equal to at least 20l. And yet the number is so great as to occasion such local inconveniences, where a contest happens in a county or great city, as, in many instances, to make it preferable that an unworthy representative should be continued through his life rather than obtain his removal at the hazard of so much public and private mischief. All this, in the  
eye

eye of the speculative theorist, is absurdity itself; yet under these absurdities the house of commons has grown up to what we now see it, and is practically found to answer every purpose of its intention. Nay, strange as it appears, it was precisely through the influence of what is reprobated as the very worst part of our representation, that the country, after the revolution, was preserved in its liberties, against the sense of what has been emphatically called the *country party*. So little do our established forms, and the practical experience of our history, adapt themselves to the abstract reasonings of philosophers, and these systems upon which they affect to found and justify the civil and natural rights of mankind. Such as it is, this strangely-constructed senate assumes to itself, and exercises, the most important rights of our government. As representing the body of the people, they hold at their good pleasure the purse of the

public ; they not only grant the supplies, but superintend the application of all monies levied upon the subject. As the grand inquest of the nation, they not only stand forth as the redressers of public and private grievances, but watch over all encroachments of the crown, all abuses in the dispensation of justice and in the various branches of executive government. As advisers of the crown, they call before them, when they think proper, ministers of every denomination, and state-papers of every description, for their censure or approbation.

If the crown has the right of declaring war, it must be their vote that enables the king to maintain it : if he makes a peace, the minister who signs it is responsible to them for the expediency of the measure. If the crown employs wicked ministers to bad purposes, the commons impeach them for their crimes ; if weak and insufficient ministers, the withholding the  
supplies

supplies is an effectual means of obtaining their removal in favour of such successors as the public confidence shall approve. I think I need take no farther trouble to convince you that the whole efficiency of our government resides in the house of commons, and that the other branches of the legislature are in a state of actual dependence upon it.

*A.* The power of the house of commons indeed seems to be transcendent with you. But, to secure to yourselves the free exercise of that power, it is necessary for you to eradicate influence by a reformation in your own body. The defects, as you have explained them, which have grown through lapse of time, strike the eye of every observer, and call aloud for a more equal representation.

*B.* That, indeed, is the word of the day. But, if you have attended to what I have been saying, you will perceive,

the defects in our constitution, if they are such, are not so much grown out of the lapse of time, but are owing to the original frame of that assembly, which never had an idea of an equal actual representation as its object. To infuse, therefore, into it a principle so opposite to its institution, the whole mass must be melted down and new modelled. Whether, were such a renovation to be attempted, it would be possible to adopt the new principle, at least in any satisfactory degree, (without which, as an abstract principle, you do nothing;) or whether, if it were possible, it would produce advantages by any means equivalent to the almost insuperable difficulties that oppose it; would carry me into a wider field than you are aware of. I will only say that the inconveniences of such an attempt would be immediate and palpable; the *practical* advantages of it doubtful at least and problematical. In which case arguments of theory can weigh

weigh with me but little. A man will be hardly tempted to run the risque of pulling a warm house about his ears only to render the front of it somewhat more regular.

*A.* For mere symmetry, I grant you, no man in his senses would endanger his safety, or even the comforts of present convenience. But, to remove all influence from the house of commons, by restoring, or, if you please, by conferring upon, the people at large the right of electing their representatives, seems to me to be something more essential than mere symmetry. Whilst it renders the system infinitely more consonant to the principles of theory, it promises to give the greatest improvement in practice that a free government is capable of.

*B.* Were equal actual representation never so expedient, I am convinced it is impracticable upon any but the smallest



scale; which is a sufficient answer to visionary an idea. But, were it otherwise, is it quite sure that such elections would be uninfluenced? Did the increase of the citizens of Rome secure them from all influence and confirm the freedom of the republic? If the influence of moderate ambition, in wise and good men, should be extinguished by such scenes of tumult and outrage, is it certain that the unbounded ambition of bad citizens would not infuse an influence into such meetings which might tend through anarchy to despotism? The passions of the uninformed multitude may be practised upon to purposes however violent and depraved; but what appeal can be made to their reason beyond their competence, beyond their feelings? Can the peasant who holds the plough, or the mechanic who lays down the tool, have a judgement to decide between the political merits of two candidates, their votes in former parliaments, or the principles that are likely

likely to determine their conduct for the future? But let a candidate appear before them who asks their instructions, whether taxes shall be repealed upon all the necessaries of life; whether they choose to pay the interest to public creditors upon their malt, their beer, their soap and candles, their miserable cottages and window-lights, and the innumerable articles which affect the poorest inhabitants amongst us; if they hear a proposition of lowering rents, abolishing tithes, laying embargoes upon corn, plundering farmers granaries, destroying inclosures, or pulling down turnpike-gates; such arguments they will understand, such a candidate will be borne upon the shoulders of the multitude, whilst his opposers will be trodden under their feet. Till man ceases to be a creature of interest and passion, influence can never be excluded from an assembly composed of men. The supposition is as ridiculous as the attempt  
would

would be pernicious. If, then, influence of some kind or other will always govern the electors and the elected, it remains only to determine what kind of influence is the safest for the good of the community, and what kind of influence actually prevails in the house of commons. We were agreed, if I mistake not, when we began this subject, that the peculiar excellence of the English government arose from the operation of the three principles; the regal, the aristocratic, and the popular, being so blended in our constitution as to produce the good of each without the inconveniences of either. Now I have proved to you, that these three principles do not act separately in the three branches, as has been supposed; but that, two of those branches being ultimately subservient to the third, the power and authority of all the three reside there also. Now I will suppose, for a moment, that, by some change in the mode of our elections, the king could assume to himself,

self, as in an instance which will occur to your mind without my mentioning it, the means of naming all, or a very great majority, of the house of commons, who must hold their seats immediately under the royal influence. What would be the consequence? Would not the principle of our government, from that hour, become purely monarchical? Suppose, then, instead of the crown, that the same ascendant could be obtained over the elections by peers only; would it not throw the whole power of the country as decidedly into the aristocracy? But suppose the house could by any regulations be effectually secured from all influence of the crown, and of the great men of the country; and that, by opening the elections to the people at large, by actual representation, by annual parliaments, &c. that assembly might be rendered totally, or by a great majority, plebeian; would not the consequence be as certainly the annihilation of every other principle in  
our

our government, and the establishing, under whatever form, a perfect democracy amongst us? Without examining, therefore, the practicability or expediency of either of these innovations, it is obvious, that whichever of them were to take place would effectually destroy that balance of the three influences which constitutes a mixed government. If, then, we are agreed, that neither of the extremes is so desirable as the three principles properly blended together; and if I have demonstrated that these three principles cannot operate in distinct independent bodies, with opposite interests, but to the destruction of each other; there remains, I think, but one possible manner in which they can continue to exist together, and operate in harmony to one common benefit; which is, that the influence of each principle shall find its way, as it has done, into the house of commons, where no conflict can produce interruptions to the functions

functions of government, and where all the powers of government and legislature ultimately reside. So far am I, therefore, from thinking the influence of the two other branches incompatible with the nature of that assembly, that I cannot conceive the principles of our mixed monarchy to exist one moment with the exclusion of them.

*A.* Your argument would prove, that the powers, vested originally in the king and in the hereditary nobility of the kingdom, are now centered in the house of commons only; that, though that house of commons have departed, not only from every principle of theory, but, in fact, from every principle of their intention; have assumed to themselves a degree of authority never thought of by their institutors; that they consist of a class of persons totally different from those anciently deputed; in short, though every thing in your government

is

is the very reverse of what it professes to be ; yet that, under all these circumstances, matters are precisely in the best situation possible.

*B.* I do not say so ;— but I assert freely, that, if the three principles of government are better than one ; if they cannot exist, independently, in king, lords, and commons ; if, in the course of our history, through all our revolutions, the powers of government have always united in the one branch that was predominant, to which the other two have been made subservient ; it is far better, for every good purpose, that such powers should devolve upon the house of commons, than upon the king or upon the peers ; provided always, that the influence and spirit of the three principles accompany that power in the assembly that acquires it. I assert, therefore, that, if the house of commons, which has assumed to itself the  
power,

power, and in my opinion happily for this country, should ever be divested of any one of those three influences, to guide, temper, and regulate, the exertions of that power, that instant there is indeed a change and revolution, not in the form, but in the essence, of the government, which requires the three influences in the efficient part of the legislature to be, what it professes, a mixed government. The whole nicety consists in the adjusting and apportioning the quantum of each influence, so as to keep the balance even, without weighing down the others. As long as the patronage of the crown affects the house of commons only so far as to induce a general support of public measures, and a bias towards the system that is pursued, not a blind confidence in, or prostituted devotion to, the minister; as long as the patrician influence extends no farther than to give to landed property and ancient establishments their just



just weight, without trampling upon the rights and interests of the people at large ; and whilst the democratical principle in that assembly is restrained within such bounds as shall give equal liberty to every subject, impartial justice, and security to their persons and property, without the inconsistencies and extravagances of a popular government, I shall say all is well, and better than any alteration can hope to make it. I do not say this balance is actually adjusted with all the precision possible. It is essential to the nature of things, which are ever changing, that these three principles will have a tendency to encroach upon each other. The vast increase of patronage in the crown, which augments with the distresses of the country, cannot fail to give a proportionable increase of influence ; and that is, in my opinion, the immediate danger which requires the vigilance of every well-wisher to the political equilibrium. The counterpoise  
to

to that increasing influence is not, if I can judge, the diminishing that importance which is derived from large possessions, hereditary privileges, family connections, in one word, every thing that gives consistency, strength, and consideration, to an assembly ; in order to substitute in its stead all the confusion, mutability, and inconsequence, which must arise from *uninfluenced, frequent, and popular*, elections. On the contrary, were I the friend to absolute monarchy, these would be the very means I should pursue, and which have never failed, wherever they have been attempted, to introduce arbitrary power. Wise and moderate checks may be thought of, from time to time, without dangerous experiments of innovation, to counteract the increasing influence of the crown ; and to such I shall be always ready to lend every assistance, as long as that weight appears to me, as it does at present, to predominate in the scale.

E

A.

A. Your government appears more and more a riddle to me as I proceed in the investigation of it. Your king stands in a singular predicament. His ministers, trusted with the executive power, are responsible to the parliament at least as much as to their master. The consequence is obvious; they have two masters instead of one: the king they must make their court to by flattering his passions; and the parliament they must manage through the medium of corruption, which is another word for the influence of the crown. You render that very corruption an essential spring in your government, whilst you are every day complaining of it as the object of your alarm and apprehension. That influence has already swallowed up the house of lords; and, by what I can learn, threatens to draw the house of commons into the same vortex, unless that house throws itself,

for

for its security, into the opposite extreme, republican democracy; an evil still more to be dreaded. In the one case you have absolute monarchy under the vain forms of a free government; in the other you have a mere republic, with the name only of a titular monarch. If this be the alternative, it is but a poor choice between them.

*B.* The alternative you state would be direful indeed to those who have enjoyed the happiness of a middle state equally removed from both extremes. Fortunately, our experience tells us, we are not reduced to choose between these evils, which still continue to blend and mitigate each other. The influence of the crown, or power of corruption if you please, great as it is, has not yet overturned the civil liberty of the country. Our lives and liberties are preserved to us, at this hour, in a degree of security known to no other nation. The

trial by juries and the habeas corpus, the two great tests of our freedom, remain unshaken. All the forms of our constitution still continue to us; and a very recent example has demonstrated, that not all the powers of corrupting, with all the abject disposition to be corrupted, could maintain in his situation a minister, when once the public indignation was roused against him. That such a spirit did not sooner exert itself was in fact owing to many causes. A prepossession in favour of the personal character of the minister, whose indolence and apathy, however prejudicial to the public, was never actively offensive to individuals; the opinion that his own hands were clean, whilst his inactivity left the state a prey to the rapine of his dependents; the principle of the American war, which was justly popular to the feelings of every unprejudiced Englishman; and, above all, the want of popularity in his opposers, to use the softest word for it,

con-

contributed to confirm him in the station to which his sovereign had called him. In all this the parliament exactly sympathised with the people. But, when disgrace and calamity, heaped upon us from year to year, had at length awakened us from the delusions which had been so artfully spread around us; when the experience of every day contradicted some of the professions and assurances of the minister; in short, when it was no longer possible to conceal the misfortunes of the country, or to dissemble the true causes of them; the sentiments of the people changed, and parliament kept pace with their feelings. The unprotected minister used all his arts in vain; he struggled, tottered, and fell. Thus, when the people are in earnest, their representatives, however chosen, seize their spirit, and their exertions cannot fail to be effectual. Surely our king can hardly be called *despotic*, after so recent an example of the authority of

of

of the house of commons ; nor can the house of commons, after such an exertion, be called the property of the crown. On the other hand, we have sufficient proof that, whilst that body continues in its present state, there is not enough of the democratic principle to obstruct the ordinary course of the executive power, or to overturn that consideration which belongs to property and personal importance, and gives consistence and solidity to the system.

*A.* Your arguments convince me how little theory is to be depended upon in matters of government ; and that nothing but experience can pronounce upon the effect of innovation. I see plainly the rashness of endeavouring to reduce your present establishment to speculative principles. Whatever reformations may be safely undertaken to ameliorate your constitution must require not only sagacity, but experience and a  
long

long and intimate knowledge of causes and effects : not the reveries of a philosopher in his closet, but the practical observations of those who are nearest to, if not themselves actually conversant in, public business. The increasing influence of the crown in the house of commons seems to be your immediate danger, and demands the most jealous attention. Whilst your king has so large a power to bribe, I fear you will seldom find parliament resist his dictates, unless in extreme cases, where resistance comes too late. Upon the whole, however, you actually enjoy a larger share of civil liberty, under your present government, than any other state in the world. When well governed, you have exalted yourselves to a higher pitch of wealth and glory than would seem possible from the extent of your natural resources.

All things are indeed perishable ; and states, like every thing else, “ await the inevitable hour ;” but maladies may be  
long



long palliated, or borne with patience, when the ignorant interference of empirics will in an instant put a period to existence. It is the height of folly *ne moriari mori.*

**T H E   E N D .**

ace,

pi-

to

ne

li

ing

ono

con

eg

nat

o

pi

li

ot

ay

li

ris

if

ay

go

hr

ni

ni

