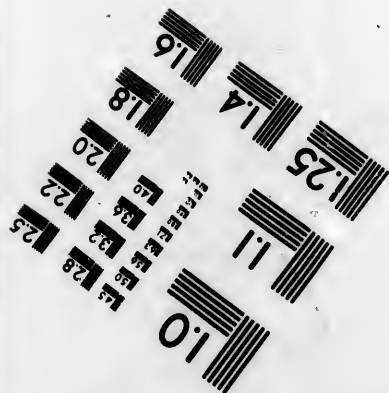
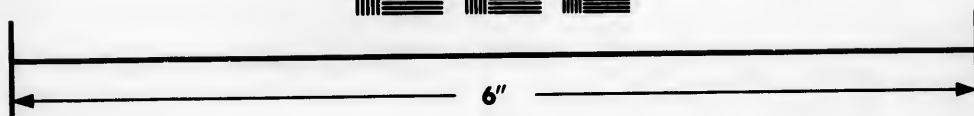
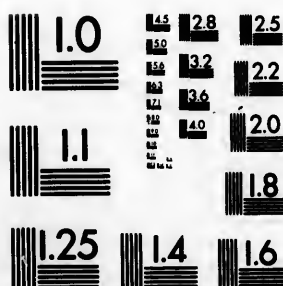


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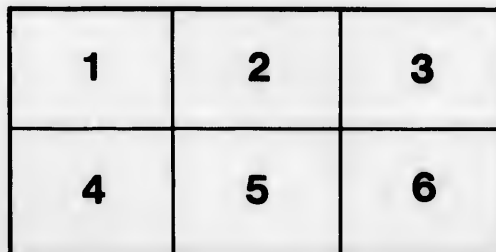
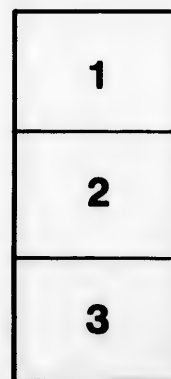
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LETTER

ADDRESSED TO THE
ADDRESSEES,
ON THE LATE
PROCLAMATION.

BY THOMAS PAINE,
SECRETARY FOR FOREIGN AFFAIRS TO THE AMERICAN
CONGRESS,
AUTHOR OF THE WORKS INTITLED "COMMON SENSE"
"RIGHTS OF MAN," TWO PARTS, &c.

LONDON,

PRINTED FOR H. D. SYMONDS, IN PATERNOSTER-ROW,
AND THOMAS CLIO RICKMAN, NO. 76. UPPER
MARY-LE-BONE-STREET,

1792.

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L E T T E R

ADDRESSED TO THE

A D D R E S S E R S,

ON THE LATE

PROCLAMATION.

COULD I have commanded circumstances with a wish, I know not of any that would have more generally promoted the progress of knowledge, than the late Proclamation, and the numerous rotten Borough and Corporation Addresses thereon. They have not only served as advertisements, but they have excited a spirit of enquiry into principles of government, and a desire to read the RIGHTS OF MAN, in places, where that spirit and that work were before unknown.

The people of England, wearied and stunned with parties, and alternately deceived by each, had almost resigned the prerogative of thinking. Even curiosity had expired, and a universal languor had spread itself over the land. The opposition

Ms. W. W. 10/7/03.

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was visibly no other than a contest for power, whilst the mass of the nation stood torpidly by as the prize.

In this hopeless state of things, the First Part of RIGHTS OF MAN made its appearance. It had to combat with a strange mixture of prejudice and indifference; it stood exposed to every species of newspaper abuse; and besides this, it had to remove the obstructions which Mr. Burke's rude and outrageous attack on the French Revolution had artfully raised.

But how easily does even the most illiterate reader distinguish the spontaneous sensations of the heart, from the laboured productions of the brain. Truth, whenever it can fully appear, is a thing so naturally familiar to the mind, that an acquaintance commences at first sight. No artificial light, yet discovered, can display all the properties of day-light; so neither can the best invented fiction fill the mind with every conviction which truth begets.

To overthrow Mr. Burke's fallacious work was scarcely the operation of a day. Even the phalanx of Placemen and Pensioners, who had given the tone to the multitude, by clamouring forth his political fame, became suddenly silent; and the final event to himself has been, that as he rose like a rocket, he fell like the stick.

It seldom happens, that the mind rests satisfied with the simple detection of error or imposition.—Once put into motion, *that* motion soon becomes accelerated.

ON THE LATE PROCLAMATION. 5

accelerated: where it had intended to stop, it discovers new reasons to proceed, and renews and continues the pursuit far beyond the limits it first prescribed to itself.—Thus it has happened to the people of England. From a detection of Mr. Burke's incoherent rhapsodies, and distorted facts, they began an enquiry into first principles of Government, whilst himself, like an object left far behind, became invisible and forgotten.

Much as the First Part of RIGHTS OF MAN impressed at its first appearance, the progressive mind soon discovered that it did not go far enough. It detected errors; it exposed absurdities; it shook the fabric of political superstition; it generated new ideas; but it did not produce a regular system of principles in the room of those which it displaced. And, if I may guess at the mind of the Government-party, they beheld it as an unexpected gale that would soon blow over, and they forbore, like sailors in threatening weather, to whistle, lest they should encrease the wind. Every thing, on their part, was profound silence.

When the Second Part of "RIGHTS OF MAN, *combining Principle and Practice*," was preparing to appear, they affected, for a while, to act with the same policy as before; but finding their silence had no more influence in stilling the progress of the work, than it would have in stopping the progress of time, they changed their plan, and affected to treat it with clamorous contempt. The Speech-making Placemen and Pensioners,

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and Place-expectants, in both Houses of Parliament, the *Outs* as well as the *Ins*, represented it as a silly, insignificant performance; as a work incapable of producing any effect; as something, which they were sure the good sense of the people would either despise or indignantly spurn; but such was the overstrained awkwardness with which they harangued and encouraged each other, that in the very act of declaring their confidence they betrayed their fears.

As most of the rotten Borough Addressers are obscured in holes and corners throughout the country, and to whom a newspaper arrives as rarely as an almanac, they most probably have not had the opportunity of knowing how this part of the farce (the original prelude to all the Addressses) has been acted. For *their* information, I will suspend a while the more serious purpose of my Letter, and entertain them with two or three Speeches in the last Session of Parliament, which will serve them for politics till Parliament meets again.

You must know, Gentlemen, that the Second Part of RIGHTS OF MAN, (the book against which you have been presenting Addressses, though, it is most probable, that many of you did not know it) was to have come out precisely at the time that Parliament last met. It happened not to be published till a few days after. But as it was very well known that the book would shortly appear, the parliamentary Orators entered into a very cordial coalition to cry

ON THE LATE PROCLAMATION. 7

cry the book down, and they began their attack by crying up the *blessings* of the Constitution.

Had it been your fate to have been there, you could not but have been moved at the heart-and-pockets-felt congratulations that passed between all the parties on this subject of *blessings* ; for the *Outs* enjoy places and pensions and sinecures as well as the *Ins* , and are as devoutly attached to the firm of the house.

One of the most conspicuous of this motley groupe is the Clerk of the Court of King's Bench, who calls himself Lord Stormont. He is also called Justice General of Scotland, and Keeper of Scoon (an opposition man) and he draws from the public for these nominal offices, not less, as I am informed, than six thousand pounds a year, and he is, most probably, at the trouble of counting the money, and signing a receipt, to shew, perhaps, that he is qualified to be Clerk as well as Justice. He spoke as follows: *

" THAT *we* shall *all* be unanimous, in expressing *our* attachment to the constitution of these realms *I am confident* . It is a subject upon which there can be *no* divided opinion in *this house* . I do not pretend to be deep read in the knowledge of the Constitution, but *I take upon me* to say, that from the extent of my knowledge (*for I have so many thousands a year for nothing*) it appears to *me* , that from the period of the Revolution, for it was

* See his Speech in the Morning Chronicle of Feb. 1.

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" by no means created then, it has been, both in
 " *theory and practice*, the *wisest* system that ever was
 " formed. I never was (he means he never was
 " *till now*) a dealer in *political cant*. My life has
 " not been occupied in *that way*, but the specu-
 " lations of late years *seem to have taken a turn, for*
 " *which I cannot account*. When I came into
 " public life, the political pamphlets of the time,
 " however they might be charged with the heat
 " and violence of parties, were agreed in ex-
 " tolling the radical beauties of the Constitution
 " itself. I remember (he means he has for-
 " gotten) a most captivating eulogium on its
 " charms by Lord Bolingbroke, where he re-
 " commends his readers to contemplate it in all
 " its aspects, with the assurance that it would
 " be found more estimable the more it was
 " seen. I do not recollect his precise words, but
 " I wish that men who write upon these sub-
 " jects would take *this for their model*, instead
 " of the political pamphlets, which I am told,
 " are now in circulation, (such, I suppose, as
 " *Rights of Man*)—pamphlets which I have
 " not read, and whose purport I know only by
 " report, (he means, perhaps, by the *noise* they
 " make.) This, however, I am sure, that
 " pamphlets tending to unsettle the public
 " reverence for the *constitution*, will have very
 " little influence. They can do very little harm
 " —for (by the bye, he is no dealer in *political*
 " *cant*) the English are a sober-thinking people, and
 " are more intelligent, more solid, more steady in their
 " opinions,

ON THE LATE PROCLAMATION. 9

"*opinions, than any people I ever had the fortune to see.* (This is pretty well laid on, though, for a new beginner.) But if there should ever come a time when the propagation of those doctrines should agitate the public mind, I am *sure*, for every one of your Lordships, that no attack will be made on the constitution, from which it is *truly said* that *we* derive *all our* prosperity, without raising every one of your Lordships to its support. It will then be found that there is no difference among *us*, but that *we* are *all* determined to *stand or fall* together, in defence of the "inestimable system"—of places and pensions.

After Stormont, on the opposition side, sat down, up rose *another noble Lord!* on the ministerial side, Grenville. This man ought to be as strong in the back as a mule, or the *fire* of a mule, or it would crack with the weight of places and offices. He rose, however, without feeling any incumbrance, full master of his weight; and thus said *this noble Lord* to *another noble Lord!*

"The *patriotic* and *manly* manner in which the noble Lord has declared *his* sentiments on the subject of the constitution, demands my *cordial* approbation. The noble Viscount has *proved*, that however we may differ on *particular measures*, amidst all the jars and dissonance of *parties*, we are unanimous in *principle*. There is a *perfect* and *entire* consent (between *us*) in the love and maintenance of the constitution as *happily* subsisting. It must un-

"doubtedly

“doubtedly give your Lordships *concern*, to find,
 “that the *time is come*! (heigh ho!) when there is
 “*propriety* in these expressions of regard to (o!
 “o! o!) THE CONSTITUTION. And that there
 “are men (confound—their—po-li-tics) who dis-
 “seminate doctrines *hostile* to the *genuine spirit*
 “of our *well balanced system*, (it is certainly
 “well balanced when both sides hold places and
 “pensions at once.) I agree with the noble Vis-
 “count that they have not (I hope) *much success*.
 “I am convinced that there is no danger to be
 “apprehended from their attempts: but it is *truly*
 “important and *consolatory* (to us place-men, I sup-
 “pose) to know, that if there should ever arise
 “a serious alarm, there is but one *spirit*, one *sense*,
 “(and that sense I presume is not *common sense*) and
 “*one* determination in *this* house.”——which un-
 doubtedly is to hold all their places and pensions
 as long as they can.

Both those speeches (excepting the parts en-
 closed in parentheses, which are added for the pur-
 pose of *illustration*) are copied *verbatim* from the
 Morning Chronicle of the 1st of February last;
 and when the situation of the speakers is consid-
 ered, the one in the opposition, and the other in the
 ministry, and both of them living at the public ex-
 pence, by sinecure, or nominal places and offices,
 it required a very unblushing front to be able
 to deliver them. Can those men seriously suppose
 any nation to be so completely blind as not to
 see through them? Can Stormont imagine that the
 political

ON THE LALE PROCLAMATION. 11

political cant, with which he has larded his harangue, will conceal the craft? Does he not know that there never was a cover large enough to hide *itself*? Or can Grenville believe, that his credit with the public encreases with his avarice for places?

But, if these orators will accept a service from me, in return for the allusions they have made to the *Rights of Man*, I will make a speech for either of them to deliver on the excellence of the constitution, that shall be as much to the purpose as what they have spoken, or as *Bolingbroke's captivating encomium*. Here it is.

‘THAT we shall all be unanimous in expressing our attachment to the constitution, I am confident. It is, my Lords, incomprehensibly good: but the great wonder of all is the wisdom; for it is, my Lords, *the wisest system that ever was formed*.

‘With respect to us noble Lords, though the world does not know it, it is very well known to us, that we have more wisdom than we know what to do with; and what is still better, my Lords, we have it all in stock. I defy your Lordships to prove, that a tittle of it has been used yet; and if we do but go on, my Lords, with the frugality we have hitherto done, we shall leave to our heirs and successors, when we go out of the world, the whole stock of wisdom, *untouched*, that we brought in; and there is no doubt but they will follow our example. This, my Lords, is one of the blessed effects of the hereditary system; for we can never

be

be without wisdom so long as we keep it by us, and do not use it.

• But, my Lords, as all this wisdom is hereditary property, for the sole benefit of us and our heirs, and as it is necessary that the people should know where to get a supply for their own use, the excellence of our constitution has provided a King for this very purpose, and for *no other*. But, my Lords, I perceive a defect to which the constitution is subject, and which I propose to remedy by bringing a bill into Parliament for that purpose.

• The constitution, my Lords, out of delicacy, I presume, has left it as a matter of *choice* to a King whether he will be wise or not. It has not, I mean, my Lords, insisted upon it as a constitutional point, which, I conceive, it ought to have done; for I pledge myself to your Lordships to prove, and that with *true patriotic boldness*, that he has *no choice in the matter*. The bill, my Lords, that I shall bring in will be to declare, that the constitution, according to the true intent and meaning thereof, does not invest the King with this choice; our ancestors were too wise to do that; and, in order to prevent any doubts that might otherwise arise, I shall prepare, my Lords, an enacting clause, to fix the wisdom of Kings, by act of Parliament; and then, my Lords, our Constitution will be the wonder of the world!

Wisdom, my Lords, is the one thing needful; but that there may be no mistake in this matter,
and

ON THE LATE PROCLAMATION. 13

and that we may proceed consistently with the true wisdom of the constitution, I shall propose a *certain criterion*, whereby the *exact quantity of wisdom* necessary for a King may be known. [Here should be a cry of Hear him ! Hear him !]

‘ It is recorded, my Lords, in the Statutes at Large of the Jews, “ a book, my Lords, which I “ have not read, and whose purport I know only “ by report,” *but perhaps the bench of Bishops can recollect something about it*, that Saul gave the most convincing proofs of royal wisdom before he was made a King, *for he was sent to seek his father’s asses, and he could not find them.*

‘ Here, my Lords, we have, most happily for us, a case in point: This precedent ought to be established by act of Parliament; and every King, before he be crowned, should be sent to seek his father’s asses, and if he cannot find them, he shall be declared wise enough to be King, according to the true meaning of our excellent constitution. All, therefore, my Lords, that will be necessary to be done, by the enacting clause that I shall bring in, will be to invest the King before-hand with the quantity of wisdom necessary for this purpose, lest he should happen not to possess it; and this, my Lords, we can do without making use of any of our own.

‘ We further read, my Lords, in the said Statutes at Large of the Jews, that Samuel, who certainly was as mad as any Man-of-Rights-Man now a-days,
(hear

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(hear him ! hear him !) was highly displeased, and even exasperated, at the proposal of the Jews to have a King, and he warned them against it with all that assurance and impudence of which he was master. I have been, my Lords, at the trouble of going all the way to *Paternoster-row*, to procure an extract from the printed copy. I was told that I should meet with it there, or in *Amen-corner*, for I was then going, my Lords, to rummage for it among the curiosities of the *Antiquarian Society*.— I will read the extract to your Lordships, to shew how little Samuel knew of the matter.

‘The extract, my Lords, is from 1 *Samuel*, chap. 8.

“ And Samuel told all the words of the Lord unto the people, that asked of him a King.

“ And he said, this will be the manner of the King that shall reign over you : he will take your sons, and appoint them for himself, for his chariots, and to be his horsemen ; and some shall run before his chariots.

“ And he will appoint him captains over thousands, and captains over fifties, and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.

“ And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.

“ And he will take your fields, and your vineyards, and your olive-yards, even the best of them, and give them to his servants.

“ And

ON THE LATE PROCLAMATION. 15

“ And he will take the tenth of your seed, and
“ of your vineyards, and give to his officers, and
“ to his servants.

“ And he will take your men-servants, and your
“ maid-servants, and your goodliest young men,
“ and your asses, and put them to his work.

“ And he will take the tenth of your sheep, and
“ ye shall be his servants.

“ And ye shall cry out in that day, because of
“ your King, which ye shall have chosen you; and
“ the Lord will not hear you on that day.”

‘ Now, my Lords, what can we think of this
man Samuel? Is there a word of truth, or any
thing like truth, in all that he has said? He pre-
tended to be a prophet, or a wise man, but has
not the event proved him to be a fool, or an incen-
diary? Look around, my Lords, and see if any
thing has happened that he pretended to foretell?
Has not the most profound peace reigned through-
out the world ever since Kings were in fashion?
Are not, for example, the present Kings of Europe
the most peaceable of mankind, and the Empress
of Russia the very milk of human kindness? It
would not be worth having Kings, my Lords, if it
were not that they never go to war.

‘ If we look at home, my Lords, do we not see
the same things here as are seen every where else?
Are our young men taken to be horsemen, or foot
soldiers, any more than in Germany or in Prussia,
or in Hanover or in Hesse? Are not our sailors as
safe at land as at sea? Are they ever dragged from
their

their homes, like oxen to the slaughter-house, to serve on board ships of war? When they return from the perils of a long voyage with the merchandize of distant countries, does not every man sit down under his own vine and his own fig-tree, in perfect security? Is the tenth of our seed taken by tax-gatherers, or is any part of it given to the King's servants? In short, *is not every thing as free from taxes as the light from Heaven!*

' Ah! my Lords, do we not see the blessed effect of having Kings in every thing we look at? Is not the G. R. or the broad R. stamp'd upon every thing? Even the shoes, the gloves, and the hats that we wear, are enriched with the impression, and all our candles blaze a burnt-offering.

' Besides these blessings, my Lords, that cover us from the sole of the foot to the crown of the head, do we not see a race of youths growing up to be Kings, who are the very paragons of virtue? There is not one of them, my Lords, but might be trusted with untold gold, as safely as the other. Are they not "*more sober, more intelligent, more sensible, more steady,*" and withall, more learned, more wise, more every thing, than any youths *we* "*ever had the fortune to see.*" Ah! my Lords, they are a *hopeful family.*

' The blessed prospect of succession, which the nation has at this moment before its eyes, is a most undeniable proof of the excellence of our constitution, and of the blessed hereditary system; for nothing, my Lords, but a constitution founded

on

on the truest and purest wisdom, could admit such heaven-born and heaven-taught characters into the government.—Permit me now, my Lords, to recal your attention to the libellous chapter I have just read about Kings. I mention this, my Lords, because it is my intention to move for a bill to be brought into Parliament to expunge that chapter from the Bible, and that the Lord Chancellor, with the assistance of the Prince of Wales, the Duke of York, and the Duke of Clarence, be requested to write a chapter in the room of it; and that Mr. Burke do see that it be truly canonical, and faithfully inserted.—FINIS.

If the Clerk of the Court of King's Bench should chuse to be the orator of this luminous encomium on the constitution, I hope he will get it well by heart before he attempt to deliver it, and not to have to apologize to Parliament, as he did in the case of Bolingbroke's encomium; for forgetting his lesson; and, with this admonition, I leave him.

Having thus informed the Addressers of what passed at the meeting of Parliament, I return to take up the subject at the part where I broke off in order to introduce the preceding speeches.

I was then stating, that the first policy of the Government party was silence, and the next, clamorous contempt; but as people generally choose to read and judge for themselves, the work still went on, and the affectation of contempt, like the silence that preceded it, passed for nothing.

B

Thus

Thus foiled in their second scheme, their evil genius, like a will-with-a-wisp, led them to a third; when all at once, as if it had been unfolded to them by a fortune-teller, or Mr. Dundas had discovered it by second sight, this once harmless, insignificant book, without undergoing the alteration of a single letter, became a most wicked and dangerous Libel. The whole Cabinet, like a ship's crew, became alarmed; all hands were piped upon deck, as if a conspiracy of elements was forming around them, and out came the Proclamation and the Prosecution; and Addressers supplied the place of prayers.

Ye silly swains, thought I to myself, why do you torment yourselves thus? The RIGHTS OF MAN is a book calm and rationally written; why then are you so disturbed? Did you see how little or how suspicious such conduct makes you appear, even cunning alone, had you no other faculty, would hush you into prudence. The plans, principles, and arguments, contained in that work, are placed before the eyes of the nation, and of the world, in a fair, open, and manly manner, and nothing more is necessary than to refute them. Do this, and the whole is done; but if ye cannot, so neither can ye suppress the reading, nor convict the Author; for that Law, in the opinion of all good men, would convict itself, that should condemn what cannot be refuted.

Having now shewn the Addressers the several stages of the business, prior to their being called upon,

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upon, like Cæsar in the Tyber, crying to Cassius, "*help, Cassius, or I sink!*" I next come to remark on the policy of the Government, in promoting Addresses; on the consequences naturally resulting therefrom; and on the conduct of the persons concerned.

With respect to the policy, it evidently carries with it every mark and feature of disguised fear. And it will hereafter be placed in the history of extraordinary things, that a pamphlet should be produced by an individual, unconnected with any sect or party, and not seeking to make any, and almost a stranger in the land, that should completely frighten a whole Government, and that in the midst of its most triumphant security. Such a circumstance cannot fail to prove, that either the pamphlet has irresistible powers, or the Government very extraordinary defects, or both. The Nation exhibits no signs of fear at the Rights of Man; why then should the Government, unless the interest of the two are really opposite to each other, and the secret is beginning to be known? That there are two distinct classes of men in the nation, those who pay taxes, and those who receive and live upon the taxes, is evident at first sight; and when taxation is carried to excess, it cannot fail to disunite those two, and something of this kind is now beginning to appear.

It is also curious to observe, amidst all the fume and bustle about Proclamations and Addresses, kept up by a few noisy and interested men, how

little the mass of the nation seem to care about either. They appear to me, by the indifference they shew, not to believe a word the Proclamation contains; and as to the Addressees, they travel to London with the silence of a funeral, and having announced their arrival in the Gazette, are deposited with the ashes of their predecessors, and Mr. Dundas writes their *hic jacet*.

One of the best effects which the Proclamation, and its echo the Addressees have had, has been that of exciting and spreading curiosity; and it requires only a single reflection to discover, that the object of all curiosity is knowledge. When the mass of the nation saw that Placemen, Pensioners, and Borough-mongers, were the persons that stood forward to promote Addressees, it could not fail to create suspicions that the public good was not their object; that the character of the books, or writings, to which such persons obscurely alluded, not daring to mention them, was directly contrary to what they described them to be, and that it was necessary that every man, for his own satisfaction, should exercise his proper right, and read and judge for himself.

But how will the persons who have been induced to read the *Rights of Man*, by the clamour that has been raised against it, be surprized to find, that, instead of a wicked, inflammatory work, instead of a licentious and profligate performance, it abounds with principles of government that are uncontrovertible—with arguments which every reader

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reader will feel, are unanswerable—with plans for the increase of commerce and manufactures—for the extinction of war—for the education of the children of the poor—for the comfortable support of the aged and decayed persons of both sexes—for the relief of the army and navy, and, in short, for the promotion of every thing that can benefit the moral, civil and political condition of Man.

Why, then, some calm observer will ask, why is the work prosecuted, if these be the goodly matters it contains? I will tell thee, friend; it contains also a plan for the reduction of Taxes, for lessening the immense expences of Government, for abolishing sinecure Places and Pensions; and it proposes applying the redundant taxes, that shall be saved by these reforms, to the purposes mentioned in the former paragraph, instead of applying them to the support of idle and profligate Placemen and Pensioners.

Is it, then, any wonder that Placemen and Pensioners, and the whole train of Court expectants, should become the promoters of Addresses, Proclamations, and Prosecutions? or, is it any wonder that Corporations and rotten Boroughs, which are attacked and exposed, both in the First and Second Parts of *Rights of Man*, as unjust monopolies and public nuisances, should join in the cavalcade? Yet these are the sources from which Addresses have sprung. Had not such persons come forward to oppose the *Rights of Man*, I should have doubted the efficacy of my own writings: but

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those opposers have now proved to me, that the blow was well directed, and they have done it justice, by confessing the smart.

The principal deception in this business of Addresses has been, that the promoters of them have not come forward in their proper characters. They have assumed to pass themselves upon the Public, as a part of the Public bearing a share of the burthen of Taxes, and acting for the public good; whereas, they are in general that part of it that adds to the public burthen, by living on the produce of the public taxes. They are to the public what the locusts are to the tree: the burthen would be less, and the prosperity would be greater, if they were shaken off.

"I do not come here," said Onslow, at the Surry County meeting, "as Lord Lieutenant and "Custos Rotulorum of the county, but I come "here as a plain country gentleman." The fact is, that he came there as what he was, and as no other, and consequently he came as one of the beings I have been describing. If it be the character of a gentleman to be fed by the public, as a pauper is by the parish, Onslow has a fair claim to the title; and the same description will suit the Duke of Richmond, who led the Address at the Sussex meeting.—He also may set up for a gentleman.

As to the meeting in the next adjoining county, (Kent) it was a scene of disgrace. About two hundred persons met, when a small part of them drew

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drew privately away from the rest, and voted an Address: the consequence of which was, that they got together by the ears, and produced a riot in the very act of producing an Address to prevent Riots.

That the Proclamation and the Addresses have failed of their intended effect, may be collected from the silence which the Government party itself observes. The number of Addresses has been weekly retailed in the Gazette; but the number of Addressers has been concealed. Several of the Addresses have been voted by not more than ten or twelve persons; and a considerable number of them by not more than thirty. The whole number of Addresses presented at the time of writing this letter is three hundred and twenty, (rotten Boroughs and Corporations included) and even admitting, on an average, one hundred Addressers to each Address, the whole number of Addressers would be but thirty-two thousand, and nearly three months have been taken up in procuring this number. That the success of the Proclamation has been less than the success of the Work it was intended to discourage, is a matter within my own knowledge; for a greater number of the cheap edition of the First and Second Parts of RIGHTS OF MAN has been sold in the space only of one month, than the whole number of Addressers (admitting them to be thirty-two thousand) have amounted to in three months.

It is a dangerous attempt in any Government to say to a Nation, "*thou shalt not read.*" This is now done in Spain, and was formerly done under the old Government of France; but it served to procure the downfall of the latter, and is subverting that of the former; and it will have the same tendency in all countries; because *thought*, by some means or other, is got abroad in the world, and cannot be restrained, though reading may.

If *Rights of Man* were a book that deserved the vile description which the promoters of the Address have given of it, why did not these men prove their charge, and satisfy the people, by producing it, and reading it publicly? This most certainly ought to have been done, and would also have been done, had they believed it would have answered their purpose. But the fact is, that the book contains truths, which those time-servers dreaded to hear, and dreaded that the people should know; and it is now following up the Addresses in every part of the nation, and convicting them of falsehoods.

Among the unwarrantable proceedings to which the Proclamation has given rise, the meetings of the Justices in several of the towns and counties ought to be noticed. Those men have assumed to re-act the farce of General Warrants, and to suppress, by their own authority, whatever publications they please. This is an attempt at power, equalled only by the conduct of the minor despots
of

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of the most despotic governments in Europe, and yet those Justices affect to call England a Free Country. But even this, perhaps, like the scheme for garrisoning the country, by building military barracks, is necessary to awaken the country to a sense of its Rights, and, as such, it will have a good effect.

Another part of the conduct of such Justices has been, that of threatening to take away the licences from taverns and public-houses, where the inhabitants of the neighbourhood associated to read and discuss the principles of Government, and to inform each other thereon. This, again, is familiar to what is doing in Spain and Russia; and the reflection which it cannot fail to suggest is, that the principles and conduct of any Government must be bad, when that Government dreads and startles at discussion, and seeks security by a prevention of knowledge.

If the Government, or the Constitution, or by whatever name it be called, be that miracle of perfection which the Proclamation and the Addresses have trumpeted it forth to be, it ought to have defied discussion and investigation, instead of dreading it. Whereas, every attempt it makes, either by Proclamation, Prosecution, or Address, to suppress investigation, is a confession that it feels itself unable to bear it. It is error only, and not truth, that shrinks from enquiry. All the numerous pamphlets, and all the newspaper falsehood and abuse, that have been published against

against the "RIGHTS OF MAN," have fallen before it like pointless arrows; and, in like manner, would any work have fallen before the Constitution, had the Constitution, as it is called, been founded on as good political principles as those on which the RIGHTS OF MAN is written.

It is a good Constitution for courtiers, placemen, pensioners, borough-holders, and the leaders of Parties, and these are the men that have been the active leaders of Addresses; but it is a bad Constitution for at least ninety-nine parts of the nation out of an hundred, and this truth is every day making its way.

It is bad, first, because it entails upon the nation the unnecessary expence of supporting three forms and systems of Government at once, namely, the monarchical, the aristocratical, and the democratical.

Secondly, because it is impossible to unite such a discordant composition by any other means than perpetual corruption; and therefore the corruption so loudly and so universally complained of, is no other than the natural consequence of such an unnatural compound of Governments; and in this consists that excellence which the numerous herd of placemen and pensioners so loudly extol, and which, at the same time, occasions that enormous load of taxes under which the rest of the nation groans.

Among the mass of national delusions calculated to amuse and impose upon the multitude, the standing

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standing one has been, that of flattering them into taxes, by calling the Government, (or as they please to express it, the English Constitution) "*the envy and the admiration of the world.*" Scarcely an Address has been voted in which some of the speakers have not uttered this hackneyed nonsensical falshood.

Two Revolutions have taken place, those of America and France; and both of them have rejected the unnatural compounded system of the English government. America has declared against all hereditary Government, and established the representative system of Government only. France has entirely rejected the aristocratical part, and is now discovering the absurdity of the monarchical, and is approaching fast to the representative system. On what ground, then, do those men continue a declaration, respecting what they call the *envy and admiration of other nations*, which the voluntary practice of such nations, as have had the opportunity of establishing Government, contradicts and falsifies. Will such men never confine themselves to truth? Will they be for ever the deceivers of the people?

But I will go farther, and shew, that, were Government now to begin in England, the people could not be brought to establish the same system they now submit to.

In speaking upon this subject (or on any other) *on the pure ground of principle*, antiquity and precedent

cedent cease to be authority, and hoary-headed error loses its effect. The reasonableness and propriety of things must be examined abstractedly from custom and usage; and in this point of view, the right which grows into practice to-day is as much a right, and as old in principle and theory, as if it had the customary sanction of a thousand ages. Principles have no connection with time, nor characters with names.

To say that the Government of this country is composed of King, Lords, and Commons, is the mere phraseology of custom. It is composed of men; and whoever the men be to whom the Government of any country is entrusted, they ought to be the best and wisest that can be found, and if they are not so, they are not fit for the station. A man derives no more excellence from the change of a name, or calling him King, or calling him Lord, than I should do by changing my name from Thomas to George, or from Paine to Guelph. I should not be a whit the more able to write a book, because my name were altered; neither would any man, now called a King or a Lord, have a whit the more sense than he now has, were he to call himself Thomas Paine.

As to the word "Commons," applied as it is in England, it is a term of degradation and reproach, and ought to be abolished. It is a term unknown in free countries.

But to the point.—Let us suppose that Government was now to begin in England, and that the plan of Government, offered to the nation for its approbation

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approbation or rejection, consisted of the following parts:

First—That some one individual should be taken from all the rest of the nation, and to whom all the rest should swear obedience, and never be permitted to sit down in his presence, and that they should give to him one million sterling a year.—That the nation should never after have power or authority to make laws but with his express consent, and that his sons and his sons' sons, whether wise or foolish, good men or bad, fit or unfit, should have the same power, and also the same money annually paid to them for ever.

Secondly—That there should be two houses of Legislators to assist in making laws, one of which should, in the first instance, be entirely appointed by the aforesaid person, and that their sons and their sons' sons, whether wise or foolish, good men or bad, fit or unfit, should for ever after be hereditary Legislators.

Thirdly—That the other house should be chosen in the same manner as the house, now called the House of Commons, is chosen, and should be subject to the controul of the two aforesaid hereditary Powers in all things.

It would be impossible to cram such a farago of imposition and absurdity down the throat of this or any other nation, that were capable of reasoning upon its rights and its interest.

They would ask, in the first place, on what ground of right, or on what principle, such irrational

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rational and preposterous distinctions could, or ought to be made; and what pretensions any man could have, or what services he could render, to entitle him to a million a year? They would go farther, and revolt at the idea of consigning their children, and their childrens' children, to the domination of persons hereafter to be born, who might, for any thing they could foresee, turn out to be knaves or fools; and they would finally discover, that the project of hereditary Governors and Legislators *was a treasonable usurpation over the rights of posterity*. Not only the calm dictates of reason, and the force of natural affection, but the integrity of manly pride, would impel men to spurn such proposals.

From the grosser absurdities of such a scheme, they would extend their examination to the practical defects—They would soon see that it would end in tyranny accomplished by fraud. That in the operation of it, it would be two to one against them, because the two parts that were to be made hereditary, would form a common interest, and stick to each other; and that themselves and their representatives would become no better than hewers of wood and drawers of water for the other parts of the Government.—Yet call one of those powers King, the other, Lords, and the third, the Commons, and it gives the model of what is called the English Government.

I have asserted, and have shewn, both in the First and Second Parts of *Rights of Man*, that there

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there is not such a thing as an English Constitution, and that the people have yet a Constitution to form. *A Constitution is a thing antecedent to a Government; it is the act of the people creating a Government and giving it powers, and defining the limits and exercise of the powers so given.* But whenever did the people of England, acting in their original constituent character, by a delegation elected for that express purpose, declare and say, "*We, the people of this land, do constitute and appoint this to be our system and form of Government.*" The Government has assumed to constitute itself, but it never was constituted by the people, in whom alone the right of constituting resides.

I will here recite the preamble to the Federal Constitution of the United States of America. I have shewn in the Second Part of *Rights of Man*, the manner by which the Constitution was formed and afterwards ratified; and to which I refer the reader.—The preamble is in the following words:

"WE, THE PEOPLE of the United States,
 "in order to form a more perfect union, establish justice, insure domestic tranquillity,
 "provide for common defence, promote the general welfare, secure the blessings of liberty to ourselves and our posterity, DO ORDAIN AND ESTABLISH THIS CONSTITUTION
 "for the United States of America."

Then

Then follow the several articles which appoint the manner in which the several component parts of the Government, legislative and executive, shall be elected, and the period of their duration, and the powers they shall have: also, the manner by which future additions, alterations, or amendments, shall be made to the Constitution. Consequently, every improvement that can be made in the science of Government, follows in that country as a matter of order. It is only in Governments founded on assumption and false principles, that reasoning upon, and investigating systems and principles of Government, and shewing their several excellencies and defects, are termed libellous and seditious. These terms were made part of the charge brought against Locke, Hampden, and Sydney, and will continue to be brought against all good men, so long as bad government shall continue.

The Government of this country has been ostentatiously giving challenges for more than an hundred years past, upon what it called its own excellence and perfection. Scarcely a King's Speech, or a Parliamentary Speech, has been uttered, in which this glove has not been thrown, till the world has been insulted with their challenges. But it now appears that all this was vapour and vain-boasting, or that it was intended to conceal abuses and defects, and hush the people into taxes. I have taken the challenge up, and in behalf of the public have shewn, in a fair, open, and candid man-

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ner, both the radical and practical defects of the system; when, lo! those champions of the Civil List have fled away, and sent the Attorney-General to deny the challenge, by turning the acceptance of it into an attack, and defending their Places and Pensions by a prosecution.

I will here drop this part of the subject, and state a few particulars respecting the prosecution now pending, by which the Addressers will see that they have been used as tools to the prosecuting party and their dependents. The case is as follows:

The original edition of the First and Second Parts of RIGHTS OF MAN, having been expensively printed (in the modern stile of printing pamphlets, that they might be bound up with Mr. Burke's Reflections on the French Revolution,) the high price precluded the generality of people from purchasing; and many applications were made to me from various parts of the country to print the work in a cheaper manner. The people of Sheffield requested leave to print two thousand copies for themselves, with which request I immediately complied. The same request came to me from Rotherham, from Leicester, from Chester, from several towns in Scotland; and Mr. James Mackintosh, Author of *Vindiciæ Gallicæ*, brought me a request from Warwickshire, for leave to print ten thousand copies in that country. I had already sent a cheap edition to Scotland; and finding the applications increase, I concluded that the best method of complying therewith, would be to print a very

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numerous edition in London, under my own direction, by which means the work would be more perfect, and the price be reduced lower than it could be by *printing* small editions in the country of only a few thousands each.

The cheap edition of the First Part was begun about the middle of last April, and from that moment, and not before, I expected a prosecution, and the event has proved that I was not mistaken. I had then occasion to write to Mr. Thomas Walker, of Manchester, and after informing him of my intention of giving up the work for the purpose of general information, I informed him of what I apprehended would be the consequence; that while the work was at a price that precluded an extensive circulation, the Government-party, not able to controvert the plans, arguments, and principles it contained, had chosen to remain silent; but that I expected they would make an attempt to deprive the mass of the nation, and especially the poor, of the right of reading, by the pretence of prosecuting either the Author or the Publisher, or both. They chose to begin with the Publisher.

Nearly a month, however, passed, before I had any information given me of their intentions. I was then at Bromley, in Kent, upon which I came immediately to town, (May 14) and went to Mr. Jordan, the publisher of the original edition. He had that evening been served with a summons, to appear at the Court of King's Bench on the Monday

day following, but for what purpose was not stated. Supposing it to be on account of the work, I appointed a meeting with him on the next morning, which was accordingly held, when I provided an attorney, and took the expence of the defence on myself. But finding afterwards that he absented himself from the attorney employed, and had engaged another, and that he had been closeted with the Solicitors of the Treasury, I left him to follow his own choice, and he chose to plead Guilty. This he might do if he pleased; and I make no objection against him for it. I believe that his idea by the word *Guilty*, was no other than declaring himself to be the publisher; without any regard to the merits or demerits of the work; for were it to be construed otherwise, it would amount to the absurdity of converting a publisher into a Jury, and his confession into a verdict upon the work itself. This would be the highest possible refinement upon packing of Juries.

On the 21st of May, they commenced their prosecution against me, as the Author, by leaving a summons at my lodgings in town, to appear at the Court of King's Bench on the 8th of June following; and on the same day, (May 21) *they issued also their Proclamation*. Thus the Court of St. James's, and the Court of King's Bench, were playing into each other's hands at the same instant of time, and the farce of Addresses brought up the rear; and this mode of proceeding is called by the prostituted name of Law. Such a thundering rapidity

pidity, after a ministerial dormancy of almost eighteen months, can be attributed to no other cause than their having gained information of the forwardness of the cheap Edition, and the dread they felt at the progressive increase of political knowledge.

I was strongly advised by several gentlemen, as well those in the practice of the Law, as others, to prefer a bill of indictment against the publisher of the Proclamation, as a publication tending to influence, or rather to dictate the verdict of a Jury on the issue of a matter then pending; but it appeared to me much better to avail myself of the opportunity which such a precedent justified me in using, by meeting the Proclamation and the Addressees on their own ground, and publicly defending the Work which had been thus unwarrantable attacked and traduced.—And conscious as I now am, that the Work entitled RIGHTS OF MAN, so far from being, as has been maliciously or erroneously represented, a false, wicked, and seditious Libel, is a work abounding with unanswerable truths, with principles of the purest morality and benevolence, and with arguments not to be controverted—Conscious, I say, of these things, and having no object in view but the happiness of mankind, I have now put the matter to the best proof in my power, by giving to the public a cheap edition of the First and Second Parts of that Work. Let every man read and judge for himself, not only of the merits or demerits of the Work, but of the matters therein contained.

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contained, which relate to his own interest and happiness.

If, to expose the fraud and imposition of monarchy, and every species of hereditary government—to lessen the oppression of taxes—to propose plans for the education of helpless infancy, and the comfortable support of the aged and distressed—to endeavour to conciliate nations to each other—to extirpate the horrid practice of war—to promote universal peace, civilization, and commerce—and to break the chains of political superstition, and raise degraded man to his proper rank;—if these things be libellous, let me live the life of a Libeller, and let the name of LIBELLER be engraven on my tomb.

Of all the weak and ill-judged measures which fear, ignorance, or arrogance, could suggest, the Proclamation, and the project for Addresses, are two of the worst. They served to advertise the work which the promoters of those measures wished to keep unknown; and in doing this, they offered violence to the judgment of the people, by calling on them to condemn what they forbade them to know, and they put the strength of their party to that hazardous issue that prudence would have avoided.—The County Meeting for Middlesex was attended by only one hundred and eighteen Addressers. They, no doubt, expected, that thousands would flock to their standard; and clamour against the *Rights of Man*. But the case most probably is, that men, in all countries, are not so blind to

their Rights and their Interest, as Governments believe.

Having thus shewn the extraordinary manner in which the Government-party commenced their attack, I proceed to offer a few observations on the prosecution, and on the mode of trial by Special Jury.

In the first place, I have written a book; and if it cannot be refuted, it cannot be condemned. But I do not consider the prosecution as particularly levelled against me, but against the general right, or the right of every man, of investigating systems and principles of Government, and shewing their several excellencies or defects. If the press be free only to flatter Government, as Mr. Burke has done, and to cry up and extol what certain Court sycophants are pleased to call a "glorious Constitution," and not free to examine into its errors or abuses, or whether a Constitution really exist or not, such freedom is no other than that of Spain, Turkey, or Russia; and a Jury, in this case, would not be a Jury to try, but an Inquisition to condemn.

I have asserted, and by fair and open argument maintained, the right of every nation at all times, to establish such a system and form of Government for itself as best accords with its disposition, interest, and happiness; and to change, or alter it, as it sees occasion. Will any Jury deny to the Nation this right? If they do, they are traitors, and their Verdict would be null and void. And

if

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if they admit the right, the means must be admitted also; for it would be the highest absurdity to say, that the right existed, but the means did not. The question, then, is, What are the means by which the possession and exercise of this National Right are to be secured? The answer will be, that of maintaining, inviolably, the right of free investigation; for investigation always serves to detect error, and to bring forth truth.

I have, as an individual, given my opinion upon what I believe to be not only the best, but the true system of Government, which is the representative system, and I have given reasons for that opinion.

First, Because, in the representative system, no office of very extraordinary power, or extravagant pay, is attached to any individual; and consequently, there is nothing to excite those national contentions and civil wars, with which countries under monarchical governments, are frequently convulsed, and of which the History of England exhibits such numerous instances.

Secondly, Because the representative is a system of Government always in maturity; whereas monarchical government fluctuates through all the stages, from non-age to dotage.

Thirdly, Because the representative system admits of none but men, properly qualified, into the Government, or removes them if they prove to be otherwise. Whereas, in the hereditary system, a nation may be encumbered with a knave or an idiot,

ideot, for a whole life-time, and not be benefited by a successor.

Fourthly, Because there does not exist a right to establish hereditary government, or in other words, hereditary successors, because hereditary government always means a government yet to come, and the case always is, that those who are to live afterwards have always the same right to establish government for themselves, as the people had who lived before them; and, therefore, all laws attempting to establish hereditary government, are founded on assumption and political fiction.

If these positions be truths, and I challenge any man to prove the contrary; if they tend to instruct and enlighten mankind, and to free them from error, oppression, and political superstition, which are the objects I have in view, in publishing them, that Jury would commit an act of injustice to their country and to me, if not an act of perjury, that should call them *false, wicked, and malicious*.

Dragonetti, in his Treatise "on Virtues and Rewards," has a paragraph worthy of being recorded in every country in the world—"The science, (says he,) of the politician, consists in fixing the true point of happiness and freedom. Those men would deserve the gratitude of ages, who should discover a mode of government that contained the greatest sum of *individual happiness* with the least *national expence*." But if Juries are to be made use of to prohibit enquiry, to suppress

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precis truth, and to stop the progress of knowledge, this boasted palladium of liberty becomes the most successful instrument of tyranny.

Among the arts practised at the Bar, and from the Bench, to impose upon the understanding of a Jury, and obtain a Verdict where the consciences of men could not otherwise consent, one of the most successful has been that of calling *truth a libel*, and of insinuating, that the words "*falsely, wickedly, and maliciously*," though they are made the formidable and high sounding part of the charge, are not matters for consideration with a Jury. For what purpose, then, are they retained, unless it be for that of imposition and wilful defamation?

I cannot conceive a greater violation of order, nor a more abominable insult upon morality and upon human understanding, than to see a man sitting in the judgment seat, affecting, by an antiquated foppery of dress, to impress the audience with awe; then causing witnesses and Jury to be sworn to truth and justice, himself having officially sworn the same; then causing to be read a prosecution against a man, charging him with having *wickedly and maliciously written and published a certain false, wicked, and seditious book*; and having gone through all this with a shew of solemnity, as if he saw the eye of the Almighty darting through the roof of the building like a ray of light, turn, in an instant, the whole into a farce, and, in order to obtain a verdict that could not otherwise be obtained, tell the Jury that the charge of *falsely, wickedly,*

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edly, and seditiously, meant nothing; that *truth* was out of the question; and that whether the person accused spoke truth or falsehood, or intended *virtuously or wickedly*, was the same thing; and finally conclude the wretched inquisitorial scene, by stating some antiquated precedent, equally as abominable as that which is then acting, or giving some opinion of his own, and *falsely calling the one and the other—Law*. It was, most probably, to such a Judge as this, that the most solemn of all reproofs was given—“*The Lord will smite thee, thou whitened wall.*”

I now proceed to offer some remarks on what is called a Special Jury.—As to what is called a Special Verdict, I shall make no other remark upon it, than that it is in reality *not* a verdict. It is an attempt on the part of the Jury to delegate, or of the Bench to obtain, the exercise of that right which is committed to the Jury only.

With respect to Special Juries, I shall state such matters as I have been able to collect, for I do not find any uniform opinion concerning the mode of appointing them.

In the first place, this mode of trial is but of modern invention, and the origin of it, as I am told, is as follows:

Formerly, when disputes arose between Merchants, and were brought before a Court, the case was, that the nature of their commerce, and the method of keeping Merchants accounts, not being sufficiently understood by persons out of their own
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line, it became necessary to depart from the common mode of appointing Juries, and to select such persons for a Jury whose *practical knowledge* would enable them to decide upon the case. From this introduction, Special Juries became more general; but some doubts having arisen as to their legality, an act was passed in the 3d of Geo. II. to establish them as legal, and also to extend them to all cases, not only between individuals, but in cases where *the Government itself should be the Prosecutor*. This most probably gave rise to the suspicion so generally entertained of packing a Jury; because, by this act, when the crown, as it is called, is the Prosecutor, the Master of the Crown-office, who holds his office under the Crown, is the person who either wholly nominates, or has great power in nominating the Jury, and therefore it has greatly the appearance of the prosecuting party selecting a Jury.

The process is as follows:

On motion being made in Court, by either the Plaintiff or Defendant, for a Special Jury, the Court grants it or not, at its own discretion.

If it be granted, the Solicitor of the party that applied for the Special Jury gives notice to the Solicitor of the adverse party, and a day and hour are appointed for them to meet at the office of the Master of the Crown-office. The Master of the Crown-office sends to the Sheriff or his deputy, who attends with the Sheriff's book of Freeholders. From this book, forty-eight names are *taken*, and

a copy

a copy thereof given to each of the parties; and on a future day notice is again given, and the Solicitors meet a second time, and each strikes out twelve names. The list being thus reduced from forty-eight to twenty-four, the first twelve that appear in Court, and answer to their names, is the Special Jury for that cause. The first operation, that of taking the forty-eight names, is called nominating the Jury; and the reducing them to twenty-four is called striking the Jury.

Having thus stated the general process, I come to particulars, and the first question will be, how are the forty-eight names, out of which the Jury is to be struck, obtained from the Sheriff's book? for herein lies the principal ground of suspicion, with respect to what is understood by packing of Juries.

Either they must be taken by some rule agreed upon between the parties, or by some common rule known and established before-hand, or at the discretion of some person, who, in such a case, ought to be perfectly disinterested in the issue, as well officially as otherwise.

In the case of Merchants, and in all cases between individuals, the Master of the office, called the Crown-office, is officially an indifferent person, and as such may be a proper person to act between the parties, and present them with a list of forty-eight names, out of which each party is to strike twelve. But the case assumes an entire different character when the Government itself is the Prosecutor. The Master of the Crown-office is then an officer holding

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holding his office under the Prosecutor; and it is therefore no wonder that the suspicion of packing Juries should, in such cases, have been so prevalent.

This will apply with additional force, when the prosecution is commenced against the Author or Publisher of such Works as treat of reforms, and of the abolition of superfluous places and offices, &c. because in such cases every person holding an office, subject to that suspicion, becomes interested as a party; and the office, called the Crown-office, may, upon examination, be found to be of this description.

I have heard it asserted, that the Master of the Crown-office is to open the Sheriff's book as it were per hazard, and take thereout forty-eight *following* names, to which the word Merchant or Esquire is affixed. The former of these are certainly proper, when the case is between Merchants, and it has reference to the origin of the custom, and to nothing else. As to the word Esquire, every man is an Esquire who pleases to call himself Esquire; and the sensible part of mankind are leaving it off. But the matter for enquiry is, whether there be any existing law to direct the mode by which the forty-eight names shall be taken, or whether the mode be merely that of custom which the office has created; or whether the selection of the forty-eight names be wholly at the discretion and choice of the Master of the Crown-office? One or other of the two latter appears to be the case, because the act already mentioned, of the 3d of Geo.

Geo. II. lays down no rule or mode, nor refers to any preceding law—but says only, that Special Juries shall hereafter be struck, “*in such manner as Special Juries have been and are usually struck.*”

This act appears to me to have been what is generally understood by a “*deep take in.*” It was fitted to the spur of the moment in which it was passed, 3d of Geo. II. when parties ran high, and it served to throw into the hands of Walpole, who was then Minister, the management of Juries in Crown prosecutions, by making the nomination of the forty-eight persons, from whom the Jury was to be struck, follow the precedent established by custom between individuals, and by this means it slipped into practice with less suspicion. Now, the manner of obtaining Special Juries through the medium of an officer of the Government, such for instance as a Master of the Crown-office, may be impartial in the case of Merchants, or other individuals, but it becomes highly improper and suspicious in cases where the Government itself is one of the parties. And it must, upon the whole, appear a strange inconsistency, that a Government should keep one officer to commence prosecutions, and another officer to nominate the forty-eight persons from whom the Jury is to be struck, both of whom are *officers of the Civil List*, and yet continue to call this by the pompous name of *the glorious Rights of trial by Jury!*

In the case of the King against Jordan, for publishing RIGHTS OF MAN, the Attorney-General moved for the appointment of a Special Jury, and the

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the Master of the Crown-office nominated the forty-eight persons himself, and took them from such part of the Sheriff's book as he pleased. The trial did not come on, occasioned by Jordan withdrawing his plea; but if it had, it might have afforded an opportunity of discussing the subject of Special Juries; for though such discussion might have had no effect in the Court of King's-Bench, it would, in the present disposition for enquiry, have had a considerable effect upon the Country; and in all national reforms, this is the proper point to begin at. Put a Country right, and it will soon put Government right. Among the improper things acted by the Government in the case of Special Juries, on their own motion, one has been that of treating the Jury with a dinner, and afterwards giving each Jurymen two guineas, if a verdict be found for the prosecution, and only one if otherwise; and it has been long observed, that in London and Westminster there are persons who appear to make a trade of serving, by being so frequently ~~seen~~ upon Special Juries.

Thus much for Special Juries. As to what is called a *Common Jury*, upon any Government prosecution against the Author or Publisher of RIGHTS OF MAN, during the time of the *present Sheriftry*, I have one question to offer, which is, *whether the present Sheriffs of London, having publicly prejudged the case, by the part they have taken in procuring an Address from the county of Middlesex, (however diminutive and insignificant the number of Addressers were,*

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were, being only one hundred and eighteen) are eligible or proper persons to be entrusted with the power of returning a Jury to try the issue of any such prosecution?

But the whole matter appears, at least to me, to be worthy of a more extensive consideration than what relates to any Jury, whether Special or Common; for the case is, whether any part of a whole nation, locally selected as a Jury of twelve men always is, be competent to judge and determine for the whole nation, on any matter that relates to systems and principles of Government, and whether it be not applying the institution of Juries to purposes for which such institution was not intended? For example,

I have asserted, in the *WORK RIGHTS OF MAN*, that as every man in the nation pays taxes, so has every man a right to a share in government, and consequently that the people of Manchester, Birmingham, Sheffield, Leeds, Hallifax, &c. &c. have the same right as those of London. Shall then twelve men, picked out between Temple-bar and Whitechapel, because the book happened to be first published there, decide upon the rights of the inhabitants of those towns, or of any other town or village in the nation?

Having thus spoken of Juries, I come next to offer a few observations on the matter contained in the information or prosecution.

The work, *RIGHTS OF MAN*, consists of Part the First, and Part the Second. The First Part the prosecutor

prosecutor has thought it most proper to let alone; and from the Second Part he has selected a few short paragraphs, making in the whole not quite two pages of the same printing as in the cheap edition. Those paragraphs relate chiefly to certain facts, such as the Revolution of 1688, and the coming of George the First, commonly called of the House of Hanover, or the House of Brunswick, or some such house. The arguments, plans, and principles, contained in the work, the prosecutor has not ventured to attack. They are beyond his reach.

The Act which the prosecutor appears to rest most upon for the support of the prosecution, is the Act intituled, "An Act, declaring the rights and liberties of the subject, and settling the succession of the crown," passed in the first year of William and Mary, and more commonly known by the name of the "Bill of Rights."

I have called this Bill "*A Bill of wrongs and of insults*." My reasons, and also my proofs, are as follows:

The method and principle which this Bill takes for declaring rights and liberties, are in direct contradiction to rights and liberties; it is an assumed attempt to take them wholly away from posterity—for the declaration in the said Bill is as follows:

"The Lords Spiritual and Temporal, and Commons, do, in the name of all the people, most humbly and faithfully submit themselves, their heirs, and posterity for ever," that is, to William

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and

and Mary his wife, their heirs and successors. This is a strange way of declaring rights and liberties. But the Parliament who made this declaration in the name, and on the part, of the people, had no authority from them for so doing—and with respect to *posterity for ever*, they had no right or authority whatever in the case. It was assumption and usurpation. I have reasoned very extensively against the principle of this Bill in the first part of Rights of Man; the prosecutor has silently admitted that reasoning; and he now commences a prosecution on the authority of the Bill, after admitting the reasoning against it.

It is also to be observed, that the declaration in this Bill, abject and irrational as it is, had no other intentional operation than against the family of the Stuarts, and their abettors. The idea did not then exist, that in the space of an hundred years, posterity might discover a different and much better system of government, and that every species of hereditary government might fall as Popes and Monks had fallen before. This, I say, was not then thought of, and therefore the application of the Bill, in the present case, is a new, erroneous, and illegal application, and is the same as creating a new Bill *ex post facto*.

It has ever been the craft of Courtiers, for the purpose of keeping up an expensive and enormous Civil List, and a mummerly of useless and antiquated places and offices at the public expence, to

be continually hanging England upon some individual or other, called *King*, though the man might not have capacity to be a parish constable. The folly and absurdity of this is appearing more and more every day; and still those men continue to act as if no alteration in the public opinion had taken place. They hear each other's nonsense, and suppose the whole nation talks the same Gibberish.

Let such men cry up the House of Orange, or the House of Brunswick, if they please. They would cry up any other house if it suited their purpose, and give as good reasons for it. But what is this house, or that house, or any house to a nation? "*For a nation to be free, it is sufficient that she wills it.*" Her freedom depends wholly upon herself, and not on any house, nor on any individual. I ask not in what light this cargo of foreign houses appears to others, but I will say in what light it appears to me.—It was like the trees of the forest saying unto the bramble, come thou and reign over us.

Thus much for both their houses. I now come to speak of two other houses, which are also put into the information, and those are, the House of Lords, and the House of Commons. Here, I suppose, the Attorney-General intends to prove me guilty of speaking either truth or falsehood; for, according to the modern interpretation of Libels, it does not signify which, and the only improvement necessary to shew the compleat absurdity of such

doctrine, would be, to prosecute a man for uttering a most false and wicked truth.

I will quote the part I am going to give, from the Office Copy, with the Attorney General's inuendoes, enclosed in parentheses as they stand in the information, and I hope that civil list officer will caution the Court not to laugh when he reads them, and also to take care not to laugh himself.

The information states, that Thomas Paine being a wicked, malicious, seditious, and evil-disposed person, hath, with force and arms, and most wicked cunning, written and published a certain false, scandalous, malicious, and seditious libel, in one part thereof, to the tenor and effect following, that is to say—

“With respect to the two Houses, of which the English Parliament (meaning the Parliament of this Kingdom) is composed, they appear to be effectually influenced into one, and, as a Legislature, to have no temper of its own. The Minister, (meaning the Minister employed by the King of this Realm, in the administration of the Government thereof) whoever he, at any time may be, touches IT, (meaning the two Houses of Parliament of this Kingdom) as with an opium wand, and IT (meaning the two Houses of Parliament of this Kingdom) sleeps obedience.”—As I am not malicious enough to disturb their repose, though it be time they should awake, I leave the two Houses, and the Attorney General, to the enjoyment of their dreams, and proceed to a new subject.

The

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The Gentlemen, to whom I shall next address myself, are those who have stiled themselves "*Friends of the people*," holding their meeting at the Freemasons' Tavern, London.

One of the principal Members of this Society, is Mr. Grey, who, I believe, is also one of the most independent Members in Parliament. I collect this opinion from what Mr. Burke formerly mentioned to me, rather than from any knowledge of my own. The occasion was as follows:

I was in England at the time the bubble broke forth about Nootka Sound; and the day after the King's Message, as it is called, was sent to Parliament, I wrote a note to Mr. Burke, that upon the condition the French Revolution should not be a subject (for he was then writing the book I have since answered) I would call on him the next day, and mention some matters I was acquainted with, respecting that affair; for it appeared to me extraordinary, that any body of men, calling themselves Representatives, should commit themselves so precipitately, or, "sleep obedience," as Parliament was then doing, and run a nation into expence, and, perhaps a war, without so much as enquiring into the case, or the subject, of both which I had some knowledge.

When I saw Mr. Burke, and mentioned the circumstances to him, he particularly spoke of Mr. Grey, as the fittest Member to bring such matters forward; for, said Mr. Burke, "*I am not the pro-*

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" *per* person to do it, as I am in a treaty with Mr. Pitt about Mr. Hastings's trial." I hope the Attorney General will allow, that Mr. Burke was then *sleeping his obedience*.—But to return to the Society—

I cannot bring myself to believe, that the general motive of this Society is any thing more than that by which every former parliamentary opposition has been governed, and by which the present is sufficiently known. Failing in their pursuit of power and place within doors, they have now (and that not in a very mannerly manner) endeavoured to possess themselves of that ground out of doors, which, had it not been made by others, would not have been made by them. They appear to me to have watched, with more cunning than candour, the progress of a certain publication, and when they saw it had excited a spirit of enquiry, and was rapidly spreading, they stepped forward to profit by the opportunity, and Mr. Fox *then* called it a Libel. In saying this, he libelled himself. Politicians of this cast, such, I mean, as those who trim between parties, and lye by for events, are to be found in every country, and it never yet happened that they did not do more harm than good. They embarrass business, fritter it to nothing, perplex the people, and the event to themselves generally is, that they go just far enough to make enemies of the few, without going far enough to make friends of the many.

Whoever

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Whoever will read the declarations of this Society, of the 25th of April, and 5th of May, will find a studied reserve upon all the points that are real abuses. They speak not once of the extravagance of Government, of the abominable list of unnecessary and sinecure places and pensions, of the enormity of the Civil List, of the excess of taxes, nor of any one matter that substantially affects the nation; and from some conversation that has passed in that Society, it does not appear to me that it is any part of their plan, to carry this class of reforms into practice. No Opposition Party ever did, when it gained possession.

In making these free observations, I mean not to enter into contention with this Society, their incivility towards me is what I should expect from place-hunting reformers. They are welcome, however, to the ground they have advanced upon; and I wish that every individual among them may act in the same upright, uninfluenced, and public spirited manner that I have done. Whatever reforms may be obtained, and by whatever means, they will be for the benefit of others, and not of me. I have no other interest in the cause than the interest of my heart. The part I have acted has been wholly that of a volunteer, unconnected with party; and when I quit, it shall be as honourably as I began.

I consider the reform of Parliament, by an application to Parliament, as proposed by the Society,

to be a worn-out hackneyed subject, about which the nation is tired, and the parties are deceiving each other. It is not a subject that is cognizable before Parliament, because no Government has a right to alter itself, either in whole or in part. The right, and the exercise of that right, appertains to the nation only, and the proper means is by a national convention, elected for the purpose, by all the people. By this, the will of the nation, whether to reform or not, or what the reform shall be, or how far it shall extend, will be known, and it cannot be known by any other means. Partial addresses, or separate associations, are not testimonies of the general will.

It is, however, certain that the opinions of men, with respect to systems and principles of government, are changing fast in all countries. The alteration in England, within the space of little more than a year, is far greater than could then have been believed, and it is daily and hourly increasing. It moves along the country with the silence of thought. The enormous expence of Government has provoked men to think, by making them feel, and the Preclamation has served to increase jealousy and disgust. To prevent, therefore, those commotions which too often and too suddenly arise from suffocated discontents, it is best that the general WILL should have the full and free opportunity of being publicly ascertained and known.

Wretched

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Wretched as the state of representation is in England, it is every day becoming worse, because the unrepresented parts of the nation are increasing in population and property, and the represented parts are decreasing. It is, therefore, no ill-grounded estimation to say, that as not one person in seven is represented, at least fourteen millions of taxes, out of the seventeen millions, are paid by the unrepresented part; for although copyholds and leaseholds are assessed to the land-tax, the holders are unrepresented. Should then a general demur take place as to the obligation of paying taxes, on the ground of not being represented, it is not the Representatives of rotten Boroughs, nor Special Juries, that can decide the question. This is one of the possible cases that ought to be foreseen, in order to prevent the inconveniencies that might arise to numerous individuals, by provoking it.

I confess I have no idea of petitioning for rights. Whatever the rights of people are, they have a right to them, and none have a right either to withhold them, or to grant them. Government ought to be established on such principles of justice as to exclude the occasion of all such applications, for wherever they appear they are virtually accusations.

I wish that Mr. Grey, since he has embarked in the business, would take the whole of it into consideration. He will then see that the right of reforming the state of the Representation does not reside

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reside in Parliament; and that the only motion he could consistently make, would be, that Parliament should *recommend* the election of a convention by all the people, because all pay taxes. But whether Parliament recommended it or not, the right of the nation would neither be lessened nor increased thereby.

As to Petitions from the unrepresented part, they ought not to be looked for. As well might it be expected that Manchester, Sheffield, &c. should petition the rotten Boroughs, as that they should petition the Representatives of those Boroughs. Those two towns alone pay far more taxes than all the rotten Boroughs put together, and it is scarcely to be expected they should pay their court either to the Boroughs, or the Borough-mongers.

It ought also to be observed, that what is called Parliament, is composed of two houses that have always declared against the right of each other to interfere in any matter that related to the circumstances of either, particularly that of election. A reform, therefore, in the representation cannot, on the ground they have individually taken, become the subject of an act of Parliament; because such a mode would include the interference, against which the Commons on their part have protested; but must, as well on the ground of formality, as on that of right, proceed from a National Convention.

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Let Mr. Grey, or any other man, sit down and endeavour to put his thoughts together, for the purpose of drawing up an application to Parliament for a reform of Parliament, and he will soon convince himself of the folly of the attempt. He will find that he cannot get on; that he cannot make his thoughts join, so as to produce any effect; for whatever formality of words he may use, they will unavoidably include two ideas directly opposed to each other; the one in setting forth the reasons, the other in praying for the relief, and the two, when placed together, would stand thus:—"The Representation in Parliament is so very corrupt, that we can no longer confide in it,—and, therefore, confiding in the justice and wisdom of Parliament, we pray," &c. &c.

The heavy manner in which every former proposed application to Parliament has dragged, sufficiently shews, that though the nation might not exactly see the awkwardness of the measure, it could not clearly see its way by that mean. To this also may be added another remark, which is, that the worse Parliament is, the less will be the inclination to petition it. This indifference, viewed as it ought to be, is one of the strongest censures the public can express. It is as if they were to say, "Ye are not worth reforming."

Let any man examine the Court-Kalendar of Placemen in both Houses, and the manner in which the Civil List operates, and he will be at

no loss to account for this indifference and want of confidence on one side, nor of the opposition to reforms on the other.

Besides the numerous list of paid persons exhibited in the Court-Kalendar, which so indecently stares the nation in the face, there is an unknown number of masked Pensioners, which renders Parliament still more suspected.

Who would have supposed that Mr. Burke, holding forth as he formerly did against secret influence, and corrupt majorities, should become a concealed Pensioner? I will now state the case, not for the little purpose of exposing Mr. Burke, but to shew the inconsistency of any application to a body of men, more than half of whom, as far as the nation can at present know, may be in the same case with himself.

Towards the end of Lord North's administration, Mr. Burke brought a bill into Parliament, generally known by the name of Mr. Burke's Reform Bill; in which, among other things, it is enacted, "That no pension, exceeding the sum
 " of three hundred pounds a year, shall be granted
 " to any one person, and that the whole amount
 " of the pensions granted in one year shall not
 " exceed six hundred pounds; a list of which,
 " together with the names of the persons to whom
 " the same are granted, shall be laid before Parliament in twenty days after the beginning of
 " each session, until the whole pension list shall be
 " reduced

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"reduced to ninety thousand pounds." A provisory clause is afterwards added, "That it shall be lawful for the First Commissioner of the Treasury, to return into the Exchequer, any pension or annuity, *without a name*, on his making oath that such pension or annuity is not directly or indirectly for the benefit, use, or behoof, of any Member of the House of Commons."

But soon after that Administration ended, and the party Mr. Burke acted with came into power, it appears, from the circumstances I am going to relate, that Mr. Burke became himself a Pensioner in disguise; in a familiar manner, as if a pension had been granted in the name of John Nokes, to be privately paid to and enjoyed by Tom Stiles. The name of Edmund Burke does not appear in the original transaction: but after the pension was obtained, Mr. Burke wanted to make the most of it at once, by selling or mortgaging it; and the gentleman, in whose name the pension stands, applied to one of the public offices for that purpose. This unfortunately brought forth the name of *Edmund Burke*, as the real Pensioner of 1,500*l.* per annum. When men trumpet forth what they call the blessings of the Constitution, it ought to be known what sort of blessings they allude to.

As to the Civil List, of a million a year, it is not to be supposed that any one man can eat, drink, or consume the whole upon himself. The case is, that above half this sum is annually apportioned among

Courtiers,

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Courtiers, and Court Members, of both Houses, in places and offices, altogether insignificant and perfectly useless, as to every purpose of civil, rational, and manly government. For instance,

Of what use in the science and system of Government is what is called a Lord Chamberlain, a Master and a Mistress of the Robes, a Master of the Horse, a Master of the Hawks, and an hundred other such things. Laws derive no additional force, nor additional excellence, from such mummary.

In the disbursements of the Civil List for the year 1786 (which may be seen in Sir John Sinclair's History of the Revenue) are four separate charges for this mummary office of Chamberlain.

1st	-	£. 38,778	17	—
2d	-	3,000	—	—
3d	-	24,069	19	—
4th	-	10,000	18	3

75,849 14 3

besides £. 1,119 charged for Alms.

From this sample, the rest may be guessed at. As to the Master of the Hawks, (there are no hawks kept, and if there were, it is no reason the people should pay the expence of feeding them, many of whom are put to it to get bread for their children) his salary is 1,372*l.* 10*s.*

And besides a list of items of this kind, sufficient to fill a quire of paper, the Pension lists alone are 107,404*l.* 13*s.* 4*d.* which is a greater sum than all

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all the expences of the federal Government in America amount to.

Among the items, there are two I had no expectation of finding, and which, in this day of enquiry after Civil List influence, ought to be exposed. The one is an annual payment of one thousand seven hundred pounds to the Dissenting Ministers in England, and eight hundred pounds to those of Ireland.

This is the fact; and the distribution *as I am informed*, is as follows: The whole sum of £1,700 is paid to one person, a Dissenting Minister in London, who divides it among eight others, and those eight among such others as they please. The Lay-body of the Dissenters, and many of their principal Ministers, have long considered it as dishonourable, and have endeavoured to prevent it, but still it continues to be secretly paid; and as the world has sometimes seen very fulsome Addresses from parts of that body, it may naturally be supposed that the receivers, like Bishops and other Court-Clergy, are not idle in promoting them. How the money is distributed in Ireland, I know not.

To recount all the secret history of the Civil List is not the intention of this publication. It is sufficient, in this place, to expose its general character, and the mass of influence it keeps alive. It will necessarily become one of the objects of reform; and therefore enough is said to shew that, under its operation, no application to Parliament can be expected to succeed, nor can consistently be made.

Such

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Such reforms will not be promoted by the Party that is in possession of those places, nor by the Opposition who are waiting for them; and as to a *mere reform* in the state of the Representation, under the idea that another Parliament, differently elected to the present; but still a component third part of the same system, and subject to the controul of the other two parts, will abolish those abuses, is altogether delusion; because it is not only impracticable on the ground of formality, but is unwisely exposing another set of men to the same corruptions that have tainted the present.

Were all the objects that require a reform accomplishable by a mere reform in the state of the Representation, the persons who compose the present Parliament might, with rather more propriety be asked to abolish all the abuses themselves, than be applied to as the mere instruments of doing it by a future Parliament. If the virtue be wanting to abolish the abuse, it is also wanting to act as the means, and the nation must, of necessity, proceed by some other plan.

Having thus endeavoured to shew what the abject condition of Parliament is, and the impropriety of going a second time over the same ground that has before miscarried, I come to the remaining part of the subject.

There ought to be, in the constitution of every country, a mode of referring back, on any extraordinary occasions, to the sovereign and original constituent

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stituent power, which is the nation itself. The right of altering any part of a Government cannot, as already observed, reside in the Government; or that Government might make itself what it pleased.

It ought also to be taken for granted, that though a nation may feel inconveniencies, either in the excess of taxation, or in the mode of expenditure, or in any thing else, it may not at first be sufficiently assured in what part of its government the defect lies, or where the evil originates. It may be supposed to be in one part; and on enquiry be found to be in another; or partly in all. This obscurity is naturally interwoven with what are called mixed Governments.

But however, the reform to be accomplished whatever it may, it can only follow in consequence of first obtaining a full knowledge of all the causes that have rendered such reform necessary; and every thing short of this is guess-work or frivolous cunning. In this case, it cannot be supposed that any application to Parliament can bring forward this knowledge. That body is itself the supposed cause, or one of the supposed causes, of the abuses in question; and cannot be expected, and ought not to be asked, to give evidence against itself. The enquiry, therefore, which is of necessity the first step in the business, cannot be entrusted to Parliament, but must be undertaken by a distinct body of men, separated from every suspicion of corruption or influence.

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Instead,

Instead, then, of referring to rotten Boroughs and absurd Corporations for Addresses, or hawking them about the country to be signed by a few dependant tenants, the real and effectual mode would be to come at once to the point, and to ascertain the sense of the nation by electing a National Convention. By this method, as already observed, the general will, whether to reform or not, or what the reform shall be, or how far it shall extend, will be known, and it cannot be known by any other means. Such a body, empowered and supported by the nation, will have authority to demand information upon all matters necessary to be enquired into; and no Minister, nor any other person, will dare to refuse it. It will then be seen whether seventeen millions of taxes are necessary, and for what purposes they are expended. The concealed Pensioners will then be obliged to unmask; and the source of influence and corruption, if any such there be, will be laid open to the nation, not for the purpose of revenge, but of redress.

By taking this public and national ground, all objections against partial Addresses on one side, or private associations on the other, will be done away. THE NATION WILL DECREE ITS OWN REFORMS; and the clamour about Party and Faction, or Ins or Outs, will become ridiculous. The plan and organization of a Convention is easy in practice.

In

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In the first place, the number of inhabitants in every county can be sufficiently enough known, from the number of houses assessed to the House and Window-light tax in each county. This will give the rule for apportioning the number of Members to be elected to the National Convention in each of the counties.

If the total number of inhabitants in England be seven millions, and the total number of Members to be elected to the Convention be one thousand, the number of Members to be elected in a county containing one hundred and fifty thousand inhabitants will be *twenty-one*, and in like proportion for any other county.

As the election of a Convention must, in order to ascertain the general sense of the nation, go on grounds different from that of Parliamentary elections, the mode that best promises this end will have no difficulties to combat with from absurd customs and pretended rights. The rights of every man will be the same, whether he lives in a city, a town, or a village. The custom of attaching Rights to *place*, or in other words to inanimate matter, instead of to the *person*, independently of place, is too absurd to make any part of a rational argument.

As every man in the nation of the age of twenty-one years pays taxes, either out of the property he possesses, or out of the product of his labour, which is property to him; and is amenable in his own person to every law of the land; so has every one the

same equal right to vote, and no one part of a nation, nor any individual, has a right to dispute the right of another. The man who should do this ought to forfeit the exercise of his *own* right, for a term of years. This would render the punishment consistent with the crime.

When a qualification to vote is regulated by years, it is placed on the firmest possible ground, because the qualification is such as nothing but dying before the time can take away; and the equality of Rights, as a principle, is recognized in the act of regulating the exercise. But when Rights are placed upon, or made dependant upon property, they are on the most precarious of all tenures. "Riches make themselves wings, and fly away," and the rights fly with them; and thus they become lost to the man when they would be of most value. It is from a strange mixture of tyranny and cowardice, that exclusions have been set up and continued. The boldness to do wrong at first, changes afterwards into cowardly craft, and at last into fear. The Representatives in England appear now to act as if they were afraid to do right, even in part, lest it should awaken the nation to a sense of all the wrongs it has endured. This case serves to shew that the same conduct that best constitutes the safety of an individual, namely, a strict adherence to principle, constitutes also the safety of a Government; and that without it safety is but an empty name.

When the rich plunder the poor of his rights, it becomes an example to the poor to plunder the rich of his property; for the rights of the one are as much property to him as wealth is property to the other, and the *little all* is as dear as the *much*. It is only by setting out on just principles that men are trained to be just to each other; and it will always be found, that when the rich protect the rights of the poor, the poor will protect the property of the rich. But the guarantee, to be effectual, must be parliamentarily reciprocal.

Exclusions are not only unjust, but they frequently operate as injuriously to the party who monopolizes, as to those who are excluded. When men seek to exclude others from participating in the exercise of any right, they should, at least, be assured that they can effectually perform the whole of the business they undertake; for unless they do this, themselves will be losers by the monopoly. This has been the case with respect to the monopolized right of Election. The monopolizing party has not been able to keep the Parliamentary Representation, to whom the power of taxation was entrusted, in the state it ought to have been, and have thereby multiplied taxes upon themselves equally with those who were excluded.

A great deal has been, and will continue to be said, about disqualifications, arising from the commission of offences; but were this subject urged to its full extent, it would disqualify a great number of the present Electors, together with their Representatives;

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tatives; for, of all offences, none are more destructive to the morals of Society than Bribery and Corruption. It is, therefore, civility to such persons to pass this subject over, and to give them a fair opportunity of recovering, or rather of creating character.

Every thing, in the present mode of electioneering in England, is the reverse of what it ought to be, and the vulgarity that attends elections is no other than the natural consequence of inverting the order of the system.

In the first place, the Candidate seeks the Elector, instead of the Elector seeking for a Representative; and the Electors are advertized as being in the interest of the Candidate, instead of the Candidate being in the interest of the Electors. The Candidate pays the Elector for his vote, instead of the Nation paying the Representative for his time and attendance on public business. The complaint for an undue election is brought by the Candidate, as if he, and not the Electors, were the party aggrieved; and he takes on himself, at any period of the election, to break it up, by declining, as if the election was in his right, and not in theirs.

The compact that was entered into at the last Westminster election between two of the Candidates (Mr. Fox and Lord Hood) was an indecent violation of the principles of election. The Candidates assumed, in their own persons, the rights of the Electors; for it was only in the body of the Elec-

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tors, and not at all in the Candidates, that the right of making any such compact or compromise could exist: But the principle of Election and Representation is so compleatly done away, in every stage thereof, that inconsistency has no longer the power of surprising.

Neither from elections thus conducted, nor from rotten Borough Addressers, nor from County-meetings, promoted by Placemen and Pensioners, can the sense of the nation be known. It is still corruption appealing to itself. But a Convention of a thousand persons, fairly elected, would bring every matter to a decided issue,

As to County-meetings, it is only persons of leisure, or those who live near to the place of meeting, that can attend, and the number on such occasions is but like a drop in the bucket compared with the whole. The only consistent service which such meetings could render, would be that of apportioning the county into convenient districts; and when this is done, each district might, according to its number of inhabitants, elect its quota of County Members to the National Convention; and the vote of each Elector might be taken in the parish where he resided, either by ballot or by voice, as he should chuse to give it.

A National Convention thus formed would bring together the sense and opinions of every part of the nation, fairly taken. The science of Government, and the interest of the Public, and of the several

parts thereof, would then undergo an ample and rational discussion, freed from the language of parliamentary disguise.

But in all deliberations of this kind, though men have a right to reason with, and endeavour to convince each other, upon any matter that respects their common good; yet, in point of practice, the majority of opinions, when known, forms a rule for the whole, and to this rule every good citizen practically conforms.

Mr. Burke, as if he knew, (for every concealed Pensioner has the opportunity of knowing) that the abuses acted under the present system, are two flagrant to be palliated, and that the majority of opinions, whenever such abuses should be made public, would be for a general and effectual reform, has endeavoured to preclude the event, by sturdily denying the right of a majority of a nation to act as a whole. Let us bestow a thought upon this case.

When any matter is proposed as a subject for consultation, it necessarily implies some mode of decision. Common consent, arising from absolute necessity, has placed this in a majority of opinions; because without it there can be no decision, and consequently no order. It is, perhaps, the only case in which mankind, however various in their ideas upon other matters, can consistently be unanimous; because it is a mode of decision derived from the primary

primary original right of every individual concerned; *that* right being first individually exercised in giving an opinion, and whether that opinion shall arrange with the minority or the majority, is a subsequent accidental thing that neither increases nor diminishes the individual original right itself. Prior to any debate, enquiry or vestigation, it is not supposed to be known on which side the majority of opinions, will fall, and therefore whilst this mode of decision secures to every one the right of giving an opinion, it admits to every one an equal chance in the ultimate event.

Among the matters that will present themselves to the consideration of a National Convention, there is one, wholly of a domestic nature, but, so marvelously loaded with confusion, as to appear, at first sight, almost impossible to be reformed. I mean the condition of what is called Law.

But, if we examine into the cause from whence this confusion, now so much the subject of universal complaint, is produced, not only the remedy will immediately present itself, but with it, the means of preventing the like case hereafter.

In the first place, the confusion has generated itself from the absurdity of every Parliament assuming to be eternal in power, and the laws partake in a similar manner of this assumption. They have no period of legal or natural expiration; and, however absurd in principle, or inconsistent in practice many of them have become, they still are, if not especially

cially repealed, considered as making a part of the general mass. By this means the body of what is called Law, is spread over a space of *several hundred years*, comprehending laws obsolete, laws repugnant, laws ridiculous, and every other kind of laws forgotten or remembered; and what renders the case still worse is, that the confusion multiplies with the progress of time.*

To bring this misshapen monster into form, and to prevent its lapsing again into a wilderness state, only two things, and those very simple, are necessary.

The first is, to review the whole mass of laws, and to bring forward such only as are worth retaining, and let all the rest drop; and to give to the laws so brought forward a new era commencing from the time of such reform.

Secondly, that at the expiration of every twenty-one years, (or any other stated period) a like review shall again be taken, and the laws found proper to be retained, be again carried forward, commencing with that date, and the useless laws drop and discontinued. By this means there can be no obsolete laws, and scarcely such a thing as laws standing in direct or equivocal contradiction to each other, and

* In the time of Henry the Fourth, a law was passed, making it felony "to multiply gold or silver, or to make use of the "craft or multiplication," and this law remained two hundred and eighty-six years upon the statute books. It was then repealed as being ridiculous and injurious.

every person will know the period of time to which he is to look back for all the laws in being.

It is worth remarking, that whilst every other branch of science is brought within some commodious system, and the study of it simplified by easy methods, the laws take the contrary course, and become every year more complicated, entangled, confused, and obscure.

Among the paragraphs which the Attorney General has taken from the *Rights of Man*, and put into his information, one is, that were I have said, "that with respect to regular law, there is *scarcely such a thing*."

As I do not know whether the Attorney-General means to shew this expression to be libellous, because it is TRUE, or because it is FALSE, I shall make no other reply to him in this place than by remarking, that if almanack-makers had not been more judicious than law-makers, the study of almanacks would by this time have become as abstruse as the study of law, and we should hear of a library of almanacks as we now do of statutes; but by the simple operation of letting the obsolete matter drop, and carrying forward that only which is proper to be retained, all that is necessary to be known, is found within the space of a year, and laws also admit of being kept within some given period.

I shall here close this letter, so far as it respects the Addressers, the Proclamation, and the Prosecution; and shall offer a few observations to the Society

Society styling itself "THE FRIENDS OF THE
"PEOPLE."

That the science of government is beginning to be better understood than in former times, and that the age of fiction and political superstition, and of craft and mystery is passing away, are matters which the experience of every day proves to be true, as well in England as in other countries.

As therefore it is impossible to calculate the silent progress of opinion, and also impossible to govern a nation after it has changed its habits of thinking, by the craft or policy that it was governed by before, the only true method to prevent popular discontents and commotions is, to throw, by every fair and rational argument, all the light upon the subject that can possibly be thrown; and, at the same time, to open the means of collecting the general sense of the nation; and this cannot, as already observed, be done by any plan so effectually as a National Convention. Here individual opinion will quiet itself by having a centre to rest upon.

The society already mentioned, (which is made up of men of various descriptions, but chiefly of those called Foxites,) appears to me, either to have taken wrong grounds from want of judgment; or to have acted with cunning reserve. It is now amusing the people with a new phrase, namely, that of "a temperate and moderate reform," the interpretation of which is, *a continuance of the abuses as long as possible.* *If we cannot hold all let us hold some.*

Who

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Who are those that are frightened at reforms? Are the public afraid that their taxes should be lessened too much? Are they afraid that sinecure places and pensions should be abolished too fast? Are the poor afraid that their condition should be rendered too comfortable? Is the worn-out mechanic, or the aged and decayed tradesman, frightened at the prospect of receiving ten pounds a year out of the surplus taxes? Is the soldier frightened at the thoughts of his discharge, and three shillings per week during life? Is the sailor afraid that press-warrants will be abolished? The Society mistakes the fears of borough-mongers, placemen, and pensioners, for the fears of the people; and the *temperate and moderate Reform* it talks of, is calculated to suit the condition of the former.

Those words, "temperate and moderate," are words either of political cowardice, or of cunning, or seduction.—A thing, moderately good, is not so good as it ought to be. Moderation in temper is always a virtue; but moderation in principle is a species of vice. But who is to be the judge of what is a temperate and moderate Reform? The Society is the representative of nobody; neither can the unrepresented part of the nation commit this power to those in Parliament, in whose election they had no choice; and, therefore, even upon the ground the Society has taken, recourse must be had to a National Convention.

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Who

The objection which Mr. Fox made to Mr. Grey's proposed Motion for a Parliamentary Reform was, that it contained no plan.—It certainly did not. But the plan very easily presents itself, and whilst it is fair for all parties, it prevents the dangers that might otherwise arise from private or popular discontent.

THOMAS PAINE.

RS, &c.

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BY THE SAME AUTHOR,

In *Common with the* *Shillings*

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