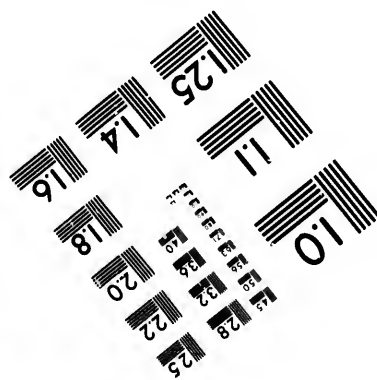
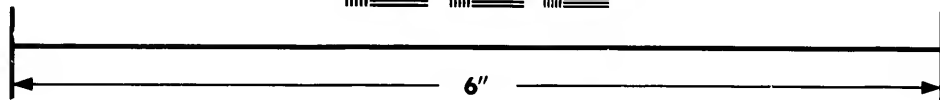


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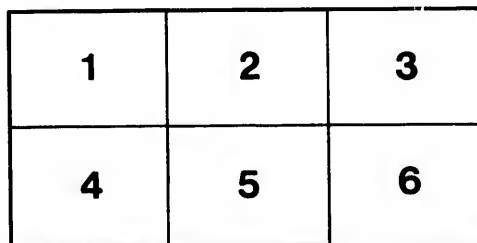
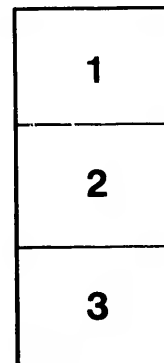
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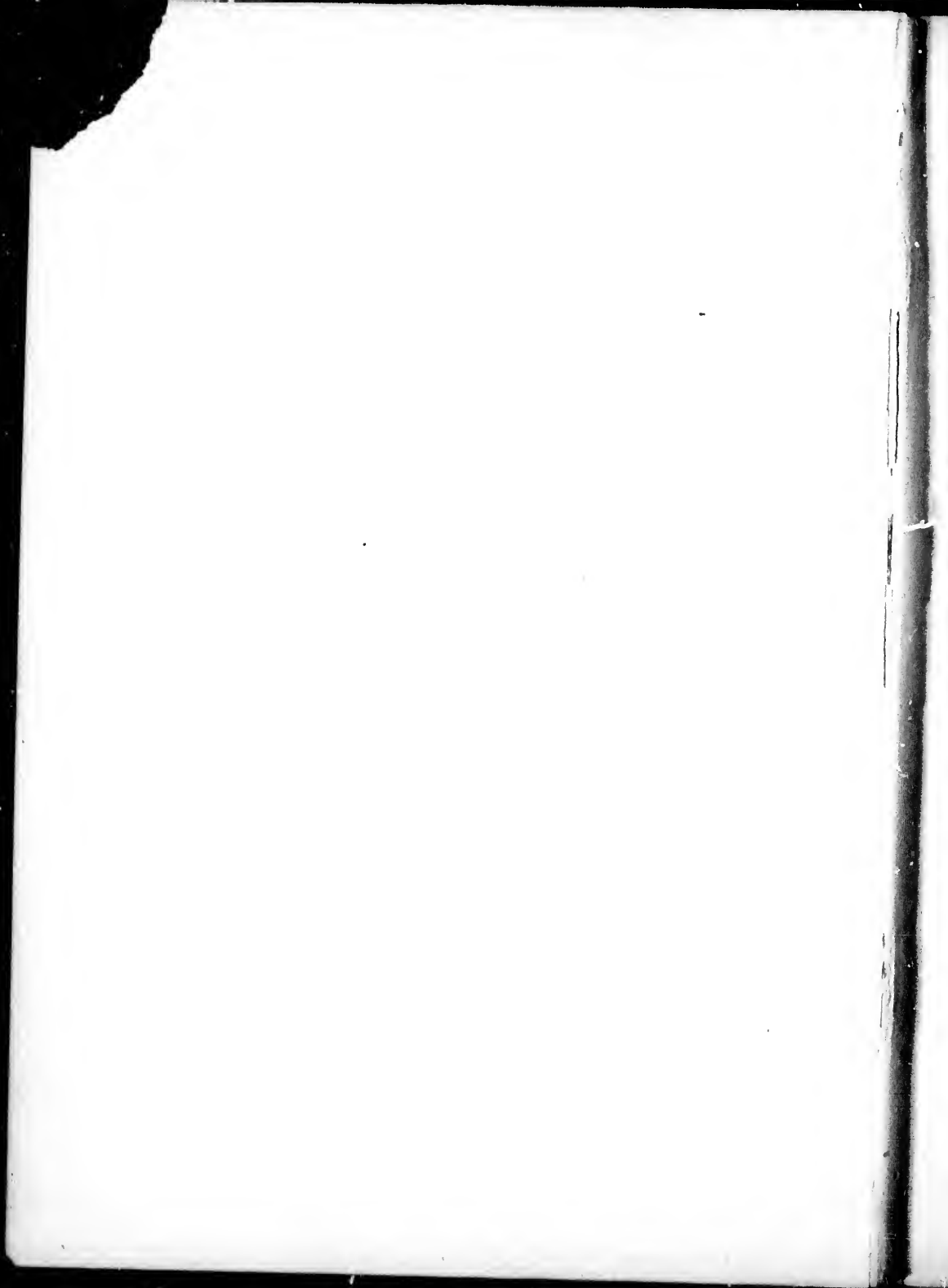
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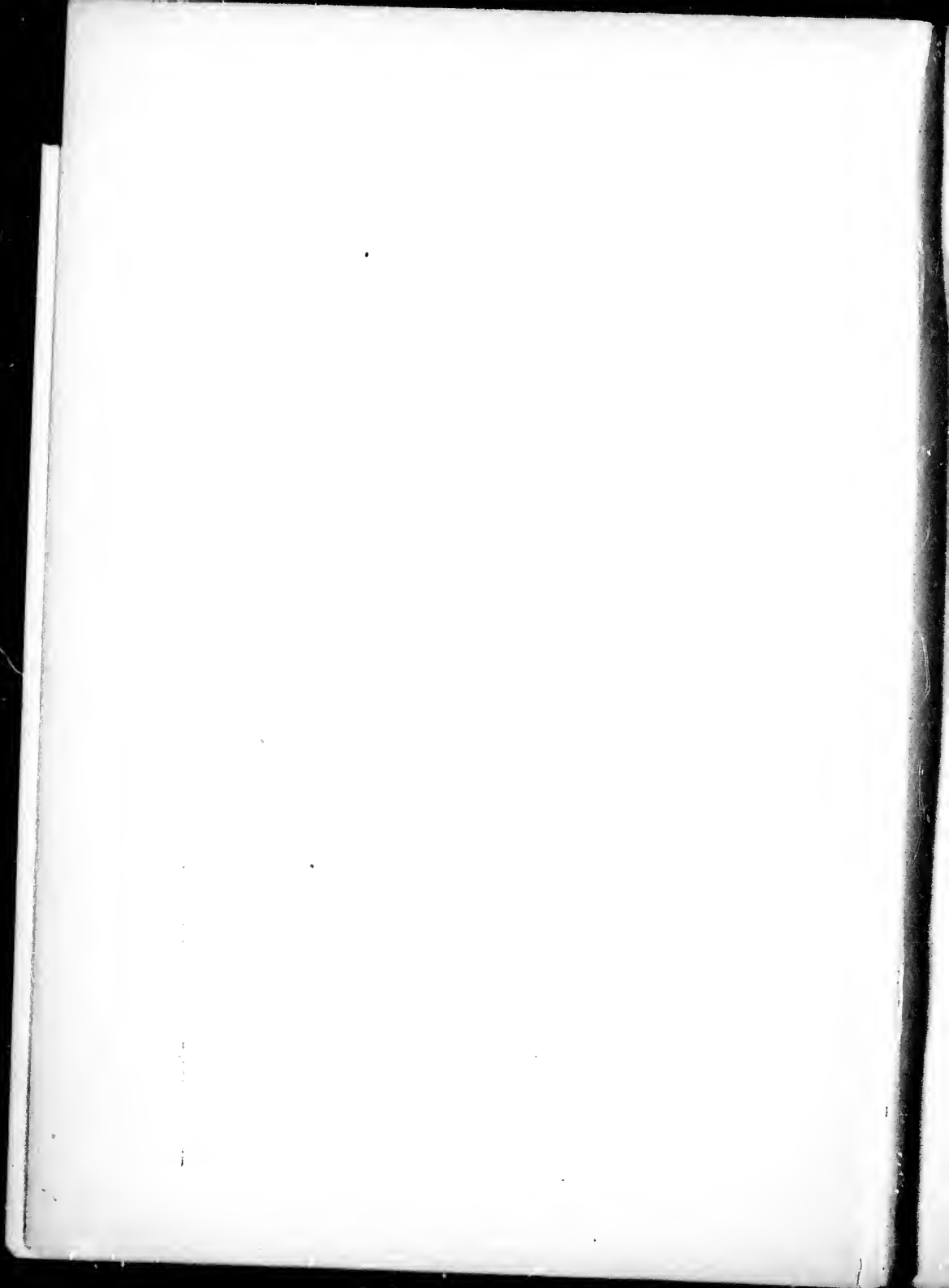




# The Camelot Series.

EDITED BY ERNEST RHYS.

POLITICAL ORATIONS.



POLITICAL ORATIONS, FROM  
WENTWORTH TO MACAULAY:  
EDITED, WITH AN INTRODUCTION,  
BY WILLIAM CLARKE.

LONDON:  
WALTER SCOTT, 24 WARWICK LANE.  
NEW YORK AND TORONTO:  
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## CONTENTS.

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	PAGE
<b>PETER WENTWORTH</b> . . . . . <i>Speech in behalf of the Liberties of Parliament. House of Commons, February 8, 1576.</i>	I
<b>OLIVER CROMWELL</b> . . . . . <i>Speech on the Dissolution of the First Protectorate Parlia- ment, January 22, 1655.</i>	14
<b>LORD CHATHAM</b> . . . . . <i>Speech on the Government Policy in America. House of Lords, January 20, 1775.</i>	40
<b>EDMUND BURKE</b> . . . . . <i>Speech on Moving Resolutions for Conciliation with the American Colonies, March 22, 1775.</i>	50
<b>HENRY GRATTAN</b> . . . . . <i>Declaration of Irish Rights. Irish House of Commons, April 19, 1780.</i>	120
<b>WILLIAM PITT</b> . . . . . <i>Speech on the Slave Trade. House of Commons, April 2, 1792.</i>	138

	PAGE
HENRY, LORD ERSKINE . . . . .	166
<i>Speech in behalf of Thomas Paine. Court of King's Bench, December 18, 1792.</i>	
CHARLES JAMES FOX . . . . .	232
<i>Speech in the Debate in Parliament on the French Overtures for Peace, February 3, 1800.</i>	
DANIEL O'CONNELL . . . . .	281
<i>Speech at a Meeting to Recover Catholic Rights. Dublin, February 23, 1814.</i>	
LORD MACAULAY . . . . .	295
<i>Speech on Parliamentary Reform. House of Commons, March 2, 1831.</i>	

## INTRODUCTION.

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THE oratory of a nation is, like its art and literature, a product of the national life. Every nation has its own kind of oratory and its own standard of oratorical excellence ; and it is perhaps as difficult adequately to appreciate the oratory of another land as its prose or verse. The oratory of the so-called Latin nations, *e.g.*, appears to most Englishmen to be too florid and ornate, sometimes even too grandiloquent ; while English speeches seem to the people of these other countries too tame and sober. The noble and impressive passage in Castelar's oration on religious liberty, delivered in the Spanish Cortes in 1876, in which the orator, though a liberal thinker, pays his homage to the art, piety, and idealism of the Catholic Church, could never have been delivered in the British House of Commons, whose hard common-sense would have smiled at its glowing enthusiasm, and would have been half-ashamed to confess the admiration which doubtless most of the members would have felt. Even Mr. Bright's oratory, which has always been of a sober and Quaker-like hue, and which has always been severely under restraint, once called forth from Palmerston an unworthy sneer at the "honourable and reverend gentleman"—a tribute to the speaker's emotional power, but also an admission of the rarity of that element in the House. And it is, on the other hand, doubtful whether some of our chief



speakers would have made any great impression on a French or Spanish audience. Burke himself was termed the "dinner-bell" of the House of Commons ; and although his speeches glow with an elevated idealism more common in other countries than in our own, it is not likely that he would have been a great favourite with a foreign audience. While in the oratory of the Latin nations there is far more conscious art than in English speeches, while there is far more brilliant epigram, and generally a greater imaginative power, English oratory may perhaps be held to excel in its firm and vigorous substance and in its deeper moral tone. There is a wholeness of good tissue in the best English speeches, combined with an impressive dignity of tone which cannot be matched, much less surpassed. An English audience insists, and always has insisted, that a speech shall be in great measure of a practical character, presenting arguments easily intelligible to its understanding, free from superfluous rhetoric, and infused with moral feeling. These three elements—practical wisdom, simplicity, and morality—form the dominant note of English oratory.

English speaking has the defects of its qualities. Dreading the ornate, it is in danger of baldness and clumsiness. It is liable to be too practical, losing itself in detail and lacking those *idées mères* which sustain elevation of thought and, indirectly, that of style also. And sometimes by means of an overdose of moral sentiment a certain quasi-Pecksniffian tone suggests itself. English speakers, in dread of being too imaginative, fall into platitude and dull business-like routine ; and, afraid of being thought to disregard the national moral sentiment, some of them become unctuous.

Carlyle expressed his satisfaction that Englishmen could not speak well. Oratory, he thought, was incompatible with

vigorous, practical action. Not to be able to do well a thing that is worth doing at all, is not, however, a lack of achievement to be proud of. And Carlyle himself, sombrely delighted with the titanic eloquence of Danton, tacitly confesses the power which great oratory has over men. And it is surely incorrect to say that eloquence never goes with practical power. Mirabeau and Danton were pre-eminently the two practical men of the French Revolution, and both were orators. Chatham, whose practical genius established the English empire alike in the New World and the Old, was himself an orator of almost unrivalled power. If ever a practical statesman existed, it was President Lincoln; yet his brief speech on the field of Gettysburg deserves to live as long as the memory of that great battle survives. If any one had been asked in 1877 who was the first living French orator, he would have replied, "Gambetta"; and yet it was also Gambetta's practical sagacity which led the French Republic safely through the crisis of that year.

Surely oratory, the art of persuasion through a human voice, is a noble gift to be held in admiration, and one which will never wholly die so long as there are men to be persuaded. It is capable of great abuse, but not more so than any other art; and the very marked deficiency of Englishmen (for the most part) in such an art is rather to be deplored than praised. There would appear to be two conditions in the absence of which oratory, other than mere ornamental rhetoric, is impossible. There must be—first, the stir of popular life associated with free institutions; and there must be, second, some kind of moral question at issue. Pure democracy is not necessary to oratory. Indeed, the great period of English oratory is

almost synchronous with the very undemocratic reign of George III.; while in the United States oratory attained its climax during the Revolution and during the thirties and forties, in our more democratic days it has greatly declined in that country. The Athenian Republic, in which ancient oratory attained its high-water mark, was not a democracy at all in the modern sense of the word. The great French oratory of the past has almost died out of the French life of to-day, although France was never so democratic as now.

It must not be supposed, however, that pure democracy is inimical to oratory. The truth is, that our second requisite is absent from the political life of to-day. That life is largely divorced from elevated moral feeling; and consequently the speaker can make no appeal to a lofty standard of thought infused with emotion which will be recognised by his audience. "Things are in the saddle and ride mankind." It is the era of commercialism, and capitalist interests dominate every legislative assembly in the world. The popular speaker of our time, therefore, is generally the man who can make a clear, business-like statement which will express the conviction of practical men, with whom the State is a mere piece of business machinery existing mainly for the protection of property. No personal gifts will make an orator of any man in whose mind this is the prevailing thought. Cromwell had a harsh voice and a halting diction; yet his broken phrases will live longer than the rounded periods of any modern Parliamentary talker. For the one had some kind of genuine conviction and (to him) lofty purpose, whereas the other has not.

Closely allied with commercialism is the system of party-government; both indeed having grown from the same root.

The thorough party-man is usually both incapable of exalted oratory and impervious to its influence. Ferguson, a Scotch member of Parliament who supported Pitt, is a good, though perhaps exaggerated, type of this person. He said, according to Crabb Robinson—"I was never present at any debate I could avoid, or absent from any division I could get at. I have heard many arguments which convinced my judgment, but never one that influenced my vote. I never voted but once according to my opinion, and that was the worst vote I ever gave. I found that the only way to be quiet in Parliament was always to vote with the Ministers, and never to take a place." So long as parties are divided on some real issue of vital importance to the people, as, *e.g.*, in the contest between Pitt and Fox, great oratory will be a power; but as soon as the issues on which the parties were originally formed die out, mere management and wire-pulling take the place of great appeals to reason and conscience, as in the case of the American parties of to-day. This is coming to be the condition more or less of all countries under the representative system with its party machinery. A well-drilled party with no ideas behind it can dispense with oratory, which indeed it neither appreciates nor understands. It depends on adroit management, and threatens the disobedient follower with party ostracism.

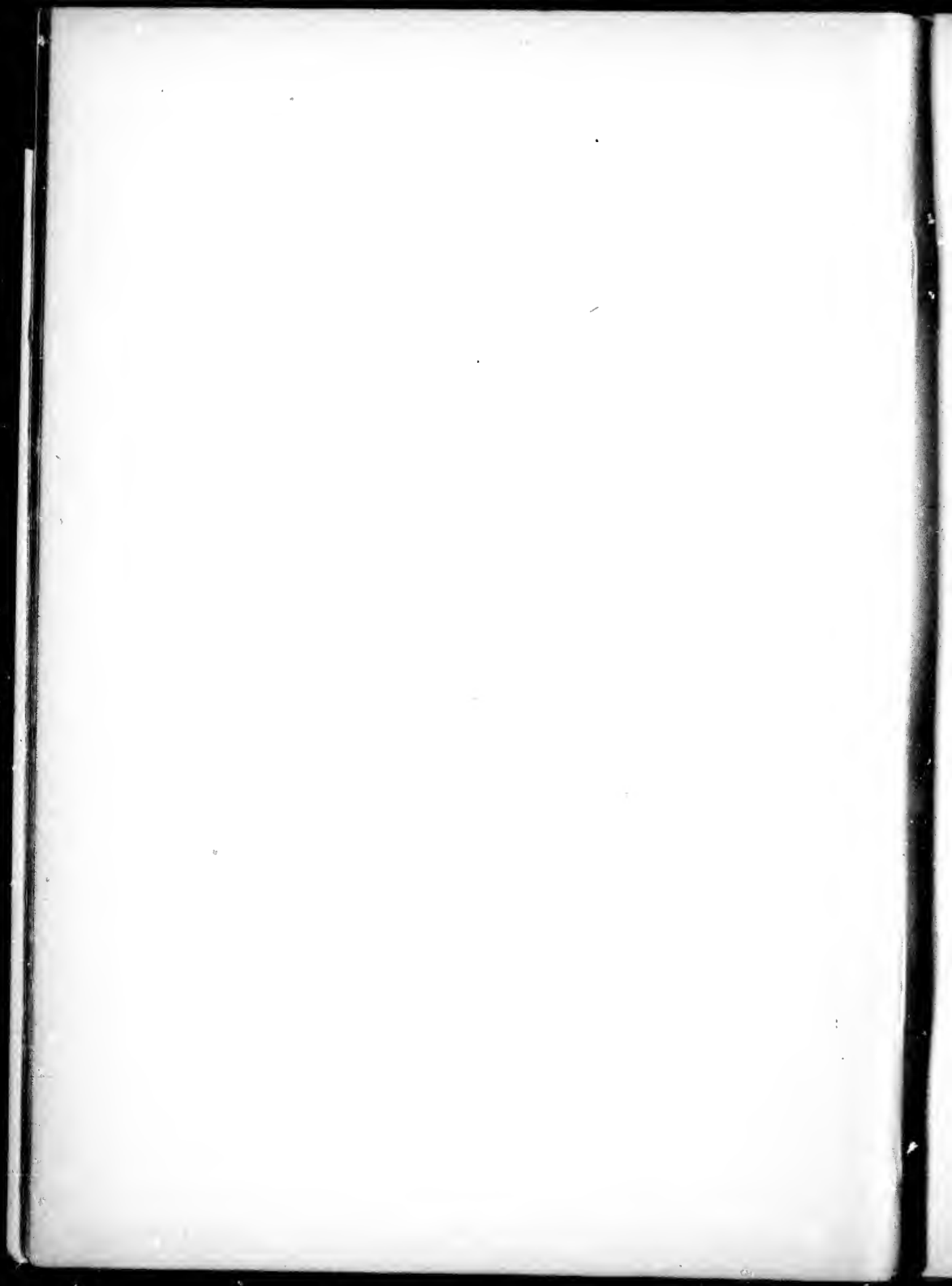
It can scarcely be denied that all legislative bodies are falling into this state, and we must not therefore expect great Parliamentary oratory during this reign of opportunism. But we need not therefore despair of the future of oratory, even although the highly-finished products of the past may never be reproduced. The speaking likely to move men now, and in the immediate future, will be, not Parliamentary speaking, but the perhaps ruder oratory of the great mass-meeting. And the

inspiring theme of such oratory will be the popular desire for a better and more equitable social system than now prevails, and the growing conviction that such a better society can be attained by associated human effort. Every oratorical period has had its motive power, its supreme passion. That of the Commonwealth period was religious freedom and the establishment of moral worth as the governing power in the State. Chatham's oratory was inspired by a certain high patriotism which regarded England, from an ideal point of view, as the nursing mother of popular liberty. The passionate eloquence of Fox was animated by the thought of France and of Europe freed from the yoke of a feudal bondage that had become intolerable, and by the desire to rescue English liberty from the grip of privilege and sectarian rule. Grattan and O'Connell devoted their great gifts to the service of their suffering country. Macaulay's eloquent periods were full of the consciousness of a liberty won—the liberty of an ordered civic life. And as each of the ideals which have inspired great speakers have been realised, so the as yet unrealised ideal which haunts the imagination of man will breathe a new spirit into our modern humanity, and will produce new orators as truly as it will give life and energy to new poets, artists, and thinkers.

The present volume is confined entirely to political oratory. While it is true that religion and literature have each called forth noble utterances from great English speakers, it is manifest that a volume such as this must have its limitations, and it seems desirable that those themes which have undoubtedly called forth the most powerful and enduring specimens of our oratory should be presented. Each speech deals with a great question, and is selected from a great and interesting period of our political history, from the age of the

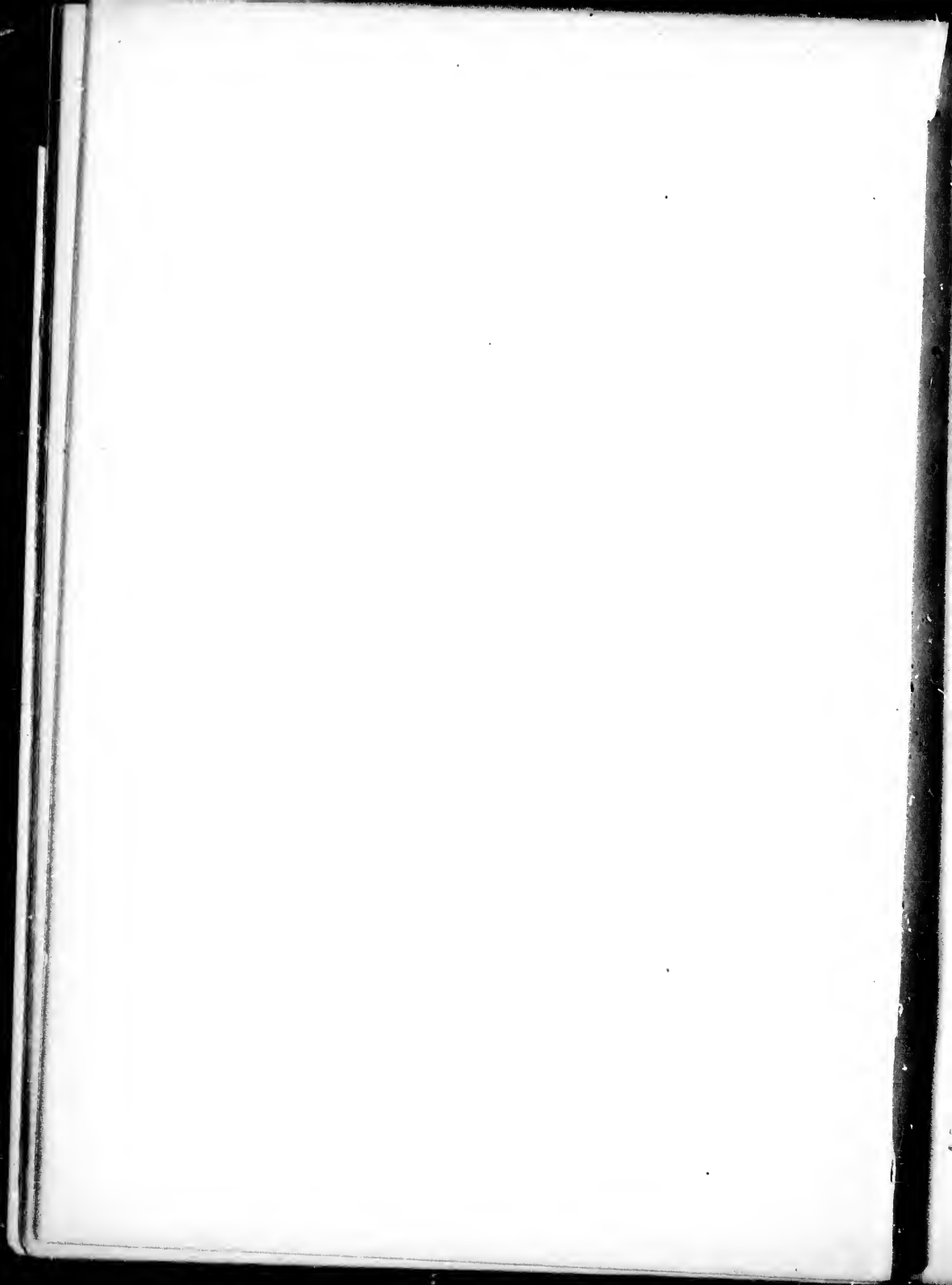
Tudors to our own time. A period of three hundred years is thus covered. The Tudor period marks the beginning of genuine Parliamentary authority, and the conflict between Parliament and King. Wentworth is selected as the leading figure of this period, and, happily, his celebrated speech is on record as delivered. Much of our English oratory is hopelessly lost. The great speech of Sheridan, *e.g.*, when the case of Warren Hastings was submitted to Parliament—a speech which produced a greater effect than any other ever spoken in the House of Commons—is practically lost. Nor have we any proper or adequate record of the speeches of the popular leaders in the Long Parliament. For this reason every attempt to give any fully just representation of the whole of our Parliamentary and public oratory must be imperfect. It is enough to give the best and most interesting specimens gathered from three centuries of recorded time. This, it is believed, has been done in the present volume, in which most of the principal public questions which have agitated this country during this long period are discussed by some of the most powerful orators who have ever spoken the English language.

WILLIAM CLARKE.



POLITICAL ORATIONS.





## POLITICAL ORATIONS.

PETER WENTWORTH.

*Speech in behalf of the Liberties of Parliament. House of Commons, February 8, 1576.*

[THIS speech is the first and most important sign of the growing power of Parliament under the Tudor sovereigns. Wentworth was a prominent Puritan member, very determined and courageous, and in this speech he boldly attacks the Crown for encroachments on the privileges of the House of Commons. The House itself was frightened at the tone of its member, and sequestered him, appointing a committee of the privy councillors of the House to examine him. Wentworth declined their authority till assured that they sat as members—not as councillors. After a long examination, in which he compelled them to admit the truth of all he had urged, they reported to the House, who committed Wentworth to the Tower. Here he was confined for a month, when the Queen remitted her displeasure, the House released him, and he acknowledged his fault on his knees before the Speaker. Wentworth is an interesting figure as the pioneer of Pym, Eliot, and Hampden.]

MR. SPEAKER,—I find in a little volume these words, in effect : “Sweet is the name of Liberty, but the thing itself a value beyond all inestimable treasure.” So much the more it behoveth us lest we, contenting ourselves with the sweetness of the name, lose and forego the thing, being of the greatest value that can come unto this noble realm. The inestimable treasure is the use of it in this House. And, therefore, I do think it needful to put you in remembrance that this honourable assembly are assembled and come together here in this place for three special causes of most weighty and great importance. The first and principal is to make and abrogate such laws as may be most for the preservation of our noble sovereign ; the second

. . . ; the third is to make or abrogate such laws as may be the chiefest surety, safe-keeping, and enrichment of this noble realm of England. So that I do think that the part of the faithful-hearted subject is to do his endeavour to remove all stumbling-blocks out of the way that may impair or any manner of way hinder these good and godly causes of this our coming together. I was never of Parliament but the last, and the last session, at both of which times I saw the liberty of free speech, the which is the only salve to heal all the sores of this Commonwealth, so much and so many ways infringed, and so many abuses offered to this honourable council, as hath much grieved me, even of very conscience and love to my prince and State. Wherefore, to avoid the like, I do deem it expedient to open the commodities that grow to the prince and the whole State by free speech used in this place ; at least, so much as my simple wit can gather it, the which is very little in respect of that that wise heads can say therein, and so it is of more force. First, all matters that concern God's honour, through free speech, shall be propagated here and set forward, and all things that do hinder it removed, repulsed, and taken away. Next, there is nothing commodious, profitable, or any way beneficial for the prince or State but faithful and loving subjects will offer it to this place. Thirdly, all things discommodious, perilous, or hurtful to the prince or State shall be prevented, even so much as seemeth good to our merciful God to put into our minds, the which no doubt shall be sufficient if we do earnestly call upon Him and fear Him (for Solomon saith, "The fear of God is the beginning of wisdom. Wisdom breatheth life into her children, receiveth them that seek her, and will go beside them in the way of righteousness"), so that our minds shall be directed to all good, needful, and necessary things, if we call upon God with faithful hearts. Fourthly, if the envious do offer anything hurtful or perilous, what inconvenience doth grow thereby? Verily, I think none ; nay, will you have me to say my simple opinion thereof—much good cometh thereof. How, forsooth? Why, by the darkness of the night the brightness of the sun

showeth more excellent and clear; and how can truth appear and conquer until falsehood and all subtleties that should shadow and darken it are found out? For it is offered in this place as a piece of fine needlework to them that are most skilful therein, for there cannot be a false stitch (God aiding us) but will be found out. Fifthly, this good cometh thereof—a wicked purpose may the easier be prevented when it is known. Sixthly, an evil man can do the less harm when it is known. Seventhly, sometime it happeneth that a good man will in this place (for argument sake) prefer an evil cause, both for that he would have a doubtful truth to be opened and manifested, and also the evil prevented. So that to this point I conclude, that in this House, which is termed a place of free speech, there is nothing so necessary for the preservation of the prince and State as free speech; and without this it is a scorn and mockery to call it a Parliament House, for in truth it is none but a very school of flattery and dissimulation, and so a fit place to serve the devil and his angels in, and not to glorify God and benefit the Commonwealth.

Now to the impediments thereof, which, by God's grace and my little experience, I will utter plainly and faithfully. I will use the words of Elcha—"Behold, I am as the new wine which has no vent, and bursteth the new vessels in sunder; therefore, I will speak that I may have a vent. I will open my lips and make answer. I will regard no manner of person, no man will I spare; for if I go about to please men, I know not how soon my Maker will take me away." My text is vehement, which, by God's sufferance, I mean to observe, hoping therewith to offend none; for that of very justice none ought to be offended for seeking to do good and saying of the truth.

Amongst other, Mr. Speaker, two things do great hurt in this place, of which I do mean to speak. The one is a rumour which runneth about the House, and this it is—"Take heed what you do; the Queen liketh not such matter; whoever preferreth it, she will be offended with

him." Or the contrary—"Her Majesty liketh of such matter; whoever speaketh against it, she will be much offended with him." The other—sometimes a message is brought into the House, either of commanding or inhibiting, very injurious to the freedom of speech and consultation. I would to God, Mr. Speaker, that these two were burned in hell—I mean rumours and messages, for wicked they undoubtedly are. The reason is, the devil was the first author of them, from whom proceedeth nothing but wickedness. Now I will set down reasons to prove them wicked. For if we be in hand with anything for the advancement of God's glory, were it not wicked to say the Queen liketh not of it, or commandeth that we shall not deal in it? Greatly were these speeches to her Majesty's dishonour; and an hard opinion were it, Mr. Speaker, that these things should enter into her Majesty's thought. Much more wicked were it that her Majesty should like or command anything against God or hurtful to herself and the State. The Lord grant that this thing may be far from her Majesty's heart! Here this may be objected—that, if the Queen's Majesty have intelligence of anything perilous or beneficial to her Majesty's person or the State, would you not have her Majesty give knowledge thereof to the House, whereby her peril may be prevented and her benefit provided for? God forbid! Then were her Majesty in worse case than any of her subjects. And, in the beginning of our speech, I showed it to be a special cause of our assembling; but my intent is, that nothing should be done to God's dishonour, to her Majesty's peril, or the peril of the State. And, therefore, I will show the inconveniences that grow of these two. First, if we follow not the prince's mind, Solomon saith: "The king's displeasure is a messenger of death." This is a terrible thing to weak nature; for who is able to abide the fierce countenance of his prince? But if we will discharge our consciences, and be true to God and prince and State, we must have due consideration of the place and the occasion of our coming together, and especially have regard unto the matter wherein we both shall

serve God and our prince and State faithfully, and not dissembling as eye-pleasers, and so justly avoid all displeasures both to God and our prince; for Solomon saith, "In the way of the righteous there is life." As for any other way, it is the path to death. So that, to avoid everlasting death and condemnation with the high and mighty God, we ought to proceed in every cause according to the matter, and not according to the prince's mind. And now I will show you a reason to prove it perilous always to follow the prince's mind. Many a time it falleth out that a prince may favour a cause perilous to himself and the whole State. What are we then if we follow the prince's mind? Are we not unfaithful unto God, our prince, and State? Yes, truly; we are chosen of the whole realm, of a special trust and confidence by them reposed in us, to foresee all such inconveniences. Then I will set down my opinion herein; that is to say, he that dissembleth to her Majesty's peril to be accounted as a hateful enemy, for that he giveth unto her Majesty a detestable Judas's kiss; and he that contrarieth her mind to her preservation, yea, though her Majesty would be much offended with him, is to be judged an approved lover. For "faithful are the wounds of a lover," saith Solomon; "but the kisses of an enemy are deceitful." "And 'tis better," saith Antisthenes, "to fall amongst ravens than amongst flatterers; for ravens do but devour the dead corpse, and flatterers the living." And it is both traitorous and hellish, through flattery, to seek to devour our natural prince; and that do flatterers. Therefore, let them leave it with shame enough.

Now to another great matter that riseth of this grievous rumour. What is it, forsooth? Whatsoever thou art that pronounceth it, thou doth pronounce thy own discredit. Why so? For that thou doth what lieth in thee to pronounce the prince to be perjured, the which we neither will nor may believe. For we ought not, without too manifest proof, to credit any dishonour to our anointed. No; we ought not without it to think any evil of her Majesty, but rather to hold him a liar, what credit soever he be of; for the Queen's Majesty is the

head of the law, and must of necessity maintain the law, for by the law her Majesty is made justly our queen, and by it she is most chiefly maintained. Hereunto agreeth the most excellent words of Bracton (*De Legibus Angliæ*, lib. i. cap. 7), who saith, "The king hath no peer nor equal in his kingdom." He hath no equal, for otherwise he might lose his authority of commanding, since that an equal hath no power of commandment over an equal. The king ought not to be under man, but under God, and under the law, because the law maketh him a king. Let the king, therefore, attribute that the law attributeth unto him, that is, dominion and power; for he is not a king in whom will and not the law doth rule; and therefore he ought to be under the law. I pray you mark the reason why my authority saith the king ought to be under the law; for, saith he, "He is God's vicegerent upon earth;" that is, His lieutenant, to execute and do His will, the which is law or justice, and thereunto was her Majesty sworn at her coronation, as I have heard learned men in this place sundry times affirm. Unto which I doubt not her Majesty will, for her honour and conscience' sake, have special regard; for free speech and conscience in this place are granted by a special law, as that without the which the prince and State cannot be preserved or maintained. So that I would wish that every man that feareth God, regardeth the prince's honour, or esteemeth his own credit, to fear at all times hereafter to pronounce any such horrible speeches so much to the prince's dishonour, for in so doing he sheweth himself an open enemy to her Majesty, and so worthy to be contemned of all faithful hearts. Yet there is another inconvenience that riseth of this wicked rumour. The utterers thereof seem to put into our heads that the Queen's Majesty both conceived an evil opinion, diffidence, and mistrust in us, her faithful and loving subjects; for, if she hath not, her Majesty would wish that all things dangerous to herself should be laid open before us, assuring herself that loving subjects as we are would, without schooling and direction, with careful mind to our powers, prevent and withstand all perils that might happen unto

her Majesty. And this opinion I doubt not but her Majesty hath conceived of us ; for undoubtedly there was never prince surely there were never subjects had more cause heartily to love that had faithfuller hearts than her Majesty hath here, and their prince for her quiet government than we have. So that he that raiseth this rumour still increaseth but discredit in seeking to sow sedition as much as lieth in him between our merciful Queen and us her loving and faithful subjects, the which, by God's grace, shall never lie in his power ; let him spit out all his venom, and therewithal show out his malicious heart. Yet I have collected sundry reasons to prove this a hateful and detestable rumour, and the utterer thereof to be a very Judas to our noble Queen. Therefore, let any hereafter take heed how he publish it, for as a very Judas unto her Majesty, and an enemy to the whole State, we ought to accept him.

Now, the other was a message, Mr. Speaker, brought the last session into the House that we should not deal in any matters of religion, but first to receive from the bishops. Surely this was a doleful message ; for it was as much as to say, "Sirs, ye shall not deal in God's causes ; no ! ye shall no wise seek to advance His glory !" And, in recompense of your unkindness, God in His wrath will look upon your doings that the chief cause that ye were called together for, the which is the preservation of their prince, shall have no success. If some one of this House had presently made this interpretation of this said message, had he not seemed to have the spirit of prophecy ? Yet, truly I assure you, Mr. Speaker, there were divers of this House that said with grievous hearts, immediately upon the message, that God of His justice could not prosper the session. And let it be holden for a principle, Mr. Speaker, that council that cometh not together in God's name cannot prosper. For God saith, "Where two or three are gathered together in my name, there am I in the midst amongst them." Well, God, even the great and mighty God, whose name is the Lord of Hosts, great in council and infinite in thought, and who is the only good Director of all Hearts, was the last session shut out of doors ! But what fell out of



it, forsooth? His great indignation was therefore poured upon this House; for He did put into the Queen's Majesty's heart to refuse good and wholesome laws for her own preservation, the which caused many faithful hearts for grief to burst out with sorrowful tears, and moved all Papists, traitors to God and her Majesty, who envy good Christian government, in their sleeves to laugh all the whole Parliament House to scorn. And shall I pass over this weighty matter so lightly? Nay! I will discharge my conscience and duties to God, my prince, and country. So certain it is, Mr. Speaker, that none is without fault, no, not our noble Queen, sith then her Majesty hath committed great fault, yea, dangerous faults to herself.

Love, even perfect love, void of dissimulation, will not suffer me to hide them to her Majesty's peril, but to utter them to her Majesty's safety. And these they are: It is a dangerous thing in a prince unkindly to abuse his or her nobility and people; and it is a dangerous thing in a prince to oppose or bend herself against her nobility and people, yea, against most loving and faithful nobility and people. And how could any prince more unkindly entreat, abuse, and oppose herself against her nobility and people than her Majesty did the last Parliament? Did she call of purpose to prevent traitorous perils to her person, and for no other cause? Did not her Majesty send unto us two bills, willing us to make choice of that we liked best for her safety, and thereof to make a law, promising her Majesty's assent thereunto? And did we not first choose the one, and her Majesty refused it, yielding no reason; nay, yielding great reasons why she ought to have yielded to it? Yet did we nevertheless receive the other, and, agreeing to make a law thereof, did not her Majesty in the end refuse all our travails? And did not we, her Majesty's faithful nobility and subjects, plainly and openly decipher ourselves unto her Majesty and our hateful enemies, and hath not her Majesty left us all open to their revenge? Is this a just recompense in our Christian Queen for our just dealings? The heathen do requite good for good; then how much more is it to be expected in a Christian prince? And will not this her Majesty's handling, think you,

Mr. Speaker, make cold dealing in any of her Majesty's subjects toward her again? I fear it will. And hath it not caused many already, think you, Mr. Speaker, to seek a salve for the head that they have broken? I fear it hath; and many more will do the like, if it be not prevented in time. And hath it not marvellously rejoiced and encouraged the hollow hearts of her Majesty's hateful enemies and traitorous subjects? No doubt but it hath. And I beseech God that her Majesty may do all things that may grieve the hearts of her enemies, and may joy the hearts that unfeignedly love her Majesty; and I beseech the same God to endue her Majesty with His wisdom, whereby she may discern faithful advice from traitorous, sugared speeches, and to send her Majesty a melting, yielding heart unto sound counsel, that will may not stand for a reason; and then her Majesty will stand where her enemies have fallen; for no estate will stand where the prince will not be governed by advice. And I doubt not but that some of her Majesty's council have dealt plainly and faithfully with her Majesty herein. If any have, let it be a sure sign to her Majesty to know them for approved subjects; and whatsoever they be that did persuade her Majesty so unkindly to entreat, abuse, and to oppose herself against her nobility and people, or commend her Majesty for so doing, let it be a sure token to her Majesty to know them for sure traitors and underminers of her Majesty's life, and remove them out of her Majesty's presence and favour; for, the more cunning they are the more dangerous are they unto her Majesty. But was this all? No; for God would not vouchsafe that His Holy Spirit should all that session descend upon our bishops; so that in that session nothing was done to the advancement of His glory. I have heard of old Parliament men that the tarnishment of the Pope and Popery and the restoring of true religion had their beginning from this House, and not from the bishops; and I have heard that few laws for religion had their foundation from them. And I do surely think—before God I speak it!—that the bishops were the cause of that doleful message. And I will show you what moveth me so to think. I was, amongst others,

the last Parliament, sent unto the Bishop of Canterbury for the Articles of Religion that then passed this House. He asked us why we did put out of the book the homilies, consecrating of bishops, and such like. "Surely, sir," said I, "because we were so occupied with other things that we had no time to examine them how they agreed with the Word of God." "What!" said he, "surely you mistook the matter; you will refer yourself wholly to us therein?" "No! by the faith I bear to God," said I, "we will pass nothing until we understand what it is; for that were but to make you popes. Make you popes who list," said I, "for we will make you none." And sure, Mr. Speaker, the speech seemed to me a pope-like speech; and I fear lest our bishops do attribute this of the Pope's canons unto themselves, "*papa non potest errare*;" for surely, if they did not, they would reform things amiss, and not to spurn against God's people for writing therein as they do. But I can tell them news: they do but kick against the pricks; for undoubtedly they both have and do err; for God will reveal His truth maugre the hearts of them and all His enemies; for great is the truth, and it will prevail. And, to say the truth, it is an error to think that God's spirit is tied only in them; for the Heavenly Spirit saith: "First seek the kingdom of God and the righteousness thereof, and all these things (meaning temporal) shall be given you." These words were not spoken to the bishops only, but to all. And the writ, Mr. Speaker, that we are called up by, is chiefly to deal in God's cause, so that our commission, both from God and our prince, is to deal in God's causes. Therefore, the accepting of such messages, and taking them in good part, do highly offend God, and is the acceptation of the breach of the liberties of this honourable council. For is it not all one thing to say, sirs, "you shall deal in such matters only," as to say "you shall not deal in such matters"? and is as good to have fools and flatterers in the House as men of wisdom, grave judgment, faithful hearts, and sincere consciences; for they, being taught what they shall do, can give their consents as well as others. Well, "He that hath an office," saith Saint

Paul, "let him wait on his office," or give diligent attendance on his office. It is a great and special part of our office, Mr. Speaker, to maintain the freedom and consultation of speech; for by this good laws that do set forth God's glory, and for the preservation of the prince and State, are made. Saint Paul, in the same place, saith: "Hate that which is evil, cleave unto that which is good." Then with Saint Paul I do advise you all here present, yea, and heartily and earnestly desire you, from the bottom of your hearts, to hate all messengers, tale-carriers, or any other thing, whatsoever it be, that any way infringes the liberties of this honourable council; yea, hate it or them as poisonous unto our Commonwealth, for they are venomous beasts that do use it. Therefore, I say unto you again and again, "Hate that which is evil, and cling unto that which is good." And thus, being loving and faithful-hearted, I do wish to be conceived in fear of God and of love of our prince and State; for we are incorporated into this place to serve God and all England, and not to be time-servers, as humour-feeders, as cancers that would pierce the bone, or as flatterers that would fain beguile all the world, and so worthy to be condemned both of God and man; but let us show ourselves a people endued with faith, I mean a lively faith that bringeth forth good works, and not as dead. And these good works I wish to break forth in this sort, not only in hating the enemies before spoken against, but also in openly reproving them as enemies to God, our prince, and State, that do use them, for they are so. Therefore, I would have none spared or forborne that shall from henceforth offend herein, of what calling soever he be; for the higher place he hath the more harm he may do. Therefore, if he will not eschew offences, the higher I wish him hanged. I speak this in charity, Mr. Speaker; for it is better that one should be hanged than that this noble State should be subverted. Well, I pray God with all my heart to turn the hearts of all the enemies of our prince and State, and to forgive them that wherein they have offended; yea, and to give them grace to offend therein no more. Even so, I do heartily beseech God to forgive us for holding our peace when

we have heard any inquiry offered to this honourable council; for surely it is no small offence, Mr. Speaker, for we offend therein against God, our prince, and State, and abuse the confidence by them reposed in us. Wherefore God, for His great mercies' sake, grant that we may from henceforth show ourselves neither bastards nor dastards therein, but that as rightly-begotten children we may sharply and boldly reprove God's enemies, our princes, and State; and so shall every one of us discharge our duties in this our high office, wherein He hath placed us, and show ourselves haters of evil and cleavers to that that is good to the setting forth of God's glory and honour, and to the preservation of our noble Queen and Commonwealth, for these are the marks that we ought only in this place to shoot at. I am thus earnest—I take God to witness, for conscience' sake—love unto my prince and Commonwealth, and for the advancement of justice; “for justice,” saith an ancient father, “is the prince of all virtues,” yea, the safe and faithful guard of man's life, for by it empires, kingdoms, people, and cities, be governed, the which, if it be taken away, the society of man cannot long endure. And a king, saith Solomon, “that sitteth in the throne of judgment, and looketh well about him, chaseth away all evil;” in the which State and throne God, for His great mercies' sake, grant that our noble Queen may be heartily vigilant and watchful; for surely there was a great fault committed both in the last Parliament and since also that was, as faithful hearts as any were unto the prince and State received most displeasure, the which is but a hard point in policy to encourage the enemy, to discourage the faithful-hearted, who of fervent love cannot dissemble, but follow the rule of Saint Paul, who saith, “Let love be without dissimulation.”

Now to another great fault I found the last Parliament, committed by some of this House also, the which I would desire of them all might be left. I have seen right good men in other causes, although I did dislike them in that doing, sit in an evil matter against which they had most earnestly spoken. I mused at it, and asked what it meant, for I do think it a shameful thing to serve God, their prince, or country, with the tongue only

and not with the heart and body. I was answered that it was a common policy in this House to mark the best sort of the same, and either to sit or arise with them. That same common policy I would gladly have banished this House, and have grafted in the stead thereof either to rise or sit as the matter giveth cause ; " for the eyes of the Lord behold all the earth, to strengthen all the hearts of them that are whole with him." These be God's own words ; mark them well, I heartily beseech you all ; for God will not receive half-part ; He will have the whole. And again, He misliketh these two-faced gentlemen, and here be many eyes that will to their great shame behold their double-dealing that use it. Thus I have holden you long with my rude speech, the which since it tendeth wholly with pure conscience to seek the advancement of God's glory, our honourable sovereign's safety, and to the sure defence of this noble isle of England, and all by maintaining of the liberties of this honourable council, the fountain from whence all these do spring—my humble and hearty suit unto you all is to accept my good-will, and that this that I have here spoken out of conscience and great zeal unto my prince and State may not be buried in the pit of oblivion, and so no good come thereof.

## OLIVER CROMWELL.

*Speech on the Dissolution of the First Protectorate Parliament,  
January 22, 1655.*

[THIS very characteristic speech is the only one of Cromwell's, according to Carlyle, "concerning the reporting, printing, or publishing of which there is any visible charge or notice taken by the Government of the time." The report we have is therefore probably more correct than those of Cromwell's other speeches extant. The Parliament to which it was delivered was composed of four hundred representatives, chosen according to a reformed model in 1654, and which, on the occasion of the speech, had sat for five months. The Cromwellian, or "court," party was powerful through the influence exerted by the army over the electorate; but there was a strong republican element, headed by Bradshaw, Scott, and Haslerig, opposed to Cromwell. This latter party desired to consider the whole question of the instrument of Government; and the Parliament resolved itself into a committee (by a vote of 141 to 136) to debate the authority of the Protector. This line of action Cromwell thought proper to resist. The Parliament, however, being bent on its project of limiting the Protector's power, and having specially voted it to be elective, not hereditary, Cromwell went down to the House and declared it dissolved in the speech here given.

The Parliament's defence is that it desired a legal settlement, based on public opinion, expressed through representatives, and that it wished to save the country from the curse of arbitrary military rule. According to Whitelock, the Parliament resolved to keep the militia in its power, and to permit the Protector's veto only on such bills as might alter the instrument of Government. On the other hand, Cromwell's defence is that he perceived the majority of the nation would call back

the Stuarts, unless a firm Government prevented such a step. To avert that catastrophe Cromwell felt that his authority, backed up by military power, must be exerted to the full, and that any questioning of such authority would lead to paralysis of the *de facto* executive power, and, consequently, to intrigue for monarchical restoration.

The speech is noted for its distinctly conservative tone, portions of it being aimed at the "levellers" who were the democrats of that time. But it is much more remarkable for its doctrine that the political revolution which had been accomplished was no mere accident, but a result of providential interposition in human affairs. In expressing this conviction Cromwell showed himself a genuine Puritan. The whole speech is a striking specimen of Cromwellian fervour and eloquence, combined with Cromwellian determination to carry things with a high hand.]

GENTLEMEN,—I perceive you are here as the House of Parliament, by your Speaker whom I see here, and by your faces which are in a great measure known to me.

When I first met you in this room, it was to my apprehension the hopefulest day that ever mine eyes saw, as to the considerations of this world. For I did look at, as wrapt-up in you together with myself, the hopes and the happiness of,—though not of the greatest,—yet a very great "People"; and the best People in the world. And truly and unfeignedly I thought it so: as a People that have the highest and clearest profession amongst them of the greatest glory, namely, Religion: as a People that have been, like other Nations, sometimes up and sometimes down in our honour in the world, but yet never so low but we might measure with other Nations:—and a People that have had a stamp upon them from God; God having, as it were, summed-up all our former honour and glory in the things that *are* of glory to Nations, in an Epitome, within these Ten or Twelve years last past! So that we knew one another at home, and are well known abroad.

And if I be not very much mistaken, we were arrived,—as I, and truly I believe as many others, did think,—at a very safe port; where we might sit down and contemplate the Dispensations of God and our Mercies; and might know our Mercies



not to have been like to those of the Ancients,—who did make out their peace and prosperity, as they thought, by their own endeavours ; who could not say, as we, That all ours were let down to us from God Himself ! Whose appearances and providences amongst us are not to be outmatched by any Story. Truly this was our condition. And I know nothing else we had to do, save as Israel was commanded in that most excellent Psalm of David : “ The things which we have heard and known, and our fathers have told us, we will not hide them from our children ; showing to the generation to come the praises of the Lord, and His strength, and His wonderful works that He hath done. For He established a Testimony in Jacob, and appointed a Law in Israel ; which He commanded our fathers that they should make known to their children ; that the generation to come might know them, even the children which should be born, who should arise and declare them to *their* children : that they might set their hope in God, and not forget the works of God, but keep His commandments.”\*

This I thought had been a song and a work worthy of England, whereunto you might happily have invited them,—had you had hearts unto it. You had this opportunity fairly delivered unto you. And if a history shall be written of these Times and Transactions, it will be said, it will not be denied, that these things that I have spoken are true ! This talent was put into your hands. And I shall recur to that which I said at the first : I came with very great joy and contentment and comfort, the first time I met you in this place. But we and these Nations are, for the present, under some disappointment !—If I had proposed to have played the Orator,—which I never did affect, nor do, nor I hope shall,—I doubt not but upon easy suppositions, which I am persuaded every one among you will grant, we did meet upon such hopes as these.

I met you a second time here : and I confess, at that meeting I had much abatement of my hopes, though not a

\* Psalm lxxviii. 3-7.

total frustration. I confess that that which damped my hopes so soon was somewhat that did look like a parricide. It is obvious enough unto you that the then management of affairs did savour of a Not owning,—too-too much savour, I say, of a Not owning of the Authority that called you hither. But God left us not without an expedient that gave a second possibility—Shall I say possibility? It seemed to me a probability—of recovering out of that dissatisfied condition we were all then in, towards some mutuality of satisfaction. And therefore by that Recognition, suiting with the Indenture that returned you hither; to which afterwards was also added your own Declaration,\* conformable to, and in acceptance of, that expedient:—thereby, I say, you had, though with a little check, another opportunity renewed unto you to have made this Nation as happy as it could have been if everything had smoothly run on from that first hour of your meeting. And indeed,—you will give me liberty of my thoughts and hopes,—I did think, as I have formerly found in that way that I have been engaged in as a soldier, That some affronts put upon us, some disasters at the first, have made way for very great and happy successes; and I did not at all despond but the stop put upon you, in like manner, would have made way for a blessing from God. That Interruption being, as I thought, necessary to divert you from violent and destructive proceedings; to give time for better deliberations;—whereby leaving the Government as you found it, you might have proceeded to have made those good and wholesome Laws which the People expected from you, and might have answered the Grievances, and settled those other things proper to you as a Parliament: for which you would have had thanks from all that intrusted you.

What hath happened since that time I have not taken public notice of; as declining to intrench on Parliament privileges. For sure I am you will all bear me witness, That from your entering into the House upon the Recognition, to this very

\* *Commons Journals* (vii. 368), 14th September 1654.

day, you have had no manner of interruption or hindrance of mine in proceeding to what blessed issue the heart of a good man could propose to himself,—to this very day none. You see you have me very much locked up, as to what you have transacted among yourselves, from that time to this. But some things I shall take liberty to speak of to you.

As I may not take notice what you have been doing; so I think I have a very great liberty to tell you That I do not know what you have been doing! I do not know whether you have been alive or dead. I have not once heard from you all this time; I have not: and that you all know. If that be a fault that I have not, surely it hath not been mine! —If I have had any melancholy thoughts, and have sat down by them,—why might it not have been very lawful for me to think that I was a Person judged unconcerned in all these businesses? I can assure you I have not so reckoned myself! Nor did I reckon myself unconcerned in you. And so long as any just patience could support my expectation, I would have waited to the uttermost to have received from you the issue of your consultations and resolutions.—I have been careful of your saftey, and the safety of those that you represented, to whom I reckon myself a servant.

But what messages have I disturbed you withal? What injury or indignity hath been done, or offered, either to your persons or to any privileges of Parliament, since you sat? I looked at myself as strictly obliged by my Oath, since your recognising the Government in the authority of which you were called hither and sat, To give you all possible security, and to keep you from any unparliamentary interruption. Think you I could not say more upon this subject, if I listed to expatiate thereupon? But because my actions plead for me, I shall say no more of this. I say, I have been caring for *you*, for your quiet sitting; caring for your privileges, as I said before, that they might not be interrupted; have been seeking of God, from the great God a blessing upon you, and a blessing upon these Nations. I have been consulting if possibly I might, in anything, promote, in my place, the real

good of this Parliament, of the hopefulness of which I have said so much unto you. And I did think it to be my business rather to see the utmost issue, and what God would produce by you, than unseasonably to intermeddle with you.

But, as I said before, I have been caring for you, and for the peace and quiet of these Nations : indeed I have ; and that I shall a little presently manifest unto you. And it leadeth me to let you know somewhat,—which, I fear, I fear, will be, through some interpretation, a little too justly put upon *you* ; whilst you have been employed as you have been, and,—in all that time expressed in the Government, in that Government, I say in that Government,—have brought forth nothing that you yourselves say *can* be taken notice of without infringement of your privileges.\* I will tell you somewhat, which, if it be not news to you, I wish you had taken very serious consideration of. If it be news, I wish I had acquainted you with it sooner. And yet if any man will ask me why I did it not, the reason is given already : Because I did make it my business to give you no interruption.

There be some trees that will not grow under the shadow of other trees : There be some that choose,—a man may say so by way of allusion,—to thrive under the shadow of other trees. I will tell you what hath thriven,—I will not say what you have *cherished*, under your shadow ; that were too hard. Instead of Peace and Settlement,—instead of mercy and truth being brought together, and righteousness and peace kissing each other, by your reconciling the Honest People of these Nations, and settling the woful distempers that are amongst

\* An embarrassed sentence ; characteristic of his Highness. "You have done nothing noticeable upon this 'Somewhat' that I am about to speak of,—nor, indeed, it seems upon *any* Somewhat,—and *this* was one you may, without much 'interpretation,' be blamed for doing nothing upon." "Government" means *Instrument of Government* : "the time expressed" therein is *Five Months*,—now, by my way of calculating it, expired ! Which may account for the embarrassed iteration of the phrase, on his Highness's part.—(*Carlyle's note.*)

us ; which had been glorious things and worthy of Christians to have proposed,—weeds and nettles, briars and thorns have thriven under your shadow ! Dissettlement and division, discontent and dissatisfaction ; together with real dangers to the whole,—have been more multiplied within these five months of your sitting, than in some years before ! Foundations have also been laid for the future renewing of the Troubles of these Nations by all the enemies of them abroad and at home. Let not these words seem too sharp : for they are true as any mathematical demonstrations are or can be. I say, the enemies of the peace of these Nations abroad and at home, the discontented humours throughout these Nations,—which products I think no man will grudge to call by that name, of briars and thorns,—*they* have nourished themselves under your shadow !

And that I may clearly be understood : They have taken their opportunities from your sitting, and from the hopes they had, which with easy conjecture they might take up and conclude that there would be no Settlement ; and they have framed their designs, preparing for the execution of them accordingly. Now whether,—which appertains not to me to judge of, on their behalf,—they had any occasion ministered for this, and from whence they had it, I list not to make any scrutiny or search. But I will say this : I think they had it not from me. I am sure they had not from me. From whence they had, is not my business now to discourse : but *that* they had, is obvious to every man's sense. What preparations they have made, to be executed in such a season as they thought fit to take their opportunity from : that I know, not as men know things by conjecture, but by certain demonstrable knowledge. That they have been for some time past furnishing themselves with arms ; nothing doubting but they should have a day for it ; and verily believing that, whatsoever their former disappointments were, they should have more done for them by and from our own divisions, than they were able to do for themselves. I desire to be understood that, in all I have to say of this

subject, you will take it that I have no reservation in my mind,—as I have not,—to mingle things of guess and suspicion with things of fact: but “that” the things I am telling of are fact; things of evident demonstration.

These weeds, briers and thorns,—they have been preparing, and have brought their designs to some maturity, by the advantages given to them, as aforesaid, from your sittings and proceedings. But by the Waking Eye that watched over that Cause that God will bless, they have been, and yet are, disappointed. And having mentioned that Cause, I say, that slighted Cause,—let me speak a few words in behalf thereof; though it may seem too long a digression. Whosoever despiseth it, and will say, It is *non Causa pro Causa*, “a Cause without a Cause,”—the All-searching Eye before mentioned will find out that man; and will judge him, as one that regardeth not the works of God nor the operations of His hands! For which God hath threatened that He will cast men down, and not build them up. That man who, because he can dispute, will tell us he knew not when the Cause began, nor where it is; but modelleth it according to his own intellect; and submits not to the Appearances of God in the World; and therefore lifts up his heel against God, and mocketh at all His providences; laughing at the observations, made up not without reason and the Scriptures, and by the quickening and teaching Spirit which gives life to these other;—calling such observations “enthusiasms”: such men, I say, no wonder if they “stumble and fall backwards, and be broken and snared and taken,”\* by the things of which they are so wilfully and maliciously ignorant! The Scriptures say, “The Rod has a voice, and He will make Himself known by the judgments which He executeth.” And do we not think He will, and does, by the providences of mercy and kindness which He hath for His People and their just liberties;

\* Isaiah xxviii. 13. A text that had made a great impression upon Oliver.

"whom He loves as the apple of His eye"? Doth He not by them manifest Himself? And is He not thereby also seen giving kingdoms for them, "giving men for them, and people for their lives,"—as it is in Isaiah Forty-third? \* Is not this as fair a lecture and as clear speaking, as anything our dark reason, left to the letter of the Scriptures, can collect from them? By this voice has God spoken very loud on behalf of His People, by judging their enemies in the late War, and restoring them a liberty to worship, with the freedom of their consciences, and freedom in estates and persons when they do so. And thus we have found the Cause of God by the works of God; which are the testimony of God. Upon which rock whosoever splits shall suffer shipwreck. But it is your glory,—and it is mine, if I have any in the world concerning the Interest of those that have an interest in a better world,—it is my glory that I know a Cause which yet we have *not* lost; but do hope we shall take a little pleasure rather to lose our lives than lose! But you will excuse this long digression.

I say unto you, Whilst you have been in the midst of these Transactions, that Party, that Cavalier Party,—I could wish some of them had thrust-in here, to have heard what I say,—have been designing and preparing to put this Nation in blood again, with a witness. But because I am confident there are none of that sort here, therefore I shall say the less to that. Only this I must tell you: They have been making great preparations of arms; and I do believe it will be made evident to you that they have raked-out many thousands of arms, even all that this City could afford, for divers months last past. But it will be said, "May we not arm ourselves for the defence of our houses? Will anybody find fault for that?" Not for that. But the reason for *their* doing so hath been as explicit, and under as clear proof, as the fact of doing so. For which I hope, by the justice of the land, some will, in the face of the Nation, answer it with their lives: and then the business will

\* Isaiah xliii. 3, 4.



be pretty well out of doubt.—Banks of money have been framing, for these and other suchlike uses. Letters have been issued with Privy-seals, to as great Persons as most are in the Nation, for the advance of money,—which “Letters” have been discovered to us by the Persons themselves. Commissions for Regiments of horse and foot, and command of Castles, have been likewise given from Charles Stuart, since your sitting. And what the general insolences of that Party have been, the Honest People have been sensible of, and can very well testify.

It hath not only been thus. But as in a quinsy or pleurisy, where the humour fixeth in one part, give it scope, all “disease” will gather to that place, to the hazarding of the whole : and it is natural to do so till it destroy life in that person on whomsoever this befalls. So likewise will *these* diseases take accidental causes of aggravation of their distemper. And this was that which I did assert, That they have taken accidental causes for the growing and increasing of those distempers,—as much as would have been in the natural body if timely remedy were not applied. And indeed things were come to that pass,—in respect of which I shall give you a particular account,—that no mortal physician, if the Great Physician had not stepped in, could have cured the distemper. Shall I lay this upon your account, or my own? I am sure I can lay it upon God’s account : That if He had not stepped in, the disease had been mortal and destructive !

And what is all this? “What are these new diseases that have gathered to this point?” Truly I must needs still say : “A company of men like briars and thorns ;” and worse, if worse can be. Of another sort than those before mentioned to you. These also have been and yet are endeavouring to put us into blood and into confusion ; more desperate and dangerous confusion than England ever yet saw. And I must say, as when Gideon commanded his son to fall upon Zeba and Zalmunna, and slay them, they thought it more noble to die by the hand of a man than of a stripling,—which shows there is some contentment in the hand by which a man falls : so it



is some satisfaction if a Commonwealth must perish, that it perish by men, and not by the hands of persons differing little from beasts ! That if it must needs suffer, it should rather suffer from rich men than from poor men, who, as Solomon says, "when they oppress, leave nothing behind them, but are as a sweeping rain." Now such as these also are grown up under your shadow. But it will be asked, What have they done? I hope, though they pretend "Commonwealth's Interest," they have had no encouragement from you ; but have, as in the former case, rather taken it than that you have administered any cause unto them for so doing. "Any cause" from delays, from hopes that this Parliament would not settle, from Pamphlets mentioning strange Votes and Resolves of yours ; which I hope did abuse you ! But thus you see that, whatever the grounds were, these have been the effects. And thus I have laid these things before you ; and you and others will be easily able to judge how far you are concerned.

"What these men have done?" They also have laboured to pervert, where they could, and as they could, the Honest-meaning People of the Nation. They have laboured to engage some in the Army :—and I doubt not that only they, but some others also, very well known to you, have helped to this work of debauching and dividing the Army. They have, they have ! I would be loath to say Who, Where, and How? much more loath to say they were any of your own number. But I can say: Endeavours have been made to put the Army into a distemper, and to feed that which is the worst humour in the Army. Which though it was not as mastering humour, yet these took advantage from delay of the Settlement, and the practices before mentioned, and the stopping of the pay of the Army, to run us into Free-quarter, and to bring us into the inconveniences most to be feared and avoided.—What if I am able to make it appear in fact, That some amongst you have run into the City of London, to persuade to Petitions and Addresses to you for reversing your own Votes that you have passed? Whether these practices were in favour of your

Liberties, or tended to beget hopes of Peace and Settlement from you ; and whether debauching the Army in England, as is before expressed, and starving it, and putting it upon Free-quarter, and occasioning and necessitating the greatest part thereof in Scotland to march into England, leaving the remainder thereof to have their throats cut there ; and kindling by the rest a fire in our own bosoms, were for the advantage of affairs here, let the world judge !

This I tell you also : That the correspondence held with the Interest of the Cavaliers, by that Party of men called Levellers, who call themselves Commonwealth's-men, is in our hands. Whose Declarations were framed to that purpose, and ready to be published at the time of their projected common Rising ; whereof, " I say," we are possessed ; and for which we have the confession of themselves now in custody ; who confess also they built their hopes upon the assurance they had of the Parliament's not agreeing to a Settlement :—whether these humours have not nourished themselves under your boughs, is the subject of my present discourse ; and I think I shall say not amiss, if I affirm it to be so. And I must say it again, That that which hath been their advantage, thus to raise disturbance, hath been by the loss of those golden opportunities which God had put into your hands for Settlement. Judge you whether these things were thus, or not, when you first sat down. I am sure things were not thus ! There was a very great peace and sedateness throughout these Nations ; and great expectations of a happy Settlement. Which I remembered to you at the beginning in my Speech ; and hoped that you would have entered on your business as you found it.

There was a Government already in the possession of the People,—I say a Government in the possession of the People, for many months. It hath now been exercised near Fifteen Months : and if it were needful that I should tell you *how* it came into their possession, and how willingly they received it ; how all Law and Justice were distributed from it, in every respect, as to life, liberty and estate ; how it was owned by

God, as being the dispensation of His providence after Twelve Years War; and sealed and witnessed unto by the People,—I should but repeat what I said in my last Speech unto you in this place: and therefore I forbear. When you were entered upon this Government; ravelling into it—You know I took no notice what you were doing—If you had gone upon that foot of account, To have made such good and wholesome provisions for the Good of the People of these Nations as were wanted; for the settling of such matters in things of Religion as would have upheld and given countenance to a Godly Ministry, and yet as would have given a just liberty to godly men of different judgments,—“to” men of the same faith with them that you call the Orthodox Ministry in England, as it is well known the Independents are, and many under the form of Baptism, who are sound in the faith, and though they may perhaps be different in judgment in some lesser matters, yet as true Christians both looking for salvation only by faith in the blood of Christ, men professing the fear of God, and having recourse to the name of God as to a strong tower,—I say you might have had opportunity to have settled peace and quietness amongst all professing Godliness; and might have been instrumental, if not to have healed the breaches, yet to have kept the Godly of all judgments from running one upon another; and by keeping them from being overrun by a Common Enemy, “have” rendered them and these Nations both secure, happy and well satisfied.

Are these things done; or any things towards them? Is there not yet upon the spirits of men a strange itch? Nothing will satisfy them unless they can press their finger upon their brethren's consciences, to pinch them there. To do this was no part of the Contest we had with the Common Adversary. For “indeed” Religion was not the thing at first contested for “at all:”\* but God brought it to that issue at last; and gave it

\* Power of the Militia was the point upon which the actual War began. A statement not false; yet truer in form than it is in essence.—*(Carlyle.)*

unto us by way of redundancy ; and at last it proved to be that which was most dear to us. And wherein consisted this more than In obtaining that liberty from the tyranny of the Bishops to all species of Protestants to worship God according to their own light and consciences ? For want of which many of our brethren forsook their native countries to seek their bread from strangers, and to live in howling wildernesses ; and for which also many that remained here were imprisoned, and otherwise abused and made the scorn of the Nation. Those that were sound in the faith, how proper was it for them to labour for liberty, for a just liberty, that men might not be trampled upon for their consciences ! Had not they themselves laboured, but lately, under the weight of persecution ? And was it fit for them to sit heavy upon others ? Is it ingenuous to ask liberty, and not to give it ? What greater hypocrisy than for those who were oppressed by the Bishops to become the greatest oppressors themselves, so soon as their yoke was removed ? I could wish that they who call for liberty now also had not too much of that spirit, if the power were in their hands !—As for profane persons, blasphemers, such as preach sedition ; the contentious railers, evil-speakers, who seek by evil words to corrupt good manners ; persons of loose conversation,—punishment from the Civil Magistrate ought to meet with these. Because, if they pretend conscience ; yet walking disorderly and not according but contrary to the Gospel, and even to natural lights,—they are judged of all. And their sins being open, make them subjects of the Magistrate's sword, who ought not to bear it in vain.—The discipline of the Army *was* such, that a man would not be suffered to remain there, of whom we could take notice he was guilty of such practices as these.

And therefore how happy would England have been, and you and I, if the Lord had led you on to have settled upon such good accounts as these are, and to have discountenanced such practices as the other, and left men in disputable things free to their own consciences ! Which was well provided for by the “Instrument of” Government ; and liberty left to provide

against what was apparently evil. Judge you, Whether the contesting for things that were provided for by this Government hath been profitable expense of time, for the good of these Nations! By means whereof you may see you have wholly elapsed your time, and done just nothing!—I will say this to you, in behalf of the Long Parliament: That, had such an expedient as this Government been proposed to them; and could they have seen the Cause of God thus provided for; and been, by debates, enlightened in the grounds 'of it,' whereby the difficulties might have been cleared 'to them,' and the reason of the whole enforced, and the circumstances of time and persons, with the temper and disposition of the People, and affairs both abroad and at home when it was undertaken might have been well weighed 'by them': I think in my conscience,—well as they were thought to love their seats,—they would have proceeded in another manner than you have done! And *not* have exposed things to these difficulties and hazards they now are at; nor given occasion to leave the People so dissettled as they now are. Who, I dare say, in the soberest and most judicious part of them, did expect, not a question, but a doing of things in pursuance of the 'Instrument of' Government. And if I be not misinformed, very many of you came up with this satisfaction; having had time enough to weigh and consider the same.

And when I say "such an expedient as this Government,"—wherein I dare assert there is a just Liberty to the People of God, and the just Rights of the People in these Nations provided for,—I can put the issue thereof upon the clearest reason; whatsoever any go about to suggest to the contrary. But this not being the time and place of such an averment, 'I forbear at present.' For satisfaction's sake herein, enough is said in a Book entituled '*A State of the Case of the Commonwealth,*' published in January 1653.\* And for myself, I desire

\* 'Printed by Thomas Newcomb, London, 1653-4; '—'wrote with great spirit of language and subtilty of argument,' says the *Parliamentary History* (xx. 419).

not to keep my place in this Government an hour longer than I may preserve England in its just rights, and may protect the People of God in such a just Liberty of their Consciences as I have already mentioned. And therefore if this Parliament have judged things to be otherwise than as I have stated them,—it had been huge friendliness between persons who had such a reciprocation in so great concerns to the public, for *them* to have convinced me in what particulars therein my error lay! Of which I never yet had a word from you! But if, instead thereof, your time has been spent in setting-up somewhat else, upon another bottom than this stands “upon,”—it looks as if the laying grounds for a *quarrel* had rather been designed than to give the People *settlement*. If it be thus, it’s *well* your labours have not arrived to any maturity at all!

This Government called you hither; the constitution thereof being limited so,—a Single Person and a Parliament. And this was thought most agreeable to the general sense of the Nation;—having had experience enough, by trial, of other conclusions; judging this most likely to avoid the extremes of Monarchy on the one hand, and of Democracy on the other;—and yet not to found *Dominium in Gratia* “either.” And if so, then certainly to make the Authority more than a mere notion, it was requisite that it should be as it is in this “Frame of” Government; which puts it upon a true and equal balance. It has been already submitted to the judicious, true and honest People of this Nation, Whether the balance be not equal? And what their judgment is, is visible—by submission to it; by acting upon it; by restraining their Trustees from meddling with it. And it neither asks nor needs any better ratification? But when Trustees in Parliament shall, by experience, find any evil in any parts of this “Frame of” Government, “a question” referred by the Government itself to the consideration of the Protector and Parliament,—of which evil or evils Time itself will be the best discoverer:—how can it be reasonably imagined that a Person or Persons, coming in by election, and standing under such

obligations, and so limited, and so necessitated by oath to govern for the People's good, and to make *their* love, under God, the best underpropping and only safe footing :—how can it, I say, be imagined that the present or succeeding Protectors will refuse to agree to alter any such thing in the Government as may be found to be for the good of the People? Or to recede from anything which he might be convinced casts the balance too much to the Single Person? And although, for the present, the keeping-up and having in his power the Militia seems the hardest “condition,” yet if the power of the Militia should be yielded up at such a time as this, when there is as much need of it to keep this Cause (now most evidently impugned by all Enemies), as there was to *get* it “for the sake of this Cause” :—what would become of us all! Or if it should not be equally placed in him and the Parliament, but yielded up *at any time*—it determines his power either for doing the good he ought, or hindering Parliaments from perpetuating themselves; from imposing what Religion they please on the consciences of men, or what Government they please upon the Nation. Thereby subjecting us to dissettlement in every Parliament, and to the desperate consequences thereof. And if the Nation *shall* happen to fall into a blessed Peace, how easily and certainly will their charge be taken off, and their forces be disbanded! And then where will the danger be to have the Militia thus stated? What if I should say: If there *be* a disproportion, or disequality as to the power, it is on the other hand!—

And if this be so, Wherein have you had cause to quarrel? What demonstrations have you held forth to settle me to your opinion? I would you had made me so happy as to have let me known your grounds! I have made a free and ingenuous confession of my faith to *you*. And I could have wished it had been in your hearts to have agreed that some friendly and cordial debates might have been toward mutual conviction. Was there none amongst you to move such a thing? No fitness to listen to it? No desire of a right understanding? If it be not folly in me to listen to Town-talk



such things *have* been proposed ; and rejected, with stiffness and severity, once and again. Was it not likely to have been more advantageous to the good of this Nation? I will say this to you for myself ; and to that I have my conscience as a thousand witnesses, and I have my comfort and contentment in it ; and I have the witness too of divers here, who I think truly would scorn to own me in a lie : That I would not have been averse to any alteration, of the good of which I might have been convinced. Although I could not have agreed to the taking it off the foundation on which it stands ; namely, the acceptance and consent of the People.

I will not presage what you have been about, or doing, in all this time. Nor do I love to make conjectures. But I must tell you this : That as I undertook this Government in the simplicity of my heart and as before God, and to do the part of an honest man, and to be true to the Interest, —which in my conscience “I think” is dear to many of you ; though it is not always understood what God in His wisdom may hide from us, as to Peace and Settlement :—so I can say that no particular interest, either of myself, estate, honour or family, are, or have been, prevalent with me to this undertaking. For if you had, upon the old Government,\* offered me this one, this one thing,—I speak as thus advised, and before God ; as having been to this day of this opinion ; and this hath been my constant judgment, well known to many who hear me speak :—if, “I say,” this one thing had been inserted, this one thing, That the Government should have been placed in my Family hereditary, I would have rejected it!† And I could have done no other according to my present conscience and light. I will tell you my reason ;—

\* Means “the existing Instrument of Government” without modification of yours.

† The matter in debate, running very high at this juncture, in the Parliament, was with regard to the Single Person’s being *hereditary*. Hence partly the Protector’s emphasis here.



though I cannot tell what God *will* do with me, nor with you, nor with the Nation, for throwing away precious opportunities committed to us.

This hath been my principle; and I liked it, when this Government came first to be proposed to me, That it puts us off that hereditary way. Well looking that God hath declared what Government He delivered to the Jews; and that He placed it upon such Persons as had been instrumental for the Conduct and Deliverance of His People. And considering that Promise in *Isaiah*, "That God would give Rulers as at the first, and Judges as at the beginning," I did not know but that God might "now" begin,—and though, at present, with a most unworthy person; yet, as to the future, it might be after this manner; and I thought this might usher it in! I am speaking as to my judgment against making Government hereditary. To have men chosen, for their love to God, and to Truth and Justice; and not to have it hereditary. For as it is in the *Ecclesiastes*: "Who knoweth whether he may beget a fool or a wise man?" Honest or not honest, whatever they be, they must come in, on that plan; because the Government is made a patrimony!—And this I perhaps do declare with too much earnestness; as being my own concernment;—and know not what place it may have in your hearts, and in those of the Good People in the Nation. But however it be, I have comfort in this my truth and plainness.

I have thus told you my thoughts; which truly I have declared to you in the fear of God, as knowing He will not be mocked; and in the strength of God, as knowing and rejoicing that I am supported in my speaking;—especially when I do not form or frame things without the compass of integrity and honesty; so that my own conscience gives me not the lie to what I say. And then in what I say, I can rejoice.

Now to speak a word or two to you. Of that, I must profess in the name of the same Lord, and wish there had been no

cause that I should have thus spoken to you! I told you that I came with joy the first time; with some regret the second; yet now I speak with most regret of all! I look upon you as having among you many persons that I could lay down my life individually for. I could, through the grace of God, desire to lay down my life for you. So far am I from having an unkind or unchristian heart towards you in your particular capacities! I have this indeed as a work most incumbent upon me; this of speaking these things to you. I consulted what might be my duty in such a day as this; casting up all considerations. I must confess, as I told you, that I did think occasionally, This Nation had suffered extremely in the respects mentioned; as also in the disappointment of their expectations of that justice which was due to them by your sitting thus long. "Sitting thus long;" and what have you brought forth? I did not nor cannot comprehend what it is. I would be loath to call it a Fate; that were too paganish a word. But there hath been Something in it that we had not in our expectations.

I did think also, for myself, That I am like to meet with difficulties; and that this Nation will not, as it is fit it should not, be deluded with *pretexts* of Necessity in that great business of raising of Money. And were it not that I can make some dilemmas upon which to resolve some things of my conscience, judgment and actions, I should shrink at the very prospect of my encounters. Some of them are general, some are more special. Supposing this Cause or this Business must be carried on, it is either of God or of man. If it be of man, I would I had never touched it with a finger. If I had not had a hope fixed in me that this Cause and this Business was of God, I would many years ago have run from it. If it be of God, He will bear it up. If it be of man, it will tumble; as everything that hath been of man since the world began hath done. And what are all our Histories, and other Traditions of Actions in former times, but God manifesting Himself, that He hath shaken, and tumbled down and trampled upon, everything that He had not planted? And

as this is, so let the All-wise God deal with it. If this be of human structure and invention, and if it be an old Plotting and Contriving to bring things to this Issue, and that they are not the Births of Providence,—then they will tumble. But if the Lord take pleasure in England, and if He will do us good,—He is very able to bear us up! Let the difficulties be whatsoever they will, we shall in His strength be able to encounter with them. And I bless God I have been inured to difficulties; and I never found God failing when I trusted in Him. I can laugh and sing, in my heart, when I speak of these things to you or elsewhere. And though some may think it is an hard thing To raise Money without Parliamentary Authority upon this Nation; yet I have another argument to the Good People of this Nation, if they would be safe, and yet have no better principle: Whether they prefer the having of their will though it be their destruction, rather than comply with things of Necessity? That will excuse me. But I should wrong my native country to suppose 'his.

For I look at the People of these Nations as the blessing of the Lord: and they are a People blessed by God. They have been so; and they will be so, by reason of that immortal seed which hath been, and is, among them: those Regenerated Ones in the land, of several judgments; who are all the Flock of Christ, and lambs of Christ. "His," though perhaps under many unruly passions, and troubles of spirit; whereby they give disquiet to themselves and others: yet they are not so to God; since to us He is a God of other patience; and He will own the least of Truth in the hearts of His People. And the People being the blessing of God, they will not be so angry but they will prefer their safety to their passions, and their real security to forms, when Necessity calls for Supplies. Had they not well been acquainted with this principle, they had never seen this day of Gospel Liberty.

But if any man shall object, "It is an easy thing to talk of Necessities when men create Necessities: would not the Lord Protector make himself great and his family great? Doth not he make these Necessities? And then he will come upon the

People with his argument of Necessity !"—This was something hard indeed. But I have *not* yet known what it is to "make Necessities," whatsoever the thoughts or judgments of men are. And I say this, not only to this Assembly, but to the world, That the man liveth not who can come to me and charge me with having, in these great Revolutions, "made Necessities." I challenge even all that fear God. And as God hath said, "My glory I will not give unto another," let men take heed and be twice advised how they call His Revolutions, the things of God, and His working of things from one period to another,—how, I say, they call them Necessities of men's creation ! For by so doing, they do vilify and lessen the works of God, and rob Him of His glory ; which He hath said He will not give unto another, nor suffer to be taken from Him ! We know what God did to Herod, when he was applauded and did not acknowledge God. And God knoweth what He will do with men, when they call His Revolutions human designs, and so detract from His glory. These issues and events have not been forecast ; but were sudden Providences in things : whereby carnal and worldly men are enraged ; and under and at which, many, and I fear some good men, have murmured and repined, because disappointed of their mistaken fancies. But still all these things have been the wise disposings of the Almighty ; though instruments have had their passions and frailties. And I think it is an honour to God to acknowledge the Necessities to have been of God's imposing, when truly they have been so, as indeed they have. Let us take our sin in our actions to ourselves ; it's much more safe than to judge things so contingent, as if there were not a God that ruled the Earth !

We know the Lord hath poured this Nation from vessel to vessel, till He poured it into your lap, when you came first together. I am confident that it came so into your hands ; and was not judged by you to be from counterfeited or feigned Necessity, but by Divine Providence and Dispensation. And this I speak with more earnestness, because I speak for God and not for men. I would have any man to come and tell of

the Transactions that have been, and of those periods of time wherein God hath made these Revolutions ; and find where he can fix a feigned Necessity ! I could recite particulars, if either my strength would serve me to speak, or yours to hear. If you would consider\* the great Hand of God in His great Dispensations, you would find that there is scarce a man who fell off, at any period of time when God had any work to do, who can give God or His work at this day a good word.

"It was," say some, "the cunning of the Lord Protector,"—I take it to myself,—*"it was the craft of such a man, and his plot, that hath brought it about!"* And, as they say in other countries, *"There are five or six cunning men in England that have skill ; they do all these things."* Oh, what blasphemy is this ! Because men that are without God in the world, and walk not with Him, know not what it is to pray or believe, and to receive returns from God, and to be spoken unto by the Spirit of God,—who speaks without a Written Word sometimes, yet according to it ! God hath spoken heretofore in divers manners. Let Him speak as He pleaseth. Hath He not given us liberty, nay, is it not our duty, To go to the Law and the Testimony ? And there we shall find that there *have* been impressions, in extraordinary cases, as well without the Written Word as with it. And therefore there is no difference in the thing thus asserted from truths generally received,—except we will exclude the Spirit ; without whose concurrence all other teachings are ineffectual. He doth speak to the hearts and consciences of men ; and leadeth them to His Law and Testimony, and there "also" He speaks to them : and so gives them double teachings. According to that of Job : *"God speaketh once, yea twice ;"* and to that of David : *"God hath spoken once, yea twice have I heard this."* These men that live upon their *mumpsimus* and *sumpsimus*, their Masses and Service-books, their dead and carnal worship,—no marvel if they be strangers to God, and to the works of God, and to spiritual dispensations. And because *they* say and believe

\* "If that you would revolve" in the original.

thus, must we do so too? We, in this land, have been otherwise instructed; even by the Word, and Works, and Spirit of God.

To say that men bring forth these things when God doth them,—judge you if God will bear this? I wish that every sober heart, though he hath had temptations upon him of deserting this Cause of God, yet may take heed how he provokes and falls into the hands of the Living God by such blasphemies as these! According to the Tenth of the *Hebrews*: “If we sin wilfully after that we have received the knowledge of the truth, there remains no more sacrifice for sin.” “A terrible word.” It was spoken to the Jews who, having professed Christ, apostatised from Him. What then? Nothing but a fearful “falling into the hands of the Living God!”—They that shall attribute to this or that person the contrivances and production of those mighty things God hath wrought in the midst of us; and “fancy” that they have not been the Revolutions of Christ Himself, “upon whose shoulders the government is laid,”—they speak against God, and they fall under His hand without a Mediator. That is, if we deny the Spirit of Jesus Christ the glory of all His works in the world; by which He rules kingdoms, and doth administer, and is the rod of His strength,—we provoke the Mediator: and He may say: I will leave you to God, I will not intercede for you; let Him tear you to pieces! I will leave thee to fall into God’s hands; thou deniest me my sovereignty and power committed to me; I will not intercede nor mediate for thee; thou fallest into the hands of the Living God!—Therefore whatsoever you may judge men for, howsoever you may say, “This is cunning, and politic, and subtle,”—take heed again, I say, how you judge of His Revolutions as the product of men’s inventions!—I may be thought to press too much upon this theme. But I pray God it may stick upon your hearts and mine. The worldly-minded man knows nothing of this, but is a stranger to it; and thence his atheisms, and murmurings at instruments, yea, repining at God Himself. And no wonder; considering the Lord hath done such things amongst us as have not been

known in the world these thousand years, and yet notwithstanding is not owned by us !

There is another Necessity, which you have put upon us, and we have not sought. I appeal to God, Angels and Men,—if I shall “now” raise money according to the Article in the Government, whether I am not compelled to do it ! Which “Government” had power to call you hither ; and did ;—and instead of seasonably providing for the Army, you have laboured to overthrow the Government, and the Army is now upon Free-quarter ! And you would never so much as let me hear a tittle from you concerning it. Where is the fault ? Has it not been as if you had a purpose to put this extremity upon us and the Nation ? I hope this was not in your minds. I am not willing to judge so :—but such is the state into which we are reduced. By the designs of some in the Army who are now in custody, it was designed to get as many of them as possible,—through discontent for want of money, the Army being in a barren country, near thirty weeks behind in pay, and upon other specious pretences,—to march for England out of Scotland ; and, in discontent, to seize their General there [*General Monk*], a faithful and honest man, that so another [*Colonel Overton*] might head the Army. And all this opportunity taken from your delays. Whether will this be a thing of feigned Necessity ? What could it signify, but “The Army are in discontent already ; and we will make them live upon stones ; we will make them cast-off their governors and discipline ?” What can be said to this ? I list not to unsaddle myself, and put the fault upon your backs. Whether it hath been for the good of England, whilst men have been talking of this thing or the other, and pretending liberty and many good words,—whether it has been as it should have been ? I am confident you cannot think it has. The Nation will not think so. And if the worst should be made of things, I know not what the Cornish men nor the Lincolnshire men may think, or other Counties ; but I believe they will all think *they are not safe*. A temporary suspension of “caring for the greatest liberties and privileges” (if it were so, which is denied)

would not have been of such damage as the not providing against Free-quarter hath run the Nation upon. And if it be my "liberty" to walk abroad in the fields, or to take a journey, yet it is not my wisdom to do so when my house is on fire !

I have troubled you with a long Speech ; and I believe it may not have the same resentment\* with all that it hath with some. But because that is unknown to me, I shall leave it to God ;—and conclude with this : That I think myself bound, as in my duty to God, and to the People of these Nations for their safety and good in every respect,—I think it my duty to tell you that it is not for the profit of these Nations, nor for common and public good, for you to continue here any longer. And therefore I do declare unto you, That I do dissolve this Parliament.†

\* Means "sense excited by it."

† Old Pamphlet : reprinted in *Parliamentary History*, xx. 404-431.



## LORD CHATHAM.

*Speech on the Government Policy in America. House of  
Lords, January 20, 1775.*

[THE rupture between England and her American Colonies was foreseen by the French statesman Vergennes, who said, "They (the Colonies) stand no longer in need of her protection; she will call on them to contribute toward supporting the burdens they have helped to bring on her, and they will answer by striking off all dependence." This rupture might, however, have been delayed and its asperities softened had it not been for the attitude and policy of the British Government. Against that policy some of the foremost British statesmen protested, notably Lord Chatham. The speech here given is comparatively brief, but it is one of Chatham's greatest efforts. The occasion was the presentation by Lord Dartmouth, Colonial Secretary, of papers to the House of Lords relative to the disturbances in America. Chatham thereupon moved a resolution in these terms: "That an humble address be presented to his Majesty, humbly to desire and beseech his Majesty that, in order to open the way towards a happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and, above all, for preventing in the meantime any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes posted in their town: it may graciously please his Majesty that immediate orders be despatched to General Gage for removing his Majesty's forces from the town of Boston as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable." The House rejected this resolution by a majority of 68 to 18, and so precipitated Lexington and Concord.]

Franklin, who was agent for Pennsylvania, was present at this debate, through the personal introduction of Chatham, and records his delight at the great speech. Writing to Lord Stanhope, Franklin said : "Dr. Franklin presents his best respects to Lord Stanhope, with many thanks to his lordship and Lord Chatham for the communication of so authentic a copy of the motion. Dr. Franklin is filled with admiration of that truly great man. He has seen in the course of his life sometimes eloquence without wisdom, and often wisdom without eloquence ; in the present instance he sees both united, and both, as he thinks, in the highest degree possible."]

THE EARL OF CHATHAM, after strongly condemning the dilatoriness of administration, etc., proceeded as follows :—

But as I have not the honour of access to his Majesty, I will endeavour to transmit to him, through the constitutional channel of this House, my ideas of America, to rescue him from the misadvice of his present ministers. I congratulate your lordships that the business is at last entered upon by the noble lords laying the papers before you. As I suppose your lordships too well apprized of their contents, I hope I am not premature in submitting to you my present motion—

"That an humble address be presented to his Majesty, humbly to desire and beseech his Majesty that, in order to open the way towards a happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there ; and, above all, for preventing in the meantime any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes posted in their town : it may graciously please his Majesty that immediate orders be despatched to General Gage for removing his Majesty's forces from the town of Boston as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable."

I wish, my Lords, not to lose a day in this urgent, pressing crisis ; an hour now lost in allaying ferments in America may produce years of calamity. For my own part, I will not desert

for a moment the conduct of this weighty business from the first to the last, unless nailed to my bed by the extremity of sickness. I will give it unremitted attention ; I will knock at the door of this sleeping and confounded ministry, and will rouse them to a sense of their important danger.

When I state the importance of the Colonies to this country, and the magnitude of danger hanging over this country from the present plan of misadministration practised against them, I desire not to be understood to argue for a reciprocity of indulgence between England and America. I contend not for indulgence, but justice to America ; and I shall ever contend that the Americans justly owe obedience to us in a limited degree—they owe obedience to our ordinances of trade and navigation ; but let the line be skilfully drawn between the objects of those ordinances and their private, internal property ; let the sacredness of their property remain inviolate ; let it be taxable only by their own consent, given in their provincial assemblies, else it will cease to be property. As to the metaphysical refinements, attempting to show that the Americans are equally free from obedience and commercial restraints as from taxation for revenue, as being unrepresented here, I pronounce them as futile, frivolous, and groundless.

When I urge this measure of recalling the troops from Boston, I urge it on this pressing principle—that it is necessarily preparatory to the restoration of your peace and the establishment of your prosperity. It will then appear that you are disposed to treat amicably and equitably ; and to consider, revise, and repeal, if it should be found necessary, as I affirm it will, those violent acts and declarations which have disseminated confusion throughout your Empire.

Resistance to your acts was necessary, as it was just ; and your vain declarations of the omnipotence of Parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince, or to enslave, your fellow-subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature, or the bodies who comprise it, is equally intolerable to British subjects.

The means of enforcing this thralldom are found to be as ridiculous and weak in practice as they are unjust in principle. Indeed, I cannot but feel the most anxious sensibility for the situation of General Gage and the troops under his command; thinking him, as I do, a man of humanity and understanding, and entertaining, as I ever will, the highest respect, the warmest love, for the British troops. Their situation is truly unworthy; penned up—pining in inglorious inactivity. They are an army of impotence. You may call them an army of safety and guard, but they are in truth an army of impotence and contempt; and, to make the folly equal to the disgrace, they are an army of irritation and vexation. But I find a report creeping abroad, that ministers censure General Gage's inactivity; let them censure him—it becomes them—it becomes their justice and their honour. I mean not to censure his inactivity; it is a prudent and necessary inaction; but it is a miserable condition, where disgrace is prudence, and where it is necessary to be contemptible. This tameness, however contemptible, cannot be censured; for the first drop of blood shed in civil and unnatural war might be *immedicabile pulnus*.

I therefore urge and conjure your lordships immediately to adopt this conciliating measure. I will pledge myself for its immediately producing conciliatory effects by its being thus well timed; but if you delay till your vain hope shall be accomplished, of triumphantly dictating reconciliation, you delay for ever. But admitting that this hope, which in truth is desperate, should be accomplished, what do you gain by the imposition of your victorious amnesty? You will be untrusted and unthanked. Adopt, then, the grace while you have the opportunity of reconciliation, or at least prepare the way. Allay the ferment prevailing in America by removing the obnoxious hostile cause—obnoxious and unserviceable, for their merit can be only inaction. *Non dimicare et vincere*—their victory can never be by exertions. Their force would be most disproportionately exerted against a brave, generous, and united people, with arms in their hands, and courage in their hearts—three millions of people, the genuine descendants of a valiant and pious ancestry,

driven to those deserts by the narrow maxims of a superstitious tyranny. And is the spirit of persecution never to be appeased? Are the brave sons of those brave forefathers to inherit their sufferings, as they have inherited their virtues? Are they to sustain the infliction of the most impressive and unexampled severity, beyond the accounts of history or description of poetry. "*Rhadamanthus habet durissima regna, castigatque, auditque.*" So says the wisest poet and perhaps the wisest statesman and politician. But our ministers say, the Americans must not be heard. They have been condemned unheard. The indiscriminate hand of vengeance has lumped together innocent and guilty, with all the formalities of hostility has blocked up the town (Boston), and reduced to beggary and famine thirty thousand inhabitants.

But his Majesty is advised that the union in America cannot last. Ministers have more eyes than I, and should have more ears; but with all the information I have been able to procure, I can pronounce it a union, solid, permanent, and effectual. Ministers may satisfy themselves and delude the public with the report of what they call commercial bodies in America. They are not commercial; they are your packers and factors; they live upon nothing—for I call commission nothing. I mean the ministerial authority for this American intelligence; the runners for Government, who are paid for their intelligence. But these are not the men, nor this the influence, to be considered in America when we estimate the firmness of their union. Even to extend the question, and to take in the really mercantile circle, will be totally inadequate to the consideration. Trade indeed increases the wealth and glory of a country; but its real strength and stamina are to be looked for among the cultivators of the land; in their simplicity of life is found the simpleness of virtue—the integrity and courage of freedom. These true, genuine sons of the earth are invincible; and they surround and hem in the mercantile bodies; even if these bodies, which supposition I totally disclaim, could be supposed disaffected to the cause of liberty. Of this general spirit existing in the British nation

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(for so I wish to distinguish the real and genuine Americans from the pseudo-traders I have described), of this spirit of independence animating the nation of America, I have the most authentic information. It is not new among them; it is, and has ever been, their established principle, their confirmed persuasion; it is their nature and their doctrine.

I remember some years ago, when the repeal of the Stamp Act was in agitation, conversing in a friendly confidence with a person of undoubted respect and authenticity on that subject; and he assured me with a certainty which his judgment and opportunity gave him, that these were the prevalent and steady principles of America—that you might destroy their towns, and cut them off from the superfluities, perhaps the conveniences of life; but that they were prepared to despise your power, and would not lament their loss, whilst they have—what, my lords?—their woods and their liberty. The name of my authority, if I am called upon, will authenticate the opinion irrefragably. (It was Dr. Franklin.)

If illegal violences have been, as it is said, committed in America, prepare the way, open the door (if possibility, for acknowledgment and satisfaction; but proceed not to such coercion, such prescription; cease your indiscriminate inflictions; amerce not thirty thousand; oppress not three millions, for the fault of forty or fifty individuals. Such severity of injustice must for ever render incurable the wounds you have already given your Colonies; you irritate them to unappeasable rancour. What though you march from town to town, and from province to province; though you should be able to secure the obedience of the country you leave behind you in your progress, to grasp the dominion of eighteen hundred miles of continent, populous in numbers possessing valour, liberty, and resistance?

This resistance to your arbitrary system of taxation might have been foreseen; it was obvious from the nature of things, and of mankind; and above all, from the Whiggish spirit flourishing in that country. The spirit which now resists your taxation in America is the same which formerly opposed

loans, benevolences, and ship-money in England; the same spirit which called all England on its legs, and by the Bill of Rights vindicated the English constitution; the same spirit which established the great fundamental, essential maxim of your liberties—that no subject of England shall be taxed but by his own consent.

This glorious spirit of Whiggism animates three millions in America, who prefer poverty with liberty to gilded chains and sordid affluence; and who will die in defence of their rights as men, as freemen. What shall oppose this spirit, aided by the congenial flame glowing in the breasts of every Whig in England, to the amount, I hope, of double the American numbers? Ireland they have to a man. In that country, joined as it is with the cause of colonies, and placed at their head, the distinction I contend for is and must be observed. This country superintends and controls their trade and navigation; but they tax themselves. And this distinction between external and internal control is sacred and insurmountable; it is involved in the abstract nature of things. Property is private, individual, absolute. Trade is an extended and complicated consideration; it reaches as far as ships can sail or winds can blow; it is a great and various machine. To regulate the numberless movements of its several parts, and combine them with effect, for the good of the whole, requires the superintending wisdom and energy of the supreme power in the empire. But this supreme power has no effect towards internal taxation, for it does not exist in that relation; there is no such thing, no such idea in this constitution, as a supreme power operating upon property. Let this distinction remain for ever ascertained: taxation is theirs, commercial regulation is ours. As an American, I would recognise to England her supreme right of regulating commerce and navigation; as an Englishman by birth and principle, I recognise to the Americans their supreme unalienable right to their property—a right which they are justified in the defence of to the last extremity. To maintain this principle is the common cause of the Whigs



on the other side of the Atlantic, and on this. "'Tis liberty to liberty engaged," that they will defend themselves, their families, and their country. In this great cause they are immovably allied; it is the alliance of God and nature—immutable, eternal, fixed as the firmament of heaven.

To such united force, what force shall be opposed? What, my lords? A few regiments in America, and seventeen or eighteen thousand men at home! The idea is too ridiculous to take up a moment of your lordships' time. Nor can such a rational and principled union be resisted by the tricks of office or ministerial manœuvre. Laying of papers on your table, or counting numbers on a division, will not avert or postpone the hour of danger; it must arrive, my lords, unless these fatal Acts are done away; it must arrive in all its horrors, and then these boastful ministers, spite of all their confidence, and all their manœuvres, shall be forced to hide their heads. They shall be forced to a disgraceful abandonment of their present measures and principles, which they avow but cannot defend—measures which they presume to attempt, but cannot hope to effectuate. They cannot, my lords, they cannot stir a step; they have not a move left; they are checkmated.

But it is not repealing this Act of Parliament, it is not repealing a piece of parchment, that can restore America to our bosom: you must repeal her fears and her resentments; and you may then hope for her love and gratitude. But now, insulted with an armed force posted at Boston, irritated with an hostile array before her eyes, her concessions, if you could force them, would be suspicious and insecure; they will be *irato animo*; they will not be the sound, honourable passions of freemen, they will be dictates of fear, and extortions of force. But it is more than evident that you cannot force them, united as they are, to your unworthy terms of submission—it is impossible; and when I hear General Gage censured for inactivity, I must retort with indignation on those whose intemperate measures and improvident councils have betrayed him into his present situation. His situation reminds me, my lords, of the answer of a French general in the civil wars of



France—Monsieur Condé opposed to Monsieur Turenne. He was asked how it happened that he did not take his adversary prisoner, as he was often very near him : "*J'ai peur*," replied Condé very honestly, "*J'ai peur qu'il ne me prenne*" (I'm afraid he'll take me).

When your lordships look at the papers transmitted us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow that in all my reading and observation—and it has been my favourite study: I have read Thucydides, and have studied and admired the master-states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia. I trust it is obvious to your lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain, must be fatal. We shall be forced ultimately to retract; let us restrain while we can, not when we must. I say we must necessarily undo these violent oppressive Acts; they must be repealed—you will repeal them; I pledge myself for it, that you will in the end repeal them; I stake my reputation on it:—I will consent to be taken for an idiot, if they are not finally repealed. Avoid, then, this humiliating, disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord, to peace, and happiness; for that is your true dignity, to act with prudence and justice. That you should first concede is obvious, from sound and rational policy. Concession comes with better grace and more salutary effect from superior power; it reconciles superiority of power with the feelings of men, and establishes solid confidence on the foundations of affection and gratitude.

So thought a wise poet and a wise man in political sagacity, the friend of Mæcenas, and the eulogist of Augustus—to him the adopted son and successor, the first Cæsar, to him the

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master of the world, he wisely urged this conduct of prudence and dignity: "*Tuque puer, tu parce; projice tela manu.*"

Every motive, therefore, of justice and of policy, of dignity and prudence, urges you to allay the ferment in America—by a removal of your troops from Boston, by a repeal of your Acts of Parliament, and by demonstration of amicable dispositions towards your Colonies. On the other hand, every danger and every hazard impend to deter you from perseverance in your present ruinous measures—foreign war hanging over your heads by a slight and brittle thread; France and Spain watching your conduct, and waiting for the maturity of your errors; with a vigilant eye to America, and the temper of your Colonies, more than to their own concerns, be they what they may.

To conclude, my lords, if the ministers thus persevere in misadvising and misleading the King, I will not say that they can alienate the affections of his subjects from his crown; but I will affirm that they will make the crown not worth his wearing. I will not say that the King is betrayed; but I will pronounce that the kingdom is undone.

## EDMUND BURKE.

*Speech on Moving Resolutions for Conciliation with the  
American Colonies, March 22, 1775.*

[IN this speech Burke pleaded the cause of the American Colonies against the policy of the English Government, concluding with resolutions which set forth the equity and justice of taxation by grant, not by imposition, which marked the legal competence of the Colonial assemblies for the support of their Government in peace and for public aids in time of war, which set forth that such legal competence had had a dutiful and beneficial exercise, and that experience had shown the benefit of Colonial grants and the futility of Parliamentary taxation as a method of supply. Upon the first resolution, with which he concluded, the previous question was put and carried by 270 to 78 votes. The other resolutions were defeated either by the direct negative or the previous question. This great and wise attempt to restrain the folly of the English Government was made on the very eve of the strife, exactly one month before the fight at Concord.

Dr. Arnold declared that every statesman should be a close and unremitting student of Aristotle's *Politics*. A similar tribute of praise might justly be paid to this great oration of Burke's. In many respects it is the most important specimen of British oratory. For the deepest thought, for the most practical political wisdom, for the most searching exposition of the principles which should guide the action of a constitutional statesman, it stands unrivalled. And it has, too, the singular charm of a rich and noble eloquence, of apothegms and maxims which stick in the mind and which possess the quality of the most enduring literature. From this speech, too, all partisan elements are absent. Goldsmith gently chided Burke for his strict Whiggism :

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"Who, born for the universe, narrow'd his mind,  
And to party gave up what was meant for mankind."

But there is no party element here. It is the utterance of a philosopher clothed in the language of a great man of letters. It was the solemn appeal of a great and wise man to men who were small and foolish, and whose neglect of its warnings brought disaster and humiliation on their country.]

I HOPE, Sir, that, notwithstanding the austerity of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House.\* I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any

\* The Act to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations.

incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so on this side of the grave. When I first had the honour of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to censure on

the motives of former parliaments to all those alterations, one fact is undoubted—that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member\* of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinise our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government, and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my hon. friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was

\* Mr. Rose Fuller.

indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far in to his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our colonies, I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure that, if any proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was

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nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is: and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendour of the project which has been lately laid upon your table by the noble lord in the blue riband.\* It

\* "That when the governor, council, or assembly, or general court, of any of his Majesty's provinces or colonies in America, shall *propose* to make provision, *according to the condition, circumstances, and situation*, of such province or colony, for contributing their *proportion* to the *common defence* (such *proportion* to be raised under the authority



does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalise and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address, notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone further: it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have

of the general court, or general assembly, of such province or colony, and disposable by parliament), and shall engage to make provision also for the support of the civil government, and the administration of justice, in such province or colony, it will be proper, *if such proposal shall be approved by his Majesty, and the two Houses of Parliament*, and for so long as such provision shall be made accordingly, to forbear, *in respect of such province or colony*, to levy any duty, tax, or assessment, or to impose any further duty, tax, or assessment, except such duties as it may be expedient to continue to levy or impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such province or colony respectively."—Resolution moved by Lord North in the committee; and agreed to by the House, 27th February 1775.

proposed a capital alteration ; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new ; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end ; and this I shall endeavour to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation ; and, where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such an one is disarmed, he is wholly at the mercy of his superior ; and he loses for ever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two : First, whether you ought to concede ; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America according to that nature, and to those circumstances ; and not according to our own imaginations ; nor according to abstract ideas of right ; by no means according

to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below 2,000,000 of inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world, that state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so

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large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person\* at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time than that, to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view from whence, if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an

\* Mr. Glover.

original manuscript of Davenant, who first established the inspector-general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African, which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade. \*

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus—

Exports to North America, and the West	
Indies . . . . .	£483,265
To Africa . . . . .	86,665
	<hr/>
	<u>£569,930</u>

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows :—

To North America, and the West Indies .	£4,791,734
To Africa . . . . .	866,398
To which if you add the export trade	
from Scotland, which had in 1704 no	
existence . . . . .	<hr/>
	364,000
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	<u>£6,022,132</u>

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelve-fold. This is the state of the colony trade, as compared with itself at these

two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England,	
including that to the colonies, in 1704	£6,509,000
Export to the colonies alone, in 1772	6,024,000
	<hr/>
Difference	£485,000
	<hr/>

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within

the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit poterit cognoscere virtus*—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision, that when, in the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation which (by the happy issue of moderate and healing councils) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one—If, amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him, “Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilising conquests and civilising settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!” If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man,



he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded they will export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past, the Old World has been fed from the New. The scarcity which you



have felt would have been a desolating famine if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought these acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this

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happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigour relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in my detail is admitted in the gross, but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will, of course, have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated,

sunk, wasted, and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much further: they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of

liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favour and every kind of support from authority. The Church of

England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent; and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen object to the latitude of this description; because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air,

may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and

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learned friend\* on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you that should fret and rage, and bite the chains of nature?—Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and

\* The Attorney-General.



Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources: of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but—what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon

to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already ! What monsters have not been generated from this unnatural contention ! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority ; we never dreamt they could of themselves supply it ; knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient assembly should sit, the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours ; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called ; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people ; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was

not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

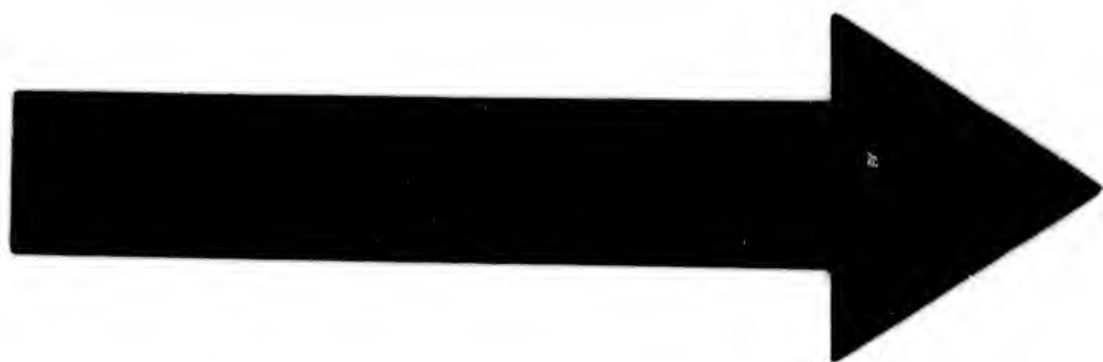
Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some

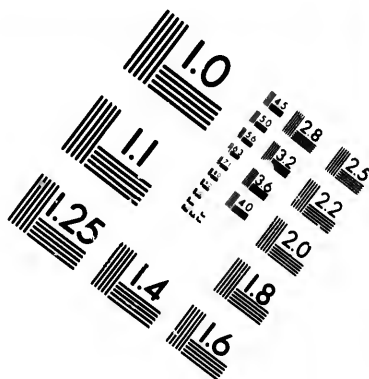
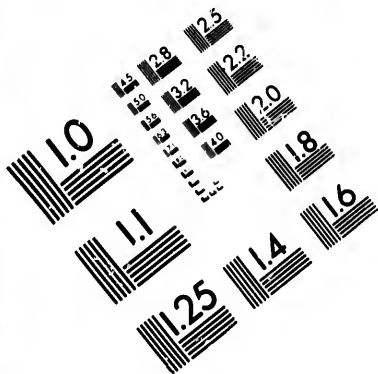
of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are—To change that spirit, as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

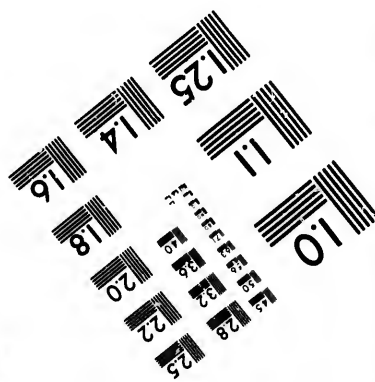
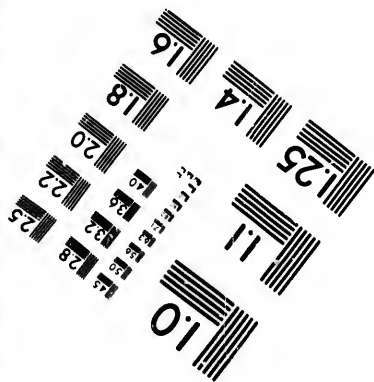
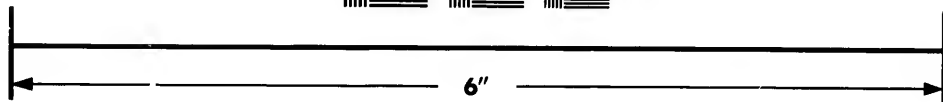
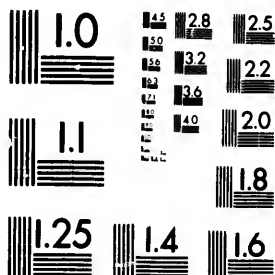
The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the





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value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.



Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember when you have completed your system of impoverishment that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their

republican religion as their free descent ; or to substitute the Roman Catholic as a penalty ; or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World ; and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science ; to banish their lawyers from their courts of laws ; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army by which we must govern in their place would be far more chargeable to us ; not quite so effectual ; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists ; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves ; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too ; and arm servile hands in defence of freedom ? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters ? from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more

in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. "Ye gods, annihilate but space and time, and make two lovers happy!"—was a pious and passionate prayer;—but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on their regular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I hope I am not ripe to pass

sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one common head; whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill-blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power. For to talk of the privileges of a state, or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded against his will, or his acts, his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess

that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence ; unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see the same party at once a civil litigant against me in point of right, and a culprit before me ; while I sit as a criminal judge on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations ; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient ; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such ; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address ; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent ; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or if applicable, are in the highest degree inexpedient; what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession: whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on

this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog, betwixt Damietta and Mount Casius old, where armies whole have sunk*. I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do; but what humanity, reason, and justice tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all



ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is *to admit the people of our colonies into an interest in the constitution*; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language



even of a gentleman\* of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse whenever I hear it ; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord† in the blue riband shall tell you that the restraints on trade are futile and useless ; of no advantage to us, and of no burthen to those on whom they are imposed ; that the trade to America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes ; when the scheme is dissected ; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies ; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme ; then, Sir, the sleeping trade laws revive from their trance ; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value ; and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For, without idolising them, I am sure they are still, in many ways, of great use to us ; and in former times they

\* Mr. Rice.

† Lord North.

have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations ; or that these commercial regulations are the true ground of the quarrel ; or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions ; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation ? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures ? Surely it is preposterous at the very best. It is not justifying your anger by their misconduct ; but it is converting your ill-will into their delinquency.

But the colonies will go further. Alas ! alas ! when will this speculating against fact and reason end ? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct ? Is it true, that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects ? Is there anything peculiar in this case, to make a rule for itself ? Is all authority of course lost, when it is not pushed to the extreme ? Is it a certain

maxim, that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience: they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind which was the most natural and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them; and the issue of their affairs showed that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me; those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form is disputed among antiquarians. But we have all the reason in the world to be assured that a form of parliament, such as England then enjoyed, she instantly

communicated to Ireland ; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil ; and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing ; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You charged the people ; you altered the religion ; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings ; you restored them ; you altered the succession to theirs, as well as to your own crown ; but you never altered their constitution ; the principle of which was respected by usurpation ; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is ; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the

hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as

you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do ; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of parliament and the use of it!—I admit it fully ; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus* ; that it was an unprofitable and oppressive burthen ; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured ; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII. the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established ; the military power gave way to the civil ; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and

not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of parliament. From that moment, as by a charm, the tumults subsided, obedience was restored, peace, order, and civilisation followed in the train of liberty. When the day-star of the English constitution had arisen in their hearts all was harmony within and without—

“—*Simul alba nautis  
Stella refulsit,  
Defluit saxis agitatus humor ;  
Concidunt venti, fugiuntque nubes,  
Et minax (quod sic voluere) ponto  
Unda recumbit.*”

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others ; and from thence Richard II. drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you :

“To the king our sovereign lord, in most humble wise shown unto your excellent Majesty, the inhabitants of your Grace’s county palatine of Chester ; That where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said court ; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country : (2) And forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said Highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have



had their knights and burgesses within your said court of parliament, and yet have had neither knight ne burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did parliament with this audacious address?—Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilised as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II. with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and, without affecting the abstract extent of the authority of parliament, it recognises the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the acts of parliament, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry



VIII. says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How, then, can I think it insufficient for those which are infinitely greater and infinitely more remote?

You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately, I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republic of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my feet, *and the rude swain treads daily on it with his clouted shoon*. I only wish you to recognise, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you as best, and in which you walked with security, advantage, and honour until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition*. To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had a *dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set you can hardly reject the others. But if you admit the first I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that if you admitted these, you would command an immediate peace; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—

"That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament." This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—"That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of parliament of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors the fault is not mine. It is the language of your own ancient acts of parliament.

*"Non meus hic sermo, sed quæ præcepit Ofellus,  
Rusticus, abnormis sapiens."*

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country. I did not dare to rub off a particle of the venerable rust that rather adorns and preserves than destroys the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering: the odious

vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written ; I was resolved to use nothing else than the form of sound words ; to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case ; although parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes ? If so, why were they almost all either wholly repealed or exceedingly reduced ? Were they not touched and grieved even by the regulating duties of the sixth of George II. ? Else why were the duties first reduced to one-third in 1764, and afterwards to a third of that third in the year 1766 ? Were they not touched and grieved by the Stamp Act ? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce ? Is not the assurance given by that noble person to the colonies of a

resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue riband, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies." This is an assertion of a fact. I go no further on the paper; though, in my private judgment, an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

The fourth resolution is—"That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is "an aid to his Majesty"; and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the crown. I say that if the crown could be responsible, his Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all presidents

of the council, all secretaries of state, all first lords of trade, all attorneys and all solicitors general? However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament." To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April 1748\* a committee of this House came to the following resolution:—

"Resolved,

"That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies."

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January 1756† a message from the king came to us, to this effect—"His Majesty, being sensible of the

\* *Journals of the House*, vol. xxv.

† *Ibid.* vol. xxvii.

zeal and vigour with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a *proper reward and encouragement*."

On the 3rd of February 1756\* the House came to a suitable resolution, expressed in words nearly the same as those of the message ; but with the further addition, that the money then voted was as an *encouragement* to the colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions, I will only refer you to the places in the journals :

Vol. xxvii.—16th and 19th May 1757.

Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759—  
March 26th and 31st, and April 28th, 1760—  
January 9th and 20th, 1761.

Vol. xxix.—Jan. 22nd and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things : first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them ; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful ; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own ; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honourable to them and to you, will, indeed, be

\* *Journals of the House*, vol. xxvii.



mortal to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House that the colonies were then in debt two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this statement, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*—Where is it?—let us know the volume and the page—what is the gross, what is the net produce?—to what service is it applied?—how have you appropriated its surplus?—What, can none of the many skilful index-makers that we are now employing find any trace of it?—Well, let them and that rest together.—But are the journals, which say nothing of the revenue, as silent on the discontent?—Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those journals, justified in the sixth and last resolution, which is—"That it hath been found



by experience that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies." This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert, that you took on yourselves the task of imposing colony taxes, from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination, or fact; whether you prefer enjoyment, or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: "That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoanuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act to discontinue, in such manner

and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for the better regulating the government of the province of Massachusetts Bay, in New England.—And, also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry the Eighth, intituled, An act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence which induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts colony, though the crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in

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the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiassed judicature; for which purpose, Sir, I propose the following resolution: "That, from the time when the general assembly or general court of any colony or plantation in North America shall have appointed by act of assembly, duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such colony, shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives

severally, or of the colony in which the said chief justice and other judges have exercised the said offices."

The next resolution relates to the courts of admiralty.

It is this:—"That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorised by the fifteenth chapter of the fourth of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance of the judges in the same."

These courts I do not wish to take away; they are in themselves proper establishments. This court is one of the capital securities of the act of navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly, of this grievance.\*

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government; which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly encumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation,

\* The Solicitor-General informed Mr. B. when the resolutions were separately moved that the grievance of the judges partaking of the profits of the seizure had been redressed by office; accordingly the resolution was amended.

stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer that *the words are the words of Parliament, and not mine*; and that all false and inconclusive inferences drawn from them are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to have read at your table in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights of parliament and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for, whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine that mankind follow

up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty; perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risking everything that is dear to him. In every arduous enterprise, we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces: and I confess, I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, which was preserved entire, although Wales and Chester and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say

something of the proposition of the noble lord\* on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution.

It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili* is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the antechamber of the noble lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back-door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate

\* Lord North.



either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties, which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the mode; nor indeed anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in

principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures, for the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect that the colony bounds are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered that either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue: or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual

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payment. Suppose one, two, five, ten years' arrears. You cannot issue a treasury extent against the failing colony. You must make new Boston Port Bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realise. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their

ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of REFUSAL; the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 : 11 : 2½ths, nor any other paltry limited sum.—But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca*. Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume that, in any country, a body duly constituted for any function will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honour of their own government, that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the

soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world.

Next, we know that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious. "*Ease would retract vows made in pain, as violent and void.*"

I, for one, protest against compounding our demands; I declare against compounding for a poor limited sum the immense, overgrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? For certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes.

If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of

price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply which gives you your army? or that it is the mutiny bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us; a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have



mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the Church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests, by not destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit*) lay the first stone of the temple of peace; and I move you—

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament.”

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Upon this resolution, the previous question was put, and carried—for the previous question, 270; against it, 78.

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As the propositions were opened separately in the body of the speech, the reader perhaps may wish to see the whole of them together, in the form in which they were moved for.

“Moved,

“That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments,



and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament."

"That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*"

"That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies."

"That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services."\*

"That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their

\* The first four motions and the last had the previous question put on them. The others were negatived.

The words in italics were, by an amendment that was carried, left out of the motion; which will appear in the journals, though it is not the practice to insert such amendments in the votes.

cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament."

"That it hath been found by experience that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies."

"That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoa-nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

"That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America."

"That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for the impartial administration of justice, in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England."

"That it is proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for the better regulating the government of the province of Massachusetts Bay, in New England."

"That it is proper to explain and amend an act made in the

thirty-fifth year of the reign of King Henry VIII., intituled, An act for the trial of treasons committed out of the king's dominions."

"That, from the time when the general assembly, or general court, of any colony or plantation, in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office."

"That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorised by the fifteenth chapter of the fourth of George III., in such a manner, as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*"

## HENRY GRATTAN.

*Declaration of Irish Rights. Irish House of Commons,  
April 19, 1780.*

[HENRY GRATTAN was the greatest Parliamentary orator and one of the greatest statesman Ireland has produced. His appearance in the Irish political arena was the signal for a determined and successful effort in behalf of Irish legislative independence. Ireland's right to make her own laws was first effected by an Act of the reign of Henry VII., commonly known as Poynings' Law, after Sir E. Poynings, the Irish Lord Deputy, before whom the Act in question was passed by a Parliament held at Drogheda. This enacted that no Parliament should be held in Ireland till the Lord Lieutenant and Privy Council should certify to the King, under the great seal of Ireland, the causes, considerations, and Acts that were to pass; that the same should be affirmed by the King and Privy Council in England, and the King's permission to summon a Parliament in Ireland be obtained. In the reign of George I. the Irish Parliament was still further subordinated by an Act which declared Ireland a dependent kingdom, and set forth that the King, Lords, and Commons of England had the power to make laws to bind Ireland without the consent of the Irish Parliament, and that the Irish House of Lords had no appellate jurisdiction. Irish nationalism was greatly stirred by such writers as Lucas, Molyneux, and Swift; by the entry of Flood and Grattan into the Irish House of Commons; by the successful revolt of the American colonies, and by the formation of the volunteers, whose resolutions gave substantial aid to Grattan. Thus fortified, Grattan moved in the Irish Parliament, on April 19, 1780:—"That the King's most excellent Majesty, and the Lords and Commons of Ireland, are the only power competent to make laws to bind Ireland." It was in support of this motion that the

following great oration was delivered. A Whig ministry, containing many of Grattan's friends, was in office at the time, and it acceded generally to the Irish demands in the month of May 1782. "Grattan's Parliament" was thus constituted, and it existed until 1800, when it was extinguished by the Act of Union.]

SIR, I have entreated an attendance on this day, that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woollen manufacture, or when the 6th of George the First declared this country to be dependent, and subject to laws to be enacted by the Parliament of England, I should have made a covenant with my own conscience to seize the first moment of rescuing my country from the ignominy of such acts of power ; or, if I had a son, I should have administered to him an oath that he would consider himself a person separate and set apart for the discharge of so important a duty ; upon the same principle am I now come to move a declaration of right, the first moment occurring, since my time, in which such a declaration could be made with any chance of success, and without aggravation of oppression.

Sir, it must appear to every person that, notwithstanding the import of sugar and export of woollens, the people of this country are not satisfied—something remains ; the greater work is behind ; the public heart is not well at ease. To promulgate our satisfaction ; to stop the throats of millions with the votes of Parliament ; to preach homilies to the volunteers ; to utter invectives against the people under pretence of affectionate advice, is an attempt, weak, suspicious, and inflammatory.

You cannot dictate to those whose sense you are entrusted to represent ; your ancestors, who sat within these walls, lost to Ireland trade and liberty ; you, by the assistance of the people, have recovered trade, you still owe the kingdom liberty ; she calls upon you to restore it.

The ground of public discontent seems to be, "we have gotten commerce, but not freedom": the same power which took away the export of woollens and the export of glass may take them away again; the repeal is partial, and the ground of repeal is upon a principle of expediency.

Sir, expedient is a word of appropriated and tyrannical import; expedient is an ill-omened word, selected to express the reservation of authority, while the exercise is mitigated; expedient is the ill-omened expression of the Repeal of the American stamp act. England thought it expedient to repeal that law; happy had it been for mankind, if, when she withdrew the exercise, she had not reserved the right! To that reservation she owes the loss of her American empire, at the expense of millions, and America the seeking of liberty through a sea of bloodshed. The repeal of the woollen act, similarly circumstanced, pointed against the principle of our liberty, present relaxation, but tyranny in reserve, may be a subject for illumination to a populace, or a pretence for apostacy to a courtier, but cannot be the subject of settled satisfaction to a freeborn, an intelligent, and an injured community. It is therefore they consider the free trade as a trade *de facto*, not *de jure*, a licence to trade under the Parliament of England, not a free trade under the charters of Ireland, as a tribute to her strength; to maintain which, she must continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe. This dissatisfaction, founded upon a consideration of the liberty we have lost, is increased when they consider the opportunity they are losing; for if this nation, after the death-wound given to her freedom, had fallen on her knees in anguish, and besought the Almighty to frame an occasion in which a weak and injured people might recover their rights, prayer could not have asked, nor God have furnished, a moment more opportune for the restoration of liberty, than this in which I have the honour to address you.

England now smarts under the lesson of the American war;

the doctrine of Imperial legislature she feels to be pernicious; the revenues and monopolies annexed to it she has found to be untenable, she lost the power to enforce it; her enemies are a host, pouring upon her from all quarters of the earth; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last connection, you are the only nation in Europe that is not her enemy. Besides, there does, of late, a certain damp and spurious supineness overcast her arms and councils, miraculous as that vigour which has lately inspired yours;—for with you everything is the reverse; never was there a Parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army; nor do we only possess an unconquerable force, but a certain unquenchable public fire, which has touched all ranks of men like a visitation.

Turn to the growth and spring of your country, and behold and admire it; where do you find a nation who, upon whatever concerns the rights of mankind, expresses herself with more truth or force, perspicuity or justice? not the set phrase of scholastic men, not the tame unreality of court addresses, not the vulgar raving of a rabble, but the genuine speech of liberty, and the unsophisticated oratory of a free nation.

See her military ardour, expressed not only in 40,000 men, conducted by instinct as they were raised by inspiration, but manifested in the zeal and promptitude of every young member of the growing community. Let corruption tremble; let the enemy, foreign or domestic, tremble; but let the friends of liberty rejoice at these means of safety and this hour of redemption. Yes, there does exist an enlightened sense of rights, a young appetite for freedom, a solid strength, and a rapid fire, which not only put a declaration of right within your power, but put it out of your power to decline one. Eighteen counties are at your bar; they stand there with the compact of Henry, with the charter of John, and with all the

passions of the people. "Our lives are at your service, but our liberties—we received them from God; we will not resign them to man." Speaking to you thus, if you repulse these petitioners, you abdicate the privileges of Parliament, forfeit the rights of the kingdom, repudiate the instruction of your constituents, bilge the sense of your country, palsy the enthusiasm of the people, and reject that good which not a minister, not a Lord North, not a Lord Buckinghamshire, not a Lord Hillsborough, but a certain providential conjuncture, or rather the hand of God, seems to extend to you. Nor are we only prompted to this when we consider our strength; we are challenged to it when we look to Great Britain. The people of that country are now waiting to hear the Parliament of Ireland speak on the subject of their liberty: it begins to be made a question in England whether the principal persons wish to be free: it was the delicacy of former parliaments to be silent on the subject of commercial restrictions, lest they should show a knowledge of the fact, and not a sense of the violation; you have spoken out, you have shown a knowledge of the fact, and not a sense of the violation. On the contrary, you have returned thanks for a partial repeal made on a principle of power; you have returned thanks as for a favour, and your exultation has brought your charters as well as your spirit into question, and tends to shake to her foundation your title to liberty: thus you do not leave your rights where you found them. You have done too much not to do more; you have gone too far not to go on; you have brought yourselves into that situation, in which you must silently abdicate the rights of your country, or publicly restore them. It is very true you may feed your manufacturers, and landed gentlemen may get their rents, and you may export woollen, and may load a vessel with baize, serges, and kerseys, and you may bring back again directly from the plantations, sugar, indigo, specklewood, beetle-root, and panellas. But liberty, the foundation of trade, the charters of the land, the independency of Parliament, the securing, crowning, and the consummation of everything, are yet to come. Without them the work is imperfect, the

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foundation is wanting, the capital is wanting, trade is not free, Ireland is a colony without the benefit of a charter, and you are a provincial synod without the privileges of a parliament.

I read Lord North's proposition ; I wish to be satisfied, but I am controlled by a paper, I will not call it a law, it is the sixth of George the First. [The paper was read.] I will ask the gentlemen of the long robe is this the law? I ask them whether it is not practice? I appeal to the judges of the land, whether they are not in a course of declaring that the Parliament of Great Britain, naming Ireland, binds her? I appeal to the magistrates of justice, whether they do not, from time to time, execute certain acts of the British Parliament? I appeal to the officers of the army, whether they do not fine, confine, and execute their fellow-subjects by virtue of the Mutiny Act, an act of the British Parliament ; and I appeal to this House whether a country so circumstanced is free. Where is the freedom of trade? where is the security of property? where is the liberty of the people? I here, in this Declamatory Act, see my country proclaimed a slave! I see every man in this house enrolled a slave! I see the judges of the realm, the oracles of the law, borne down by an unauthorised foreign power, by the authority of the British Parliament against the law! I see the magistrates prostrate, and I see Parliament witness of these infringements, and silent (silent or employed to preach moderation to the people, whose liberties it will not restore)! I therefore say, with the voice of 3,000,000 of people, that, notwithstanding the import of sugar, beetle-wood and panellas, and the export of woollens and kerseys, nothing is safe, satisfactory, or honourable, nothing except a declaration of right. What! are you, with 3,000,000 of men at your back, with charters in one hand and arms in the other, afraid to say you are a free people? Are you, the greatest House of Commons that ever sat in Ireland, that want but this one act to equal that English House of Commons that passed the Petition of Right, or that other that passed the Declaration of Right, are you afraid to tell that British Parliament you are a free people? Are the cities and

the instructing counties, who have breathed a spirit that would have done honour to old Rome when Rome did honour to mankind, are they to be free by connivance? Are the military associations, those bodies whose origin, progress, and deportment have transcended, equalled at least, anything in modern or ancient story—is the vast line of northern army, are they to be free by connivance? What man will settle among you? Where is the use of the Naturalisation Bill? What man will settle among you? who will leave a land of liberty and a settled government for a kingdom controlled by the Parliament of another country, whose liberty is a thing by stealth, whose trade a thing by permission, whose judges deny her charters, whose Parliament leaves everything at random; where the chance of freedom depends upon the hope, that the jury shall despise the judge stating a British act, or a rabble stop the magistrate executing it, rescue your abdicated privileges, and save the constitution by trampling on the government, by anarchy and confusion?

But I shall be told that these are groundless jealousies, and that the principal cities, and more than one half of the counties of the kingdom, are misguided men, raising those groundless jealousies. Sir, let me become, on this occasion, the people's advocate, and your historian; the people of this country were possessed of a code of liberty similar to that of Great Britain, but lost it through the weakness of the kingdom and the pusillanimity of its leaders. Having lost our liberty by the usurpation of the British Parliament, no wonder we became a prey to her ministers; and they did plunder us with all the hands of all the harpies, for a series of years, in every shape of power, terrifying our people with the thunder of Great Britain, and bribing our leaders with the rapine of Ireland. The kingdom became a plantation, her Parliament, deprived of its privileges, fell into contempt; and, with the legislature, the law, the spirit of liberty, with her forms, vanished. If a war broke out, as in 1778, and an occasion occurred to restore liberty and restrain rapine, Parliament declined the opportunity; but, with an active servility and trembling loyalty, gave and granted,

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without regard to the treasure we had left, or the rights we had lost. If a partial separation was made upon a principle of expediency, Parliament did not receive it with the tranquil dignity of an august assembly, but with the alacrity of slaves.

The principal individuals, possessed of great property but no independency, corrupted by their extravagance, or enslaved by their following a species of English factor against an Irish people, more afraid of the people of Ireland than the tyranny of England, proceeded to that excess that they opposed every proposition to lessen profusion, extend trade, or promote liberty ; they did more, they supported a measure which, at one blow, put an end to all trade ; they did more, they brought you to a condition which they themselves did unanimously acknowledge a state of impending ruin ; they did this, talking as they are now talking, arguing against trade as they now argue against liberty, threatening the people of Ireland with the power of the British nation, and imploring them to rest satisfied with the ruins of their trade, as they now implore them to remain satisfied with the wreck of their constitution.

The people thus admonished, starving in a land of plenty, the victim of two Parliaments, of one that stopped their trade, the other that fed on their constitution, inhabiting a country where industry was forbid, or towns swarming with begging manufacturers, and being obliged to take into their own hands that part of government which consists in protecting the subject, had recourse to two measures, which, in their origin, progress, and consequence, are the most extraordinary to be found in any age or in any country—viz., a commercial and a military association. The consequence of these measures was instant ; the enemy that hung on your shores departed, the Parliament asked for a free trade, and the British nation granted the trade, but withheld the freedom. The people of Ireland are, therefore, not satisfied ; they ask for a constitution ; they have the authority of the wisest men in this house for what they now demand. What have these walls, for this last century, resounded ? The usurpation of the British Parliament, and the interference of the privy council. Have we

taught the people to complain, and do we now condemn their insatiability, because they desire us to remove such grievances, at a time in which nothing can oppose them, except the very men by whom these grievances were acknowledged ?

Sir, we may hope to dazzle with illumination, and we may sicken with addresses, but the public imagination will never rest, nor will her heart be well at ease—never ! so long as the Parliament of England exercises or claims a legislation over this country : so long as this shall be the case, that very free trade, otherwise a perpetual attachment, will be the cause of new discontent ; it will create a pride to feel the indignity of bondage ; it will furnish a strength to bite your chain, and the liberty withheld will poison the good communicated.

The British minister mistakes the Irish character : had he intended to make Ireland a slave, he should have kept her a beggar ; there is no middle policy ; win her heart by the restoration of her right, or cut off the nation's right hand ; greatly emancipate, or fundamentally destroy. We may talk plausibly to England, but so long as she exercises a power to bind this country, so long are the nation in a state of war ; the claims of the one go against the liberty of the other, and the sentiments of the latter go to oppose those claims to the last drop of her blood. The English opposition, therefore, are right ; mere trade will not satisfy Ireland—they judge of us by other great nations, by the nation whose political life has been a struggle for liberty ; they judge of us with a true knowledge of, and just deference for, our character—that a country enlightened as Ireland, chartered as Ireland, armed as Ireland, and injured as Ireland, will be satisfied with nothing less than liberty.

I admire that public-spirited merchant (Alderman Horan) who spread consternation at the Custom-house, and, despising the example which great men afforded, determined to try the question, and tendered for entry what the British Parliament prohibits the subject to export, some articles of silk, and sought at his private risk the liberty of his country ; with him I am convinced it is necessary to agitate the question of right. In vain will you endeavour to keep it back, the passion is too

natural, the sentiment is too irresistible ; the question comes on of its own vitality—you must reinstate the laws.

There is no objection to this resolution, except fears ; I have examined your fears ; I pronounce them to be frivolous. I might deny that the British nation was attached to the idea of binding Ireland ; I might deny that England was a tyrant at heart ; and I might call to witness the odium of North and the popularity of Chatham, her support of Holland, her contributions to Corsica, and the charters communicated to Ireland ; but ministers have traduced England to debase Ireland ; and politicians, like priests, represent the power they serve as diabolical, to possess with superstitious fears the victim whom they design to plunder. If England is a tyrant, it is you have made her so : it is the slave that makes the tyrant, and then murmurs at the master whom he himself has constituted. I do allow, on the subject of commerce, England was jealous in the extreme, and I do say it was commercial jealousy, it was the spirit of monopoly (the woollen trade and the act of navigation had made her tenacious of a comprehensive legislative authority), and having now ceded that monopoly, there is nothing in the way of your liberty except your own corruption and pusillanimity ; and nothing can prevent your being free except yourselves. It is not in the disposition of England ; it is not in the interest of England ; it is not in her arms. What ! can 8,000,000 of Englishmen, opposed to 20,000,000 of French, to 7,000,000 of Spanish, to 3,000,000 of Americans, reject the alliance of 3,000,000 in Ireland ? Can 8,000,000 of British men, thus outnumbered by foes, take upon their shoulders the expense of an expedition to enslave you ? Will Great Britain, a wise and magnanimous country, thus tutored by experience and wasted by war, the French navy riding her Channel, send an army to Ireland, to levy no tax, to enforce no law, to answer no end whatsoever, except to spoliage the charters of Ireland, and enforce a barren oppression ? What ! has England lost thirteen provinces ? has she reconciled herself to this loss, and will she not be reconciled to the liberty of Ireland ? Take notice, that the very constitution which I move you to declare,

Great Britain herself offered to America : it is a very instructive proceeding in the British history. In 1778 a commission went out, with powers to cede to the thirteen provinces of America, totally and radically, the legislative authority claimed over her by the British Parliament and the Commissioners, pursuant to their powers, did offer to all, or any, of the American States the total surrender of the legislative authority of the British Parliament. I will read you their letter to the Congress. [Here the letter was read, surrendering the power as aforesaid.] What ! has England offered this to the resistance of America, and will she refuse it to the loyalty of Ireland ? Your fears then are nothing but an habitual subjugation of mind ; that subjugation of mind which made you, at first, tremble at every great measure of safety ; which made the principal men amongst us conceive the commercial association would be a war ; that fear, which made them imagine the military association had a tendency to treason, which made them think a short money-bill would be a public convulsion ; and yet these measures have not only proved to be useful but are held to be moderate, and the Parliament that adopted them praised, not for its unanimity only, but for its temper also. You now wonder that you submitted for so many years to the loss of the woollen trade and the deprivation of the glass trade ; raised above your former abject state in commerce, you are ashamed at your past pusillanimity ; so when you have summoned a boldness which shall assert the liberties of your country—raised by the act, and reinvested, as you will be, in the glory of your ancient rights and privileges, you will be surprised at yourselves, who have so long submitted to their violation. Moderation is but a relative term ; for nations, like men, are only safe in proportion to the spirit they put forth, and the proud contemplation with which they survey themselves. Conceive yourselves a plantation, ridden by an oppressive government, and everything you have done is but a fortunate frenzy : conceive yourselves to be what you are, a great, a growing, and a proud nation, and a declaration of right is no more than the safe exercise of your indubitable authority.

But though you do not hazard disturbance by agreeing to this resolution, you do most exceedingly hazard tranquillity by rejecting it. Do not imagine that the question will be over when this motion shall be negatived. No ; it will recur in a vast variety of shapes and diversity of places. Your constituents have instructed you in great numbers, with a powerful uniformity of sentiment, and in a style not the less awful because full of respect. They will find resources in their own virtue, if they have found none in yours. Public pride and conscious liberty, wounded by repulse, will find ways and means of vindication. You are in that situation in which every man, every hour of the day, may shake the pillars of the state ; every court may swarm with the question of right ; every quay and wharf with prohibited goods : what shall the Judges, what the Commissioners, do upon this occasion ? Shall they comply with the laws of Ireland, and against the claims of England, and stand firm where you have capitulated ? shall they, on the other hand, not comply, and shall they persist to act against the law ? will you punish them if they do so ? will you proceed against them for not showing a spirit superior to your own ? On the other hand, will you not punish them ? Will you leave liberty to be trampled on by those men ? Will you bring them and yourselves, all constituted orders, executive power, judicial power, and parliamentary authority, into a state of odium, impotence, and contempt ; transferring the task of defending public right into the hands of the populace, and leaving it to the judges to break the laws, and to the people to assert them ? Such would be the consequence of false moderation, of irritating timidity, of inflammatory palliatives, of the weak and corrupt hope of compromising with the court, before you have emancipated the country.

I have answered the only semblance of a solid reason against the motion ; I will remove some lesser pretences, some minor impediments ; for instance, first, that we have a resolution of the same kind already on our Journals, it will be said ; but how often was the great charter confirmed ? not more frequently than your rights have been violated. Is one solitary resolution,



declaratory of your right, sufficient for a country whose history, from the beginning unto the end, has been a course of violation? The fact is, every new breach is a reason for a new repair; every new infringement should be a new declaration; lest charters should be overwhelmed with precedents to their prejudice, a nation's right obliterated, and the people themselves lose the memory of their own freedom.

I shall hear of ingratitude: I name the argument to despise it and the men who make use of it: I know the men who use it are not grateful, they are insatiate; they are public extortioners, who would stop the tide of public prosperity, and turn it to the channel of their own emolument: I know of no species of gratitude which should prevent my country from being free, no gratitude which should oblige Ireland to be the slave of England. In cases of robbery and usurpation, nothing is an object of gratitude except the thing stolen, the charter spoliated. A nation's liberty cannot, like her treasures, be meted and parcelled out in gratitude; no man can be grateful or liberal of his conscience, nor woman of her honour, nor nation of her liberty: there are certain unimpartable, inherent, invaluable properties not to be alienated from the person: whether body politic or body natural. With the same contempt do I treat that charge which says that Ireland is insatiable; saying, that Ireland asks nothing but that which Great Britain has robbed her of, her rights and privileges; to say that Ireland will not be satisfied with liberty, because she is not satisfied with slavery, is folly. I laugh at that man who supposes that Ireland will not be content with a free trade and a free constitution; and would any man advise her to be content with less?

I shall be told that we hazard the modification of the law of Poynings' and the Judges' Bill, and the Habeas Corpus Bill, and the Nullum Tempus Bill; but I ask, have you been for years begging for these little things, and have not you yet been able to obtain them? and have you been contending against a little body of eighty men in Privy Council assembled, convoking themselves into the image of a parliament, and ministering your high office? and have you been contending



against one man, an humble individual, to you a Leviathan—the English Attorney-General—who advises in the case of Irish bills, and exercises legislation in his own person, and makes your parliamentary deliberations a blank, by altering your bills or suppressing them? and have you not yet been able to conquer this little monster? Do you wish to know the reason? I will tell you: because you have not been a parliament, nor your country a people. Do you wish to know the remedy?—be a parliament, become a nation, and these things will follow in the train of your consequence. I shall be told that titles are shaken, being vested by force of English acts; but in answer to that, I observe, time may be a title, acquiescence a title, forfeiture a title, but an English act of parliament certainly cannot: it is an authority which, if a judge would charge, no jury would find, and which all the electors in Ireland have already disclaimed unequivocally, cordially, and universally. Sir, this is a good argument for an act of title, but no argument against a declaration of right. My friend who sits above me (Mr. Yelverton) has a Bill of Confirmation; we do not come unprepared to Parliament. I am not come to shake property, but to confirm property and restore freedom. The nation begins to form; we are moulding into a people; freedom asserted, property secured, and the army (a mercenary band) likely to be restrained by law. Never was such a revolution accomplished in so short a time, and with such public tranquillity. In what situation would those men who call themselves friends of constitution and of government have left you? They would have left you without a title, as they state it, to your estates, without an assertion of your constitution, or a law for your army; and this state of unexampled private and public insecurity, this anarchy raging in the kingdom for eighteen months, these mock moderators would have had the presumption to call peace.

I shall be told that the judges will not be swayed by the resolution of this House. Sir, that the judges will not be borne down by the resolutions of Parliament, not founded in law, I am willing to believe; but the resolutions of this House,

founded in law, they will respect most exceedingly. I shall always rejoice at the independent spirit of the distributors of the law, but must lament that hitherto they have given no such symptom. The judges of the British nation, when they adjudicated against the laws of that country, pleaded precedent and the prostration and profligacy of a long tribe of subservient predecessors, and were punished. The judges of Ireland, if they should be called upon, and should plead sad necessity, the thralldom of the times, and, above all, the silent fears of Parliament, they no doubt will be excused : but when your declarations shall have protected them from their fears ; when you shall have emboldened the judges to declare the law according to the charter, I make no doubt they will do their duty ; and your resolution, not making a new law, but giving new life to the old ones, will be secretly felt and inwardly acknowledged, and there will not be a judge who will not perceive, to the innermost recess of his tribunal, the truth of your charters and the vigour of your justice.

The same laws, the same charters, communicate to both kingdoms, Great Britain and Ireland, the same rights and privileges ; and one privilege above them all is that communicated by Magna Charta, by the 25th of Edward the Third, and by a multitude of other statutes, "not to be bound by any act except made with the archbishops, bishops, earls, barons, and freemen of the commonalty," viz., of the parliament of the realm. On this right of exclusive legislation are founded the Petition of Right, Bill of Right, Revolution, and Act of Settlement. The King has no other title to his crown than that which you have to your liberty ; both are founded, the throne and your freedom, upon the right vested in the subject to resist by arms, notwithstanding their oaths of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James, or the British Parliament !

Every argument for the House of Hanover is equally an argument for the liberties of Ireland : the Act of Settlement is an act of rebellion, or the declaratory statute of the 6th of George the First an act of usurpation ; for both cannot be law.

I do not refer to doubtful history, but to living record ; to common charters ; to the interpretation England has put upon these charters—an interpretation not made by words only, but crowned by arms ; to the revolution she had formed upon them, to the king she has deposed, and to the king she has established ; and, above all, to the oath of allegiance solemnly plighted to the House of Stuart, and afterwards set aside, in the instance of a grave and moral people absolved by virtue of these very charters.

And as anything less than liberty is inadequate to Ireland, so is it dangerous to Great Britain. We are too near the British nation, we are too conversant with her history, we are too much fired by her example, to be anything less than her equal ; anything less, we should be her bitterest enemies—an enemy to that power which smote us with her mace, and to that constitution from whose blessings we were excluded : to be ground as we have been by the British nation, bound by her parliament, plundered by her crown, threatened by her enemies, insulted with her protection, while we returned thanks for her condescension, is a system of meanness and misery which has expired in our determination, as I hope it has in her magnanimity.

There is no poney left for Great Britain but to cherish the remains of her empire, and do justice to a country who is determined to do justice to herself, certain that she gives nothing equal to what she received from us when we gave her Ireland.

With regard to this country, England must resort to the free principles of government, and must forego that legislative power which she has exercised to do mischief to herself ; she must go back to freedom, which, as it is the foundation of her constitution, so is it the main pillar of her empire ; it is not merely the connection of the crown, it is a constitutional annexation, an alliance of liberty, which is the true meaning and mystery of the sisterhood, and will make both countries one arm and one soul, replenishing from time to time, in their immortal connection, the vital spirit of law and liberty from the

lamp of each other's light ; thus combined by the ties of common interest, equal trade and equal liberty, the constitution of both countries may become immortal, a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station—the head of mankind.

That there are precedents against us I allow—acts of power I would call them, not precedent ; and I answer the English pleading such precedents, as they answered their kings when they urged precedents against the liberty of England : Such things are the weakness of the times ; the tyranny of one side, the feebleness of the other, the law of neither ; we will not be bound by them ; or rather, in the words of the declaration of right, “no doing judgment, proceeding, or anywise to the contrary, shall be brought into precedent or example.” Do not then tolerate a power—the power of the British Parliament over this land, which has no foundation in utility or necessity, or empire, or the laws of England, or the laws of Ireland, or the laws of nature, or the laws of God—do not suffer it to have a duration in your mind.

Do not tolerate that power which blasted you for a century, that power which shattered your loom, banished your manufactures, dishonoured your peerage, and stopped the growth of your people ; do not, I say, be bribed by an export of woollen, or an import of sugar, and permit that power which has thus withered the land to remain in your country and have existence in your pusillanimity.

Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland ; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of parliament ; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your grave for having interposed between them and their Maker, robbing them of an immense occasion, and losing an opportunity which you did not create, and can never restore.

Hereafter, when these things shall be history, your age of thralldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe—that here the principal men among us fell into mimic trances of gratitude—they were awed by a weak ministry, and bribed by an empty treasury—and when liberty was within their grasp, and the temple opened her folding doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold.

I might, as a constituent, come to your bar and demand my liberty. I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go—assert the law of Ireland—declare the liberty of the land.

I will not be answered by a public lie, in the shape of an amendment ; neither, speaking for the subjects' freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain, and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags ; he may be naked, he shall not be in iron ; and I do see the time is at hand, the spirit is gone forth, the declaration is planted ; and though great men should apostatise, yet the cause will live ; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him.

I shall move you, "That the King's most excellent Majesty, and the Lords and Commons of Ireland, are the only power competent to make laws to bind Ireland."

## WILLIAM PITT.

*Speech on the Slave Trade. House of Commons, April 2, 1792.*

[THE speeches of the younger Pitt cannot be compared either with those of his father, Lord Chatham, or of his great rival, Charles James Fox. These latter were incomparable orators, whereas Pitt was rather a graceful and dignified speaker. His nature was perhaps too cold, his method too purely argumentative, to admit of any flights of oratory. So much of his public life, too, was passed in executing and defending repressive measures that the ardent glow of passion for freedom which is the dominant note alike of Chatham and Fox, is necessarily all but absent from his well-reasoned and stately harangues. Pitt, however, was always in heart a reformer, and nothing is more creditable to him than his sincere abhorrence of the slave trade and his attempts to suppress it. This feeling was kindled by his close friendship with Wilberforce, whose ardent devotion to the cause of the slave made a deep impression on Pitt's mind.]

On the 2nd April 1792 Wilberforce moved the following resolution, after no fewer than 508 petitions against the slave trade had been presented to the House: "That it is the opinion of this committee that the trade carried on by British subjects, for the purpose of obtaining slaves on the coast of Africa, ought to be abolished." To this resolution, made in committee of the House, Dundas proposed an amendment to insert the word "gradually" before "abolished." This amendment was carried by 193 to 125 vote; and the resolution thus amended was put and carried by 230 to 85 votes. The speech of Pitt's here given was delivered on Wilberforce's resolution, and in structure and tone ranks among his best.]

AT this hour of the morning I am afraid, Sir, I am too much exhausted to enter so fully into the subject before the com-

mittee as I could wish ; but if my bodily strength is in any degree equal to the task, I feel so strongly the magnitude of this question that I am extremely earnest to deliver my sentiments, which I rise to do with the more satisfaction, because I now look forward to the issue of this business with considerable hopes of success. The debate has this day taken a turn which, though it has produced a variety of new suggestions, has, upon the whole, reduced this question to a much narrower point than it was ever brought into before. I cannot say that I quite agree with the right hon. gentleman over the way (Mr. Fox); I am far from deploring all that has been said by my two hon. friends (Mr. Dundas and the Speaker); I rather rejoice that they have now brought this subject to a fair issue—that something, at least, is already gained, and that the argument has taken altogether a new course this night. It is true, a difference of opinion has been stated, and has been urged with all the force of argument that could be given to it. But give me leave to say, that this difference has been urged upon principles very far removed from those which were maintained by the opponents of my hon. friend when he first brought forward his motion. There are very few of those who have spoken this night who have not declared the abolition of the slave trade to be their ultimate object. The point now in dispute between us is a difference merely as to the time at which the abolition ought to take place. I therefore congratulate this House, the country, and the world, that this great point has been gained ; that we may now consider this trade as having received its condemnation ; that this curse of mankind is seen by the House in its true light ; that this stigma on our national character is about to be removed ; and that mankind are likely to be delivered from the greatest practical evil that ever afflicted the human race—from the severest and most extensive calamity recorded in the history of the world.

In proceeding to give my reasons for concurring with my hon. friend in his motion, I shall necessarily advert to those topics which my right hon. friends near me have touched upon,

and which they stated to be their motives for preferring a gradual abolition to the more immediate and direct measure now proposed. Beginning as I do, with declaring that in this respect I differ completely from my right hon. friends near me, I do not, however, mean to say that I differ as to one observation which has been pressed rather strongly by them. If they can show that by proceeding gradually we shall arrive more speedily at our end than by a direct vote immediately to abolish; if they can show that our proposition has more the appearance or a speedy abolition than the reality; undoubtedly they will in this case make a convert of every man among us who looks to this as a question not to be determined by theoretical principles or enthusiastic feelings, but considers the practicability of the measure—aiming simply to effect his object in the shortest time, and in the surest possible manner. If, however, I shall be able to show that the slave trade will on our plan be abolished sooner than on theirs, may I not then hope that my right hon. friends will be as ready to adopt our proposition as we should in the other case be willing to accede to theirs? One of my right hon. friends has stated that an Act passed here for the abolition of the slave trade would not secure its abolition. Now, Sir, I should be glad to know why an act of the British legislature, enforced by all those sanctions which we have undoubtedly the power and the right to apply, is not to be effectual, at least as to every material purpose. Will not the executive power have the same appointment of the officers and the courts of judicature, by which all the causes relating to this subject must be tried, that it has in other cases? Will there not be the same system of law by which we now maintain a monopoly of commerce? If the same law, Sir, be applied to the prohibition of the slave trade which is applied in the case of other contraband commerce, with all the same means of the country to back it, I am at a loss to know why the total abolition is not as likely to be effected in this way, as by any project of my right hon. friends for bringing about a gradual termination of it. But my observation is strongly fortified by what fell from my hon. friend who spoke last. He

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has told you, Sir, that if you will have patience with it for a few years, the slave trade must drop of itself, from the increasing clearness of the commodity imported, and the increasing progress, on the other hand, of internal population. Is it true, then, that the importations are so expensive and disadvantageous already that the internal population is even now becoming a cheaper resource? I ask, then, if you leave to the importer no means of importation but by smuggling, and if, besides all the present disadvantages, you load him with all the charges and hazards of the smuggler, by taking care that the laws against smuggling are in this case rigorously enforced, is there any danger of any considerable supply of fresh slaves being poured into the islands through this channel? And is there any real ground of fear, because a few slaves may have been smuggled in or out of the islands, that a bill will be ineffectual on any such ground? The question under these circumstances will not bear a dispute.

Perhaps, however, my hon. friends may take up another ground and say, "It is true your measure would shut out further importations more immediately; but we think it right, on grounds of general expediency, that they should not be immediately shut out." Let us come then to this question of the expediency of making the abolition distant and gradual rather than immediate. The argument of expediency, in my opinion, will not justify the continuance of the slave trade for one unnecessary hour. Supposing it to be in our power (which I have shown it is) to enforce the prohibition from this present time, the expediency of doing it is to me so clear that, if I went on this principle alone, I should not feel a moment's hesitation. What is the argument of expediency stated on the other side? It is doubted whether the deaths and births in the islands are as yet so nearly equal as to ensure the keeping up of a sufficient stock of labourers. In answer to this, I took the liberty of mentioning, in a former year, what appeared to me to be the state of population at that time. My observations were taken from documents which we have reason to judge authentic, and which carried on the face of them the

conclusions I then stated: they were the clear, simple, and obvious result of a careful examination which I made into this subject, and any gentleman who will take the same pains may arrive at the same degree of satisfaction. These calculations, however, applied to a period of time that is now four or five years past. The births were then, in the general view of them, nearly equal to the deaths; and, as the state of population was shown by a considerable retrospect to be regularly increasing, an excess of births must before this time have taken place. Another observation has been made as to the disproportion of the sexes. This, however, is a disparity which will gradually diminish as the slave-trade diminishes, and must entirely cease when the trade shall be abolished. I believe this disproportion of the sexes is not now by any means considerable. But, Sir, I also showed that the great mortality which turned the balance so as to make the deaths appear more numerous than the births, arose too from the imported Africans, who die in extraordinary numbers in the seasoning. If, therefore, the importation of negroes should cease, every one of the causes of mortality which I have now stated would cease also. Nor can I conceive any reason why the present number of labourers should not maintain itself in the West Indies, except it be from some artificial cause, some fault in the islands; such as the impolicy of their governors, or the cruelty of the managers and officers whom they employ. I will not repeat all that I said at that time, or go through island by island. It is true, there is a difference in the ceded islands; and I state them possibly to be, in some respects, an excepted case. But, if we are to enter into the subject of the mortality in clearing new lands, this, Sir, is undoubtedly another question; the mortality here is tenfold: and this is to be considered, not as the carrying on of a trade, but as the setting on foot of a slave trade for the purpose of peopling the colony; a measure which I think will not now be maintained. I therefore desire gentlemen to tell me fairly, whether the period they look to is not now arrived? Whether, at this hour, the West Indies may not be declared to have actually attained a state in which they can maintain their

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population? And upon the answer I must necessarily receive, I think I could safely rest the whole of the question.

One hon. gentleman has rather ingeniously observed that one or other of these two assertions of ours must necessarily be false: that either the population must be decreasing, which we deny; or if the population is increasing, that the slaves must be perfectly well treated (this being the cause of such population), which we deny also. That the population is rather increasing than otherwise, and also that the general treatment is by no means so good as it ought to be, are both points which have been separately proved by different evidences; nor are these two points so entirely incompatible. The ill-treatment must be very great indeed in order to diminish materially the population of any race of people. That it is not so extremely great as to do this, I will admit. I will even admit that this charge may possibly have been sometimes exaggerated; and I certainly think that it applies less and less as we come nearer to the present times. But let us see how this contradiction of ours, as it is thought, really stands, and how the explanation of it will completely settle our minds on the point in question. Do the slaves diminish in numbers? It can be nothing but ill-treatment that causes the diminution. This ill-treatment the abolition must and will restrain. In this case, therefore, we ought to vote for the abolition. On the other hand, Do you choose to say that the slaves clearly increase in numbers? Then you want no importations, and, in this case also, you may safely vote for the abolition. Or, if you choose to say, as the third and only other case which can be put, and which perhaps is the nearest to the truth, that the population is nearly stationary and the treatment neither so bad nor so good as it might be; then surely, Sir, it will not be denied that this of all others is, on each of the two grounds, the proper period for stopping further supplies; for your population, which you own is already stationary, will thus be made undoubtedly to increase from the births; and the good treatment of your present slaves, which I am now supposing is but very moderate, will be necessarily improved also by the same measure of abolition. I

say, therefore, that these propositions, contradictory as they may be represented, are in truth not at all inconsistent, but even come in aid of each other, and lead to a conclusion that is decisive. And let it be always remembered, that in this branch of my argument I have only in view the well-being of the West Indies, and do not now ground anything on the African part of the question.

But, Sir, I may carry these observations respecting the islands much further. It is within the power of the colonists (and is it not then their indispensable duty?) to apply themselves to the correction of those various abuses by which population is restrained. The most important consequences may be expected to attend colonial regulations for this purpose. With the improvement of internal population, the condition of every negro will improve also; his liberty will advance, or at least he will be approaching to a state of liberty. Nor can you increase the happiness, or extend the freedom of the negro, without adding in an equal degree to the safety of the islands, and of all their inhabitants. Thus, Sir, in the place of slaves, who naturally have an interest directly opposite to that of their masters, and are therefore viewed by them with an eye of constant suspicion, you will create a body of valuable citizens and subjects, forming a part of the same community, having a common interest with their superiors, in the security and prosperity of the whole. And here let me add, that in proportion as you increase the happiness of these unfortunate beings, you will undoubtedly increase in effect the quantity of their labour also. Gentlemen talk of the diminution of the labour of the islands. I will venture to assert that, even if in consequence of the abolition there were to be some decrease in the number of hands, the quantity of work done, supposing the condition of the slaves to improve, would by no means diminish in the same proportion: perhaps would be far from diminishing at all. For if you restore to this degraded race the true feelings of men, if you take them out from among the order of brutes, and place them on a level with the rest of the human species, they will then work with that energy which is natural to men,

and their labour will be productive, in a thousand ways, above what it has yet been; as the labour of a man is always more productive than that of a mere brute.

It generally happens that in every bad cause some information arises out of the evidence of its defenders themselves, which serves to expose in one part or other the weakness of their defence. It is the characteristic of such a cause that if it be at all gone into, even by its own supporters, it is liable to be ruined by the contradictions in which those who maintain it are for ever involved. The committee of the privy council of Great Britain sent over certain queries to the West India islands, with a view of elucidating the present subject; and they particularly inquired, whether the negroes had any days or hours allotted to them in which they might work for themselves. The assemblies in their answers, with an air of great satisfaction, state the labour of the slaves to be moderate, and the West India system to be well calculated to promote the domestic happiness of the slaves: they add, "that proprietors are not compelled by law to allow their slaves any part of the six working days of the week for themselves, but that it is the general practice to allow them one afternoon in every week out of crop time, which, with such hours as they choose to work on Sundays, is time amply sufficient for their own purposes." Now, therefore, will the negroes, or I may rather say, do the negroes work for their own emolument? I beg the committee's attention to this point. The assembly of Grenada proceeds to state—I have their own words for it—"That though the negroes are allowed the afternoons of only one day in every week, they will do as much work in that afternoon, when employed for their own benefit, as in the whole day when employed in their master's service." Now, Sir, I will desire you to burn all my calculations; to disbelieve, if you please, every word I have said on the present state of population; nay, I will admit, for the sake of argument, that the numbers are decreasing, and the productive labour at present insufficient for the cultivation of those countries: and I will then ask, whether the increase in the quantity of labour which is reasonably to be expected from

the improved condition of the slaves is not, by the admission of the islands themselves, far more than sufficient to counter-balance any decrease which can be rationally apprehended from a defective state of their population? Why, Sir, a negro, if he works for himself, and not for a master, will do double work! This is their own account. If you will believe the planters, if you will believe the legislature of the islands, the productive labour of the colonies would, in case the negroes worked as free labourers instead of slaves, be literally doubled. Half the present labourers, on this supposition, would suffice for the whole cultivation of our islands on the present scale. I therefore confidently ask the House whether, in considering the whole of this question, we may not fairly look forward to an improvement in the condition of these unhappy and degraded beings, not only as an event desirable on the ground of humanity and political prudence, but also as a means of increasing very considerably indeed (even without any increasing population) the productive industry of the islands? When gentlemen are so nicely balancing the past and future means of cultivating the plantations, let me request them to put this argument into the scale; and the more they consider it, the more will they be satisfied that both the solidity of the principle which I have stated, and the fact which I have just quoted in the very words of the colonial legislature, will bear me out in every inference I have drawn. I think they will perceive also, that it is the undeniable duty of this House, on the grounds of true policy, immediately to sanction and carry into effect that system which ensures these important advantages, in addition to all those other inestimable blessings which follow in their train.

If, therefore, the argument of expediency, as applying to the West India islands, is the test by which this question is to be tried, I trust I have now established this proposition, namely, that whatever tends most speedily and effectually to meliorate the condition of the slaves is undoubtedly, on the ground of expediency, leaving justice out of the question, the main object to be pursued. That the immediate abolition of the slave trade

will most eminently have this effect, and that it is the only measure from which this effect can in any considerable degree be expected, are points to which I shall presently come ; but before I enter upon them, let me notice one or two further circumstances. We are told (and by respectable and well-informed persons) that the purchase of new negroes has been injurious instead of profitable to the planters themselves ; so large a proportion of these unhappy wretches being found to perish in the seasoning. Writers well versed in this subject have even advised that, in order to remove the temptation which the slave trade offers to expend large sums in this injudicious way, the door of importation should be shut. This very plan which we now propose, the mischief of which is represented to be so great as to outweigh so many other momentous considerations, has actually been recommended by some of the best authorities, as a plan highly requisite to be adopted, on the very principle of advantage to the island ; nay, not merely on that principle of general and political advantage on which I have already touched, but for the advantage of the very individuals who would otherwise be most forward in purchasing slaves. On the part of the West Indians it is urged, "The planters are in debt : they are already distressed ; if you stop the slave trade, they will be ruined." Mr. Long, the celebrated historian of Jamaica, recommends the stopping of importations as a receipt for enabling the plantations which are embarrassed to get out of debt. Speaking of the usurious terms on which money is often borrowed for the purchase of fresh slaves, he advises "the laying of a duty equal to a prohibition on all negroes imported for the space of four or five years, except for re-exportation. Such a law," he proceeds to say, "would be attended with the following good consequences. It would put an immediate stop to these extortions ; it would enable the planter to retrieve his affairs by preventing him from running in debt, either by renting or purchasing negroes ; it would render such recruits less necessary, by the redoubled care he would be obliged to take of his present stock, the preservation of their lives and health ; and lastly, it would raise



the value of negroes in the island. A North American province, by this prohibition alone for a few years, from being deeply plunged in debt, has become independent, rich, and flourishing." On this authority of Mr. Long I rest the question whether the prohibition of further importations is that rash, impolitic, and completely ruinous measure which it is so confidently declared to be with respect to our West Indian plantations. I do not, however, mean, in thus treating this branch of the subject, absolutely to exclude the question of indemnification, on the supposition of possible disadvantages affecting the West Indies through the abolition of the slave trade. But when gentlemen set up a claim of compensation merely on those general allegations, which are all that I have yet heard from them, I can only answer, let them produce their case in a distinct and specific form; and if upon any practicable or reasonable grounds it shall claim consideration, it will then be time enough for Parliament to decide upon it.

I now come to another circumstance of great weight, connected with this part of the question—I mean the danger to which the islands are exposed from those negroes who are newly imported. This, Sir, is no mere speculation of ours: for here again I refer you to Mr. Long. He treats particularly of the dangers to be dreaded from the introduction of Coromantine negroes—an appellation under which are comprised several descriptions of negroes obtained on the Gold Coast, whose native country is not exactly known, and who are purchased in a variety of markets, having been brought from some distance inland. With a view of preventing insurrections, he advises that "by laying a duty equal to a prohibition, no more of these Coromantines should be bought;" and after noticing one insurrection which happened through their means, he tells you of another in the following year, in which thirty-three Coromantines, "most of whom had been newly imported, suddenly rose, and in the space of an hour murdered and wounded no less than nineteen white persons." To the authority of Mr. Long I may add the recorded opinion of the committee of the house of assembly of Jamaica itself, who, in



consequence of a rebellion among the slaves, were appointed to inquire into the best means of preventing future insurrections. The committee reported, "That the rebellion had originated (like most or all others) with the Coromantines; and they proposed that a bill should be brought in for laying a higher duty on the importation of these particular negroes," which was intended to operate as a prohibition. But the danger is not confined to the importation of Coromantines. Mr. Long, carefully investigating as he does the causes of such frequent insurrections, particularly at Jamaica, accounts for them from the greatness of its general importations. "In two years and a half," says he, "27,000 negroes have been imported. No wonder we have rebellions! 27,000 in two years and a half!" Why, Sir, I believe that in some late years there have been as many imported into the same island within the same period. Surely, when gentlemen talk so vehemently of the safety of the islands, and charge us with being so indifferent to it; when they speak of the calamities of St. Domingo, and of similar dangers impending over their own heads at the present hour, it ill becomes them to be the persons who are crying out for further importations. It ill becomes them to charge upon us the crime of stirring up insurrections—upon us who are only adopting the very principles which Mr. Long, which in part even the legislature of Jamaica itself, laid down in the time of danger, with an avowed view to the prevention of any such calamity.

It is no small satisfaction to me, Sir, that among the many arguments for prohibiting the slave trade which crowd upon my mind, the security of our West India possessions against internal commotions, as well as foreign enemies, is among the most prominent; and here let me apply to my two right hon. friends, and ask them whether in this part of the argument they did not see reason for immediate abolition? Why should you any longer import into those countries that which is the very seed of insurrection and rebellion? Why should you persist in introducing those latent principles of conflagration which, if they should once burst forth, may

annihilate in a single day the industry of a hundred years? Why will you subject yourselves, with open eyes, to the imminent risk of a calamity which may throw you back a whole century in your profits, in your cultivation, in your progress to the emancipation of your slaves? and, disappointing at once every one of those golden expectations, may retard not only the accomplishment of that happy system which I have attempted to describe, but may cut off even your opportunity of taking any one introductory step? Let us begin from this time. Let us not commit these important interests to any further hazard. Let us prosecute this great object from this very hour. Let us vote that the abolition of the slave trade shall be immediate, and not left to I know not what future time or contingency. Will my right hon. friends answer for the safety of the islands during any imaginable intervening period? Or do they think that any little advantages of the kind which they state can have any weight in that scale of expediency in which this great question ought undoubtedly to be tried? Thus stated, and thus alone, Sir, can it be truly stated, to what does the whole of my right hon. friend's arguments, on the head of expediency, amount? It amounts but to this:—the colonies on the one hand would have to struggle with some few difficulties and disadvantages at the first, for the sake of obtaining on the other hand immediate security to their leading interests; of ensuring, Sir, even their own political existence; and for the sake also of immediately commencing that system of progressive improvement in the condition of the slaves which is necessary to raise them from the state of brutes to that of rational beings, but which never can begin until the introduction of these new disaffected and dangerous Africans into the same gangs shall have been stopped.—If any argument can in the slightest degree justify the severity that is now so generally practised in the treatment of the slaves, it must be the introduction of these Africans. It is the introduction of these Africans that renders all idea of emancipation for the present so chimerical, and the very mention of it so dreadful. It is the introduction of these

Africans that keeps down the condition of all plantation negroes. Whatever system of treatment is deemed necessary by the planters to be adopted towards these new Africans, extends itself to the other slaves also. Instead, therefore, of deferring the hour when you will finally put an end to importations, vainly purposing that the condition of your present slaves should previously be mended, you must, in the very first instance, stop your importations, if you hope to introduce any rational or practicable plan either of gradual emancipation or present general improvement.

Having now done with this question of expediency as affecting the islands, I come next to a proposition advanced by my right hon. friend (Mr. Dundas), which appeared to intimate that on account of some patrimonial rights of the West Indians, the prohibition of the slave trade might be considered as an invasion on their legal inheritance. Now, in answer to this proposition, I must make two or three remarks, which I think my right hon. friend will find some considerable difficulty in answering.—First, I observe that his argument, if it be worth anything, applies just as much to gradual as immediate abolition. I have no doubt that at whatever period he should be disposed to say the abolition should actually take place, this defence will equally be set up; for it certainly is just as good an argument against an abolition seven, or seventy years hence, as against an abolition at this moment. It supposes we have no right whatever to stop the importations, and even though the disadvantage to our plantations, which some gentlemen suppose to attend the measure of immediate abolition, should be admitted gradually to lessen by the lapse of a few years, yet in point of principle the absence of all right of interference would remain the same. My right hon. friend, therefore, I am sure will not press an argument not less hostile to his proposition than to ours. But let us investigate the foundation of this objection, and I will commence what I have to say by putting a question to my right hon. friend. It is chiefly on the presumed ground of our being bound by a parliamentary sanction heretofore given to the African slave

trade that this argument against the abolition is rested. Does, then, my right hon. friend think that the slave trade has received any such parliamentary sanction as must place it more out of the jurisdiction of the legislature for ever after, than the other branches of our national commerce? I ask, is there any one regulation of any part of our commerce which, if this argument be valid, may not equally be objected to, on the ground of its affecting some man's patrimony, some man's property, or some man's expectations? Let it never be forgotten that the argument I am canvassing would be just as strong if the possession affected were small, and the possessors humble; for on every principle of justice the property of any single individual, or small number of individuals, is as sacred as that of the great body of West Indians. Justice ought to extend her protection with rigid impartiality to the rich and to the poor, to the powerful and to the humble. If this be the case, in what a situation does my right hon. friend's argument place the legislature of Great Britain? What room is left for their interference in the regulation of any part of our commerce? It is scarcely possible to lay a duty on any one article which may not, when first opposed, be said in some way to affect the property of individuals, and even of some entire classes of the community. If the laws respecting the slave trade imply a contract for its perpetual continuance, I will venture to say there does not pass a year without some act, equally pledging the faith of parliament to the perpetuating of some other branch of commerce. In short, I repeat my observation, that no new tax can be imposed, much less can any prohibitory duty be ever laid on any branch of trade, that has before been regulated by parliament, if this principle be once admitted.

Before I refer to the acts of parliament by which the public faith is said to be pledged, let me remark also that a contract for the continuance of the slave trade must, on the principles which I shall presently insist on, have been void, even from the beginning; for if this trade is an outrage upon justice, and only another name for fraud, robbery, and murder, will any

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man urge that the legislature could possibly by any pledge whatever incur the obligation of being an accessory, or I may even say a principal, in the commission of such enormities, by sanctioning their countenance? As well might an individual think himself bound by a promise to commit an assassination. I am confident gentlemen must see that our proceedings on such grounds would infringe all the principles of law, and subvert the very foundation of morality.—Let us now see how far the acts themselves show that there is this sort of parliamentary pledge to continue the African slave trade. The act of 23d Geo. II., c. 31, is that by which we are supposed to be bound up by contract to sanction all those horrors now so incontrovertibly proved. How surprised then, Sir, must the House be to find that, by the clause of that very act, some of these outrages are expressly forbidden! It says, “No commander or master of a ship, trading to Africa, shall by fraud, force or violence, or by any indirect practice whatsoever, take on board or carry away from the coast of Africa any negro, or native of the said country, or commit any violence on the natives, to the prejudice of the said trade, and that every person so offending shall for every such offence forfeit”—When it comes to the penalty, sorry am I to say that we see too close a resemblance to the West India law, which inflicts the payment of £30 as the punishment for murdering a negro. The price of blood in Africa is £100; but even this penalty is enough to prove that the act at least does not sanction, much less does it engage to perpetuate enormities.—But, Sir, let us see what was the motive for carrying on the trade at all. The preamble of the act states it, “Whereas the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations and colonies thereunto belonging with a sufficient number of negroes at reasonable rates, and for that purpose the said trade should be carried on,” etc. Here, then, we see what the parliament had in view when it passed this act; and I have clearly shown that not one of the occasions on which it grounded its proceedings now exists. I may then plead, I think, the very act itself as an argument for

the abolition. If it is shown that, instead of being "very advantageous" to Great Britain, this trade is the most destructive that can well be imagined to her interests; that it is the ruin of our seamen; that it stops the extension of our manufactures: if it is proved, in the second place, that it is not now necessary for the "supplying our plantations with negroes"; if it is further established that this traffic was from the very beginning contrary to the first principles of justice, and consequently that a pledge for its continuance, had one been attempted to have been given, must have been completely and absolutely void;—where then in this act of parliament is the contract to be found by which Britain is bound, as she is said to be, never to listen to her own true interests, and to the cries of the natives of Africa? Is it not clear that all argument, founded on the supposed pledged faith of parliament, makes against those who employ it? I refer you to the principles which obtain in other cases. Every trade act shows undoubtedly that the legislature is used to pay a tender regard to all classes of the community. But if, for the sake of moral duty, of national honour, or even of great political advantage, it is thought right, by the authority of parliament, to alter any long-established system, parliament is competent to do it. The legislature will undoubtedly be careful to subject individuals to as little inconvenience as possible; and if any peculiar hardship should arise, that can be distinctly stated and fairly pleaded, there will ever, I am sure, be a liberal feeling towards them in the legislature of this country, which is the guardian of all who live under its protection. On the present occasion, the most powerful considerations call upon us to abolish the slave trade; and if we refuse to attend to them on the alleged ground of pledged faith and contract, we shall depart as widely from the practice of parliament as from the path of moral duty. If, indeed, there is any case of hardship, which comes within the proper cognisance of parliament, and calls for the exercise of its liberality,—well! But such a case must be reserved for calm consideration, as a matter distinct from the present question.

The result of all I have said is, that there exists no impedi-

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ment, on the ground of pledged faith, or even on that of national expediency, to the abolition of this trade. On the contrary, all the arguments drawn from those sources plead for it, and they plead much more loudly, and much more strongly in every part of the question, for an immediate, than for a gradual abolition. But now, Sir, I come to Africa. That is the ground on which I rest, and here it is that I say my right hon. friends do not carry their principles to their full extent. Why ought the slave trade to be abolished? Because it is incurable injustice. How much stronger, then, is the argument for immediate, than gradual abolition! By allowing it to continue even for one hour, do not my right hon. friends weaken their own argument of its injustice? If on the ground of injustice it ought to be abolished at last, why ought it not now? Why is injustice to be suffered to remain for a single hour? From what I hear without doors, it is evident that there is a general conviction entertained of its being far from just; and from that very conviction of its injustice, some men have been led, I fear, to the supposition that the slave trade never could have been permitted to begin, but from some strong and irresistible necessity: a necessity, however, which if it was fancied to exist at first, I have shown cannot be thought by any man whatever to exist now. This plea of necessity has caused a sort of acquiescence in the continuance of this evil. Men have been led to place it among the rank of those necessary evils which are supposed to be the lot of human creatures, and to be permitted to fall upon some countries or individuals, rather than upon others, by that Being whose ways are inscrutable to us, and whose dispensations, it is conceived, we ought not to look into. The origin of evil is indeed a subject beyond the reach of human understandings; and the permission of it by the Supreme Being is a subject into which it belongs not to us to inquire. But where the evil in question is a moral evil which a man can scrutinise, and where that moral evil has its origin with ourselves, let us not imagine that we can clear our consciences by this general, not to say irreligious and impious, way of laying aside the question. If we reflect at all on this



subject, we must see that every necessary evil supposes that some other and greater evil would be incurred were it removed. I therefore desire to ask, what can be that greater evil which can be stated to overbalance the one in question? I know of no evil that ever has existed, nor can imagine any evil to exist, worse than the tearing of seventy or eighty thousand persons annually from their native land, by a combination of the most civilised nations inhabiting the most enlightened part of the globe, but more especially under the sanction of the laws of that nation which calls herself the most free and the most happy of them all. Even if these miserable beings were proved guilty of every crime before you take them off, ought we to take upon ourselves the office of executioners? And even if we condescend so far, still can we be justified in taking them, unless we have clear proof that they are criminals?—But, if we go much further,—if we ourselves tempt them to sell their fellow-creatures to us,—we may rest assured that they will take care to provide by every possible method a supply of victims increasing in proportion to our demand. Can we, then, hesitate in deciding whether the wars in Africa are their wars or ours? It was our arms in the river Cameroon, put into the hands of the trader, that furnished him with the means of pushing his trade; and I have no more doubt that they are British arms, put into the hands of Africans, which promote universal war and desolation, than I can doubt their having done so in that individual instance.

I have shown how great is the enormity of this evil, even on the supposition that we take only convicts and prisoners of war. But take the subject in the other way, and how does it stand? Think of 80,000 persons carried out of their native country by we know not what means! for crimes imputed! for light or inconsiderable faults! for debt perhaps! for the crime of witchcraft! or a thousand other weak and scandalous pretexts! Reflect on these 80,000 persons thus annually taken off! There is something in the horror of it that surpasses all the bounds of imagination. Admitting that there exists in Africa something like to courts of justice; yet what an office of

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humiliation and meanness is it in us, to take upon ourselves to carry into execution the iniquitous sentences of such courts, as if we also were strangers to all religion, and to the first principles of justice! But that country, it is said, has been in some degree civilised, and civilised by us. It is said they have gained some knowledge of the principles of justice. Yes, we give them enough of our intercourse to convey to them the means, and to initiate them in the study of mutual destruction. We give them just enough of the forms of justice to enable them to add the pretext of legal trials to their other modes of perpetrating the most atrocious iniquity. We give them just enough of European improvements to enable them the more effectually to turn Africa into a ravaged wilderness. Some evidences say that the Africans are addicted to the practice of gambling; that they even sell their wives and children, and ultimately themselves. Are these, then, the legitimate sources of slavery? Shall we pretend that we can thus acquire an honest right to exact the labour of these people? Can we pretend that we have a right to carry away to distant regions men of whom we know nothing by authentic inquiry, and of whom there is every reasonable presumption to think that those who sell them to us have no right to do so? But the evil does not stop here. Do you think nothing of the ruin and the miseries in which so many other individuals, still remaining in Africa, are involved in consequence of carrying off so many myriads of people? Do you think nothing of their families left behind? of the connections broken? of the friendships, attachments, and relationships that are burst asunder? Do you think nothing of the miseries in consequence that are felt from generation to generation? of the privation of that happiness which might be communicated to them by the introduction of civilisation, and of mental and moral improvement?—a happiness which you withhold from them so long as you permit the slave trade to continue.

Thus, Sir, has the perversion of British commerce carried misery instead of happiness to one whole quarter of the globe. False to the very principles of trade, misguided in our policy,

and unmindful of our duty, what astonishing mischief have we brought upon that continent! If, knowing the miseries we have caused, we refuse to put a stop to them, how greatly aggravated will be the guilt of this country! Shall we then delay rendering this justice to Africa? I am sure the immediate abolition of the slave trade is the first, the principal, the most indispensable act of policy, of duty, and of justice, that the legislature of this country has to take, if it is indeed their wish to secure those important objects to which I have alluded, and which we are bound to pursue by the most solemn obligations. There is, however, one argument set up as a universal answer to every thing that can be urged on our side. The slave trade system, it is supposed, has taken such deep root in Africa, that it is absurd to think of its being eradicated; and the abolition of that share of trade carried on by Great Britain is likely to be of very little service. You are not sure, it is said, that other nations will give up the trade if you should renounce it. I answer, if this trade is as criminal as it is asserted to be, God forbid that we should hesitate in relinquishing so iniquitous a traffic; even though it should be retained by other countries! I tremble at the thought of gentlemen indulging themselves in the argument which I am combating. "We are friends," say they, "to humanity. We are second to none of you in our zeal for the good of Africa—but the French will not abolish—the Dutch will not abolish. We wait, therefore, on prudential principles, till they join us, or set us an example." How, Sir, is this enormous evil ever to be eradicated, if every nation is thus prudentially to wait till the concurrence of all the world shall have been obtained? Let me remark, too, that there is no nation in Europe that has, on the one hand, plunged so deeply into this guilt as Great Britain; or that is so likely, on the other, to be looked up to as an example. But does not this argument apply a thousand times more strongly in a contrary way? How much more justly may other nations point to us, and say, "Why should we abolish the slave trade when Great Britain has not abolished it? Britain, free as she is, just and honourable as she is, and

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deeply involved as she is in this commerce above all nations, not only has not abolished, but has refused to abolish." This, Sir, is the argument with which we furnish the other nations of Europe, if we again refuse to put an end to the slave trade. Instead, therefore, of imagining that by choosing to presume on their continuing it, we shall have exempted ourselves from guilt, and have transferred the whole criminality to them; let us rather reflect, that on the very principle urged against us, we shall henceforth have to answer for their crimes, as well as our own.

It has also been urged, that there is something in the disposition and nature of the Africans themselves which renders all prospect of civilisation on that continent extremely unpromising. "It has been known," says Mr. Frazer, in his evidence, "that a boy has been put to death who was refused to be purchased as a slave." This single story was deemed by that gentleman a sufficient proof of the barbarity of the Africans, and of the inutility of abolishing the slave trade. My hon. friend, however, has told you that this boy had previously run away from his master three times; that the master had to pay his value, according to the custom of his country, every time he was brought back; and that, partly from anger at the boy for running away so frequently, and partly to prevent a repetition of the same expense, he determined to put him to death. This, Sir, is the signal instance that has been dwelt upon of African barbarity. This African, we admit, was unenlightened, and altogether barbarous: but let us now ask what would a civilised and enlightened West Indian, or a body of West Indians, have done in any case of a parallel nature? I will quote you, Sir, a law passed in the West Indies in 1722; by which law this same crime of running away is, by the legislature of the island, punished with death, in the very first instance. I hope, therefore, we shall hear no more of the moral impossibility of civilising the Africans, nor have our understandings again insulted by being called upon to sanction the trade until other nations shall have set the example of abolishing it. While we have been deliberating, one nation, Denmark, not by any means remarkable for the boldness of its

councils, has determined on a gradual abolition. France, it is said, will take up the trade if we relinquish it. What! Is it supposed that, in the present situation of St. Domingo, an island which used to take three-fourths of all the slaves required by the colonies of France, she, of all countries, will think of taking it up? Of the countries which remain, Portugal, Holland, and Spain—let me declare it is my opinion, that if they see us renounce the trade, they will not be disposed, even on principles of policy, to rush further into it. But I say more. How are they to furnish the capital necessary for carrying it on? If there is any aggravation of our guilt in this wretched business, it is that we have stooped to be the carriers of these miserable beings from Africa to the West Indies, for all the other powers of Europe. And if we retire from the trade, where is the fund equal to the purchase of 30,000 or 40,000 slaves?—a fund which, if we rate the slaves at £40 or £50 each, cannot require a capital of less than a million and a half, or two millions of money.

Having detained the House so long, all that I will further add shall relate to that important subject, the civilisation of Africa. Grieved am I to think that there should be a single person in this country who can look on the present uncivilised state of that continent as a ground for continuing the slave trade,—as a ground not only for refusing to attempt the improvement of Africa, but even for intercepting every ray of light which might otherwise break in upon her. Here, as in every other branch of this extensive question, the argument of our adversaries pleads against them; for surely, Sir, the present deplorable state of Africa, especially when we reflect that her chief calamities are to be ascribed to us, calls for our generous aid, rather than justifies any despair on our part of her recovery, and still less any further repetition of our injuries. I will not much longer fatigue the attention of the House; but this point has impressed itself so deeply on my mind, that I must trouble the committee with a few additional observations. Are we justified, I ask, on any one ground of theory, or by any one instance to be found in the history of the world

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from its very beginning to this day, in forming the supposition which I am now combating? Are we justified in supposing that the particular practice which we encourage in Africa, of men selling each other for slaves, is any symptom of a barbarism that is incurable? Are we justified in supposing that even the practice of offering up human sacrifices proves a total incapacity for civilisation? I believe it will be found that both the trade in slaves, and the still more savage custom of offering up human sacrifices, obtained in former periods throughout many of those nations which now, by the blessings of providence, and by a long progression of improvements, are advanced the farthest in civilisation. I believe that, if we reflect an instant, we shall find that this observation comes directly home to ourselves; and that, on the same ground on which we are now disposed to proscribe Africa for ever from all possibility of improvement, we might, in like manner, have been proscribed and for ever shut out from all the blessings which we now enjoy. There was a time, Sir, when even human sacrifices are said to have been offered in this island. But I would peculiarly observe on this day, for it is a case precisely in point, that the very practice of the slave trade once prevailed among us. Slaves, as we may read in Henry's *History of Great Britain*, were formerly an established article of our exports. "Great numbers," he says, "were exported like cattle, from the British coast, and were to be seen exposed for sale in the Roman market." It does not distinctly appear by what means they were procured; but there is unquestionably no small resemblance, in this particular point, between the case of our ancestors and that of the present wretched natives of Africa; for the historian tells you that "adultery, witchcraft, and debt were probably some of the chief sources of supplying the Roman market with British slaves; that prisoners taken in war were added to the number; and that there might be among them some unfortunate gamblers who, after having lost all their goods, at length staked themselves, their wives, and their children." Every one of these sources of slavery has been stated to be at this hour

a source of slavery in Africa. And these circumstances, Sir, with a solitary instance or two of human sacrifices, furnish the alleged proofs that Africa labours under a natural incapacity for civilisation ; that it is enthusiasm and fanaticism to think that she can ever enjoy the knowledge and the morals of Europe ; that Providence never intended her to rise above a state of barbarism ; that Providence has irrevocably doomed her to be only a nursery for slaves, for us free and civilised Europeans. Allow of this principle, as applied to Africa, and I should be glad to know why it might not also have been applied to ancient and uncivilised Britain. Why might not some Roman senator, reasoning on the principles of some hon. gentlemen, and pointing to British barbarians, have predicted with equal boldness, "There is a people that will never rise to civilisation ; there is a people destined never to be free ; a people without the understanding necessary for the attainment of useful arts ; depressed by the hand of nature below the level of the human species ; and created to form a supply of slaves for the rest of the world." Might not this have been said in all respects as fairly and as truly of Britain herself, at that period of her history, as it can now be said by us of the inhabitants of Africa ? We, Sir, have long since emerged from barbarism ; we have almost forgotten that we were once barbarians ; we are now raised to a situation which exhibits a striking contrast to every circumstance by which a Roman might have characterised us, and by which we now characterise Africa. There is, indeed, one thing wanting to complete the contrast, and to clear us altogether from the imputation of acting even to this hour as barbarians ; for we continue to this hour a barbarous traffic in slaves ; we continue it even yet, in spite of all our great and undeniable pretensions to civilisation. We were once as obscure among the nations of the earth, as savage in our manners, as debased in our morals, as degraded in our understandings, as these unhappy Africans are at present. But in the lapse of a long series of years, by a progression slow and for a time almost imperceptible, we have become rich in a variety of acquire-

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ments, favoured above measure in the gifts of Providence, unrivalled in commerce, pre-eminent in arts, foremost in the pursuits of philosophy and science, and established in all the blessings of civil society: we are in the possession of peace, of happiness, and of liberty; we are under the guidance of a mild and beneficent religion; and we are protected by impartial laws, and the purest administration of justice; we are living under a system of government which our own happy experience leads us to pronounce the best and wisest which has ever yet been framed—a system which has become the admiration of the world. From all these blessings we must for ever have been shut out, had there been any truth in those principles which some gentlemen have not hesitated to lay down as applicable to the case of Africa. Had those principles been true, we ourselves had languished to this hour in that miserable state of ignorance, brutality, and degradation in which history proves our ancestors to have been immersed. Had other nations adopted these principles in their conduct towards us; had other nations applied to Great Britain the reasoning which some of the senators of this very island now apply to Africa, ages might have passed without our emerging from barbarism; and we, who are enjoying the blessings of a British civilisation, of British laws, and British liberty, might, at this hour, have been little superior, either in morals, in knowledge, or refinement, to the rude inhabitants of the coast of Guinea.

If, then, we feel that this perpetual confinement in the fetters of brutal ignorance would have been the greatest calamity which could have befallen us; if we view with gratitude and exultation the contrast between the peculiar blessings we enjoy, and the wretchedness of the ancient inhabitants of Britain; if we shudder to think of the misery which would still have overwhelmed us had Great Britain continued to be the mart for slaves to the more civilised nations of the world, God forbid that we should any longer subject Africa to the same dreadful scourge, and preclude the light of knowledge, which has reached every other quarter of the globe from having access



to her coasts! I trust we shall no longer continue this commerce, to the destruction of every improvement on that wide continent; and shall not consider ourselves as conferring too great a boon in restoring its inhabitants to the rank of human beings. I trust we shall not think ourselves too liberal if, by abolishing the slave trade, we give them the same common chance of civilisation with other parts of the world, and that we shall now allow to Africa the opportunity—the hope—the prospect of attaining to the same blessings which we ourselves, through the favourable dispensations of Divine Providence, have been permitted, at a much more early period, to enjoy. If we listen to the voice of reason and duty, and pursue this night the line of conduct which they prescribe, some of us may live to see a reverse of that picture from which we now turn our eyes with shame and regret. We may live to behold the natives of Africa engaged in the calm occupations of industry, in the pursuits of a just and legitimate commerce. We may behold the beams of science and philosophy breaking in upon their land, which, at some happy period in still later times, may blaze with full lustre; and, joining their influence to that of pure religion, may illuminate and invigorate the most distant extremities of that immense continent. Then may we hope that even Africa, though last of all the quarters of the globe, shall enjoy at length, in the evening of her days, those blessings which have descended so plentifully upon us in a much earlier period of the world. Then also will Europe, participating in her improvement and prosperity, receive an ample recompense for the tardy kindness (if kindness it can be called) of no longer hindering that continent from extricating herself out of the darkness which, in other more fortunate regions, has been so much more speedily dispelled—

“—Nos primus equis oriens afflavit anhelis;  
Illic sera rubens accendit lumina Vesper.”

Then, Sir, may be applied to Africa those words, originally used indeed with a different view—



"His demum exactis———  
Devenere locos lætos, et amœna vireta  
Fortunatorum nemorum, sedesque beatas :  
Largior hic campos Æther, et limine vestit  
Purpureo."

It is in this view, Sir,—it is as an atonement for our long and cruel injustice towards Africa, that the measure proposed by my hon. friend most forcibly recommends itself to my mind. The great and happy change to be expected in the state of her inhabitants is, of all the various and important benefits of the abolition, in my estimation, incomparably the most extensive and important. I shall vote, Sir, against the adjournment; and I shall also oppose to the utmost every proposition which in any way may tend either to prevent, or even to postpone for an hour, the total abolition of the slave trade; a measure which, on all the various grounds which I have stated, we are bound, by the most pressing and indispensable duty, to adopt.

## HENRY, LORD ERSKINE.

*Speech in behalf of Thomas Paine. Court of King's Bench,  
December 18, 1792.*

[THE following speech of Erskine is perhaps the noblest specimen of English forensic oratory. Thomas Paine, the accused, was tried before Lord Kenyon and a jury for publishing the *Rights of Man*, an eloquent and forcible political treatise dedicated to Washington, and devoted to the exposition of democratic doctrines. Few men of such humble origin and with so little culture as Paine have exercised greater influence. It was his *Common Sense* which first roused the American colonists to declare themselves independent; and in the *Rights of Man* Paine argued in favour of democratic changes in the British Constitution, to be brought about by peaceful means. In the indictment he was charged with being a "wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to our sovereign Lord the now King, and to the happy constitution and government of this kingdom." Erskine maintained in his defence that "opinion is free, and that conduct alone is amenable to the law;" and that, as only his client's opinion and not his conduct was called in question, he ought to be acquitted. He also showed from the writings of Locke, Milton, Burke, and others, that all kinds of speculative opinions on the British system had been expressed which were not libellous. Eloquence and reason, however, could not prevail before an ignorant and prejudiced jury, and under a system of repressive legislation, and Paine was found guilty. But his great advocate's oration will long be read and admired by all enlightened men. Curiously enough, Erskine, who was such a marvellous forensic orator, failed as a Parliamentary speaker.

The publication having been proved, and a letter from Mr. Paine acknowledging it; the letter to the Attorney-General mentioned in the preface, and the passages selected in the information, having been read; Mr. Erskine, as counsel for the defendant, spoke as follows:—]

GENTLEMEN OF THE JURY,—The Attorney-General, in that part of his address which referred to a letter supposed to have been written to him from France, exhibited signs of strong sensibility and emotion. I do not, I am sure, charge him with acting a part to seduce you; on the contrary, I am persuaded, from my own feelings, and from my acquaintance with my friend from our childhood upwards, that HE expressed himself as he felt. But, gentlemen, if he felt those painful embarrassments, you may imagine what MINE must be: he can only feel for the august character whom he represents in this place as a subject for his Sovereign, too far removed by custom from the intercourses which generate affections to produce any other sentiments than those that flow from a relation common to us all: but it will be remembered that I stand in the same relation\* towards another great person more deeply implicated by this supposed letter; who, not restrained from the cultivation of personal attachments by those qualifications which must always secure them, has exalted my duty to a Prince into a warm and honest affection between man and man. Thus circumstanced, I certainly should have been glad to have had an earlier opportunity of knowing correctly the contents of this letter, and whether (which I positively deny) it proceeded from the defendant. Coming thus suddenly upon us, I see but too plainly the impression it has made upon *you*, who are to try the cause, and I feel its weight upon *myself*, who am to conduct it; but this shall neither detach me from my duty, nor enervate me (if I can help it) in the discharge of it.

If the Attorney-General be well founded in the commentaries he has made to you upon the book which he prosecutes; if he

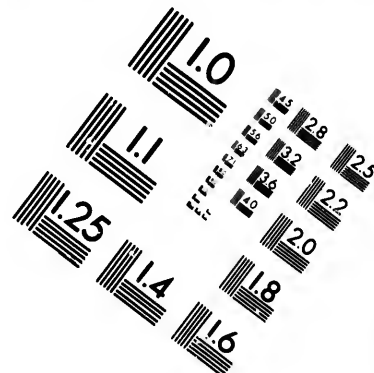
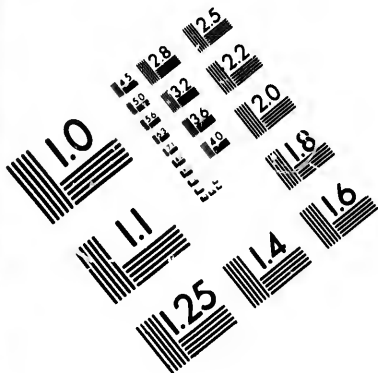
\* Mr. Erskine was then Attorney-General to the Prince of Wales.

be warranted by the law of England in repressing its circulation, from the illegal and dangerous matters contained in it; if that suppression be, as he avows it, and as in common sense it must be, the sole object of the prosecution, the public has great reason to lament that this letter should have been at all brought into the service of the cause. It is no part of the charge upon the record; it had no existence for months after the work was composed and published; it was not written by the defendant, if written by him at all, till after he had been in a manner insultingly expelled from the country by the influence of Government; it was not even written till he had become the subject of another country. It cannot, therefore, by any fair inference, decipher the mind of the author when he composed his work; still less can it affect the construction of the language in which it is written. The introduction of this letter at all is, therefore, not only a departure from the charge, but a dereliction of the object of the prosecution, which is to condemn *the book*: since, if the condemnation of the author is to be obtained, *not by the work itself*, but by *collateral matter*, not even existing when it was written, nor known to its various publishers throughout the kingdom, how can a verdict upon *such* grounds condemn the work, or criminate *other* publishers, strangers to the collateral matter on which the conviction may be obtained to-day? I maintain, therefore, upon every principle of sound policy, as it affects the interests of the Crown, and upon every rule of justice, as it affects the author of *The Rights of Man*, that the letter should be wholly dismissed from your consideration.

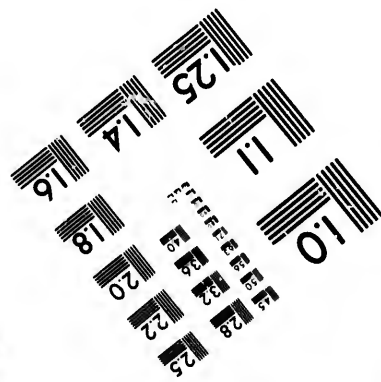
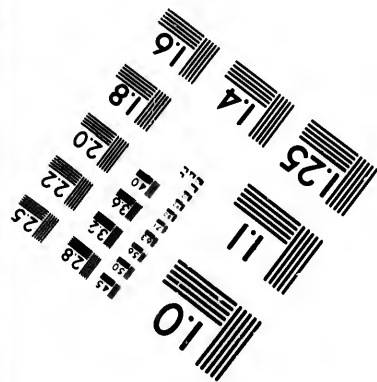
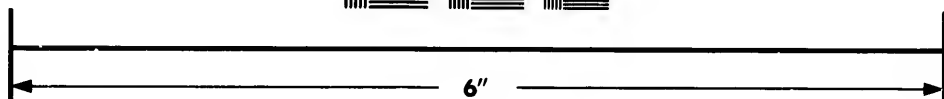
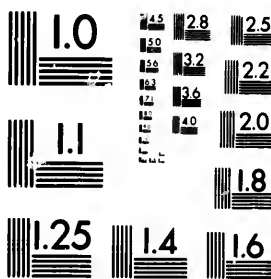
Gentlemen, the Attorney-General has thought it necessary to inform you that a rumour had been spread, and had reached his ears, that he only carried on the prosecution as a *public* prosecutor, but without the concurrence of his own judgment; and, therefore, to add the just weight of his *private* character to his public duty, and to repel what he thinks a calumny, he tells you that he should have deserved to have been driven from society if he had not arraigned the work and the author before you. Here, too, we stand in

situations very different. I have no doubt of the existence of such a rumour, and of its having reached his ears, because he says so; but for the narrow circle in which any rumour, personally implicating my learned friend's character, has extended, I might appeal to the multitudes who surround us, and ask, which of them all, except the few connected in office with the Crown, ever heard of its existence? But with regard to myself, every man within hearing at this moment—nay, the whole people of England, have been witnesses to the calumnious clamour that, by every art, has been raised and kept up against me: in every place where business or pleasure collect the public together, day after day my name and character have been the topics of injurious reflection. And for what? Only for not having shrunk from the discharge of a duty which no personal advantage recommended, and which a thousand difficulties repelled. But, gentlemen, I have no complaint to make, either against the printers of these libels, or even against their authors: the greater part of them, hurried perhaps away by honest prejudices, may have believed they were serving their *country* by rendering *me* the object of its suspicions and contempt; and if there had been amongst them others who have mixed in it from personal malice and unkindness, I thank God I can forgive *them* also. Little, indeed, did they know me, who thought that such calumnies would influence my conduct. I will for ever, at all hazards, assert the dignity, independence, and integrity of the ENGLISH BAR, without which impartial justice, the most valuable part of the English constitution, can have no existence. From the moment that any advocate can be permitted to say that he *will* or will *not* stand between the Crown and the subject arraigned in the court where he daily sits to practise, from that moment the liberties of England are at an end. If the advocate refuses to defend, from what *he may think* of the charge or of the defence, he assumes the character of the Judge; nay, he assumes it before the hour of judgment; and, in proportion to his rank and reputation, puts the heavy influence of, perhaps, a mistaken





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opinion into the scale against the accused, in whose favour the benevolent principle of English law makes all presumptions, and which commands the very Judge to be his counsel.

Gentlemen, it is now my duty to address myself without digression to the defence.

The first thing which presents itself in the discussion of any subject is to state distinctly, and with precision, what the question is, and, where prejudice and misrepresentation have been exerted, to distinguish it accurately from what it is NOT. The question, then, is NOT whether the constitution of our fathers—under which we live, under which I present myself before you, and under which alone you have any jurisdiction to hear me—be or be not preferable to the constitution of America or France, or any other human constitution. For upon what principle can a court, constituted by the authority of any Government, and administering a positive system of law under it, pronounce a decision against the constitution which creates its authority, or the rule of action which its jurisdiction is to enforce? The common sense of the most uninformed person must revolt at such an absurd supposition.

I have no difficulty, therefore, in admitting that, if by accident some or all of you were alienated in opinion and affection from the forms and principles of the English Government, and were impressed with the value of that unmixed representative constitution which this work recommends and inculcates, you could not *on that account* acquit the defendant. Nay, to speak out plainly, I freely admit that even if you were avowed enemies to monarchy, and devoted to republicanism, you would be nevertheless bound by your oaths, as a jury sworn to administer justice according to the English law, to convict the author of *The Rights of Man*, if it were brought home to your consciences that he had exceeded those widely-extended bounds which the ancient wisdom and liberal policy of the English constitution have allotted to the range of a free press. I freely concede this, because you have no jurisdiction to judge either the author or the work by any rule but that of English law, which is the source of your authority. But having

made this large concession, it follows, by a consequence so inevitable as to be invulnerable to all argument or artifice, that if, on the other hand, you should be impressed (which I know you to be) not only with a dutiful regard, but with an enthusiasm, for the whole form and substance of your own Government; and though you should think that this work, in its circulation amongst classes of men unequal to political researches, may tend to alienate opinion; still you cannot, *upon such grounds*, without a similar breach of duty, convict the defendant of a libel—unless he has clearly stepped beyond that extended range of communication which the same ancient wisdom and liberal policy of the British constitution has allotted for the liberty of the press.

Gentlemen, I admit, with the Attorney-General, that in every case where a court has to estimate the quality of a writing, the *mind* and *intention* of the writer must be taken into the account,—the *bona* or *mala fides*, as lawyers express it, must be examined,—for a writing may undoubtedly proceed from a motive, and be directed to a purpose, not to be deciphered by the mere construction of the thing written. But wherever a writing is arraigned as seditious or slanderous, not upon its ordinary construction in language, nor from the necessary consequences of its publication, under *any* circumstances, and at *all* times, but that the criminality springs from some *extrinsic matter*, not visible upon the page itself, nor universally operative, but capable only of being connected with it by evidence, so as to demonstrate the effect of the publication and the design of the publisher; such a writing, not libellous *PER SE*, cannot be arraigned as the author's work is arraigned upon the record before the court. I maintain, without the hazard of contradiction, that the law of England positively requires, for the security of the subject, that every charge of a libel complicated with *extrinsic facts and circumstances, dehors the writing*, must appear literally upon the record by an averment of such extrinsic facts and circumstances, that the defendant may know what crime he is called upon to answer, and how to stand upon his defence.

What crime is it that the defendant comes to answer for to-day?—what is the notice that I, who am his counsel, have from this parchment of the crime alleged against him? I come to defend his having written *this book*. The record states nothing else:—the general charge of sedition in the introduction is notoriously paper and packthread; because the innuendoes cannot enlarge the sense or natural construction of the text. The record does not state any one *extrinsic fact or circumstance* to render the work criminal at one time more than *another*; it states no peculiarity of time or season or intention, not provable from the writing itself, which is the naked charge upon record. There is nothing, therefore, which gives you any jurisdiction beyond the construction of the *work itself*; and you cannot be justified in finding it criminal because published at *this* time, unless it would have been a criminal publication under any circumstances, or at *any other* time.

The law of England, then, both in its forms and substance, being the only rule by which the author or the work can be justified or condemned, and the charge upon the record being the naked charge of a libel, the cause resolves itself into a question of the deepest importance to us all—THE NATURE AND EXTENT OF THE LIBERTY OF THE ENGLISH PRESS.

But before I enter upon it, I wish to fulfil a duty to the defendant, which, if I do not deceive myself, is at this moment peculiarly necessary to his impartial trial. If an advocate entertains sentiments injurious to the defence he is engaged in, he is not only justified, but bound in duty, to conceal them; so, on the other hand, if his own genuine sentiments, or anything connected with his character or situation, can add strength to his professional assistance, he is bound to throw them into the scale. In addressing myself, therefore, to gentlemen not only zealous for the honour of English Government, but *visibly* indignant at any attack upon its principles, and who would, perhaps, be impatient of arguments from a suspected quarter, I give my client the benefit of declaring that I am, and ever have been, attached to the

genuine principles of the British Government; and that, however the Court or you may reject the application, I defend him upon principles not only consistent with its permanence and security, but without the establishment of which it never could have had an existence.

The proposition which I mean to maintain as the basis of the liberty of the press, and without which it is an empty sound, is this: that every man, not intending to mislead, but seeking to enlighten others with what his own reason and conscience, however erroneously, have dictated to him as truth, may address himself to the universal reason of a whole nation, either upon the subject of governments in general, or upon that of our own particular country: that he may analyse the principles of its constitution, point out its errors and defects, examine and publish its corruptions, warn his fellow-citizens against their ruinous consequences, and exert his whole faculties in pointing out the most advantageous changes in establishments which he considers to be radically defective, or sliding from their object by abuse. All this every subject of this country has a right to do, if he contemplates only what he thinks would be for its advantage, and but seeks to change the public mind by the conviction which flows from reasonings dictated by conscience.

If, indeed, he writes *what he does not think*; if, contemplating the misery of others, he wickedly condemns what his own understanding approves; or, even admitting his real disgust against the Government or its corruptions, if he *calumniates living magistrates*, or holds out to individuals that they have a right to run before the public mind in their *conduct*; that they may oppose by contumacy or force what private reason only disapproves; that they may disobey the law, because their judgment condemns it; or resist the public will, because they honestly wish to change it—he is then a criminal upon every principle of rational policy, as well as upon the immemorial precedents of English justice; because such a person seeks to disunite individuals from their duty to the whole, and excites to overt acts of *misconduct* in a part

of the community, instead of endeavouring to change, by the impulse of reason, that universal assent which, in this and in every country, constitutes the law for all.

I have, therefore, no difficulty in admitting that if, upon an attentive perusal of this work, it shall be found that the defendant has promulgated any doctrines which excite individuals to withdraw from their subjection to the law by which the whole nation consents to be governed; if his book shall be found to have warranted or excited that unfortunate criminal who appeared here yesterday to endeavour to relieve himself from imprisonment by the destruction of a prison, or dictated to him the language of defiance which ran through the whole of his defence; if throughout the work there shall be found any syllable or letter which strikes at the security of property, or which hints that anything less than *the whole nation* can constitute the law, or that the law, be it what it may, is not the inexorable rule of action for every individual, I willingly yield him up to the justice of the Court.

Gentlemen, I say, in the name of Thomas Paine, and in his words as author of *The Rights of Man*, as written in the very volume that is charged with seeking the destruction of property—

“The end of all political associations is the preservation of the rights of man, which rights are liberty, property, and security; that the nation is the source of all sovereignty derived from it; the right of property being secured and inviolable, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.”

These are undoubtedly the rights of man—the rights for which all governments are established—and the only rights Mr. Paine contends for; but which he thinks (no matter whether right or wrong) are better to be secured by a republican constitution than by the forms of the English Government. He instructs me to admit that, when government is once constituted, no individuals, without rebellion, can withdraw

their obedience from it; that all attempts to excite them to it are highly criminal, for the most obvious reasons of policy and justice; that nothing short of the will of a WHOLE PEOPLE can change or affect the rule by which a nation is to be governed; and that no private opinion, however honestly inimical to the forms or substance of the law, can justify resistance to its authority, while it remains in force. The author of *The Rights of Man* not only admits the truth of all this doctrine, but he consents to be convicted, and I also consent for him, unless his work shall be found studiously and painfully to inculcate those great principles of government which it is charged to have been written to destroy.

Let me not, therefore, be suspected to be contending that it is lawful to write a book pointing out defects in the English Government, and exciting individuals to destroy its sanctions, and to refuse obedience. But, on the other hand, I do contend that it is lawful to address the English nation on these momentous subjects; for had it not been for this inalienable right (thanks be to God and our fathers for establishing it!), how should we have had this constitution which we so loudly boast of? If, in the march of the human mind, no man could have gone before the establishments of the time he lived in, how could our establishment, by reiterated changes, have become what it is? If no man could have awakened the public mind to errors and abuses in our Government, how could it have passed on from stage to stage, through reformation and revolution, so as to have arrived from barbarism to such a pitch of happiness and perfection, that the Attorney-General considers it as profanation to touch it further, or to look for any further amendment?

In this manner power has reasoned in every age; Government, in *its own estimation*, has been at all times a system of perfection; but a free press has examined and detected its errors, and the people have from time to time reformed them. This freedom has alone made our Government what it is; this freedom alone can preserve it; and therefore, under the banners of that freedom, to-day I stand up to defend Thomas

Paine. But how, alas! shall this task be accomplished? How may I expect from you what human nature has not made man for the performance of? How am I to address your reasons, or ask them to pause, amidst the torrent of prejudice which has hurried away the public mind on the subject you are to judge.

Was any Englishman ever so brought as a criminal before an English court of justice? If I were to ask you, gentlemen of the jury, what is the choicest fruit that grows upon the tree of English liberty, you would answer, SECURITY UNDER THE LAW. If I were to ask the whole people of England the return they looked for at the hands of Government for the burdens under which they bend to support it, I should still be answered, SECURITY UNDER THE LAW; or, in other words, an impartial administration of justice. So sacred, therefore, has the freedom of trial been ever held in England; so anxiously does justice guard against every possible bias in her path, that if the public mind has been locally agitated upon any subject in judgment, the forum has either been changed, or the trial postponed. The circulation of any paper that brings, or can be supposed to bring, prejudice, or even well-founded knowledge, within the reach of a British tribunal, *on the spur of an occasion*, is not only highly criminal, but defeats itself, by leading to put off the trial which its object was to pervert. On this principle, the noble and learned Judge will permit me to remind him that on the trial of the Dean of St. Asaph for a libel, or rather when he was brought to trial, the circulation of books by a society favourable to his defence was held by his Lordship, as Chief-Justice of Chester, to be a reason for not trying the cause; although they contained no matter relative to the Dean, nor to the object of his trial; being only extracts from ancient authors of high reputation on the general rights of juries to consider the innocence as well as the guilt of the accused; yet still, as the recollection of these rights was pressed forward *with a view to affect the proceedings*, the proceedings were postponed.

Is the defendant, then, to be the only exception to these

admirable provisions? Is the English law to judge *him*, stripped of the armour with which its universal justice encircles *all others*? Shall we, in the very act of judging him for detracting from the English Government, furnish him with ample matter for just reprobation, instead of detraction? Has not his cause been prejudged through a thousand channels? Has not the work before you been daily and publicly reviled, and his person held up to derision and reproach? Has not the public mind been excited by crying down the very phrase and idea of *The Rights of Man*? Nay, have not associations of gentlemen—I speak it with regret, because I am persuaded, from what I know of some of them, that they, amongst them at least, thought they were serving the public—yet have they not, in utter contempt and ignorance of that constitution of which they declare themselves to be the guardians, published the grossest attacks upon the defendant? Have they not, even while the cause has been standing here for immediate trial, published a direct protest against the very work now before you; advertising in the same paper, though under the general description of seditious libels, a reward on the conviction of any person who should dare to sell the book itself, to which their own publication was an answer? The Attorney-General has spoken of a forced circulation of this work; but how have these prejudging papers been circulated? We all know how. They have been thrown into our carriages in every street; they have met us at every turnpike; and they lie in the areas of all our houses. To complete the triumph of prejudice, that high tribunal of which I have the honour to be a member (my learned friends know what I say to be true) has been drawn into this vortex of slander; and some of its members—I must not speak of the House itself—have thrown the weight of their stations into the same scale. By all these means I maintain that this cause has been prejudged.

It may be said that I have made no motion to put off the trial for these causes, and that courts of themselves take no cognisance of what passes elsewhere, without facts laid before



them. Gentlemen, I know that I should have had equal justice from the Court, if I had brought myself within the rule. But when should I have been better in the present aspect of things? And I only remind you, therefore, of all these hardships, that you may recollect that your judgment is to proceed upon that alone which meets you *here*, upon *the evidence* in the cause, and not upon suggestions destructive of every principle of justice.

Having disposed of these foreign prejudices, I hope you will as little regard some arguments that have been offered to you in court. The letter which has been so repeatedly pressed upon you ought to be dismissed even from your recollection. I have already put it out of the question, as having been written long subsequent to the book, and as being a libel on the King, which no part of the information charges, and which may hereafter be prosecuted as a distinct offence. I consider that letter, besides, and indeed have always heard it treated, as a forgery, contrived to injure the merits of the cause, and to embarrass *me personally* in its defence. I have a right so to consider it, because it is unsupported by anything similar at an earlier period. The defendant's whole deportment, previous to the publication, has been wholly unexceptionable: he properly desired to be given up as the author of the book if any inquiry should take place concerning it: and he is not affected in evidence, either directly or indirectly, with any illegal or suspicious conduct; not even with having uttered an indiscreet or taunting expression, nor with any one matter or thing inconsistent with the duty of the best subject in England. His *opinions* indeed were adverse to our system; but I maintain that OPINION is free, and that CONDUCT alone is amenable to the law.

You are next desired to judge of the author's mind and intention by the modes and extent of the circulation of his work. The FIRST part of *The Rights of Man* Mr. Attorney-General tells you he did not prosecute, although it was in circulation through the country for a year and a half together, because it seems it circulated only amongst what he styles

the judicious part of the public, who possessed in their capacities and experience an antidote to the poison; but that, with regard to the SECOND part now before you, its circulation had been forced into every corner of society; had been printed and reprinted for cheapness even upon whited-brown paper, and had crept into the very nurseries of children as a wrapper for their sweetmeats.

In answer to this statement, which after all stands only upon Mr. Attorney-General's own assertion, unsupported by any kind of proof (no witness having proved the author's personal interference with the sale), I still maintain that if he had the most anxiously promoted it, the question would remain exactly THE SAME: the question would still be, whether at the time when Paine composed his work, and promoted the most extensive purchase of it, he believed or disbelieved what he had written?—and whether he contemplated the happiness or the misery of the English nation, to which it is addressed? And whichever of these intentions may be evidenced to your judgments upon reading the book itself, I confess I am utterly at a loss to comprehend how a writer can be supposed to mean something different from what he has written, by proof of an anxiety (common, I believe, to all authors) that his work should be generally read. Remember, I am not asking your opinions of the *doctrines themselves*,—you have given them already pretty visibly since I began to address you,—but I shall appeal not only to you, but to those who, without our leave, will hereafter judge, and without appeal, of all that we are doing to-day,—whether, upon the matter which I hasten to lay before you, you can refuse to pronounce that from his education,—from the accidents and habits of his life,—from the time and occasion of the publication,—from the circumstances attending it,—and from every line and letter of the work itself, and from all his other writings, his conscience and understanding (*no matter whether erroneously or not*) were deeply and solemnly impressed with the matters contained in his book?—that he addressed it to the reason of the nation at large, and not to the passions of

individuals?—and that, in the issue of its influence, he contemplated only what appeared to *him* (*though it may not to us*) to be the interest and happiness of England, and of the whole human race? In drawing the one or the other of these conclusions, the book stands first in order, and it shall now speak for itself.

Gentlemen, *the whole of it* is in evidence before you; the particular parts arraigned having only been read by my consent, upon the presumption that, on retiring from the court, you would carefully compare them with the context, and all the parts with the **WHOLE VIEWED TOGETHER**. You cannot indeed do justice without it. The most common letter, even in the ordinary course of business, cannot be read in a cause to prove an obligation for twenty shillings without **THE WHOLE** being read, that the writer's meaning may be seen without deception. But in a criminal charge, comprehending only four pages and a half, out of a work containing nearly two hundred, you cannot, with even the appearance of common decency, pronounce a judgment without the most deliberate and cautious comparison. I observe that the noble and learned Judge confirms me in this observation.

If any given part of a work be legally explanatory of every other part of it, the preface, *à fortiori*, is the most material; because the preface is the author's own key to his writing: it is *there* that he takes the reader by the hand and introduces him to his subject; it is there that the spirit and intention of the whole is laid before him by way of prologue. A preface is meant by the author as a clue to ignorant or careless readers; the author says by it, to every man who chooses to begin where he ought, Look at my plan,—attend to my distinctions,—mark the purpose and limitations of the matter I lay before you.

Let, then, the calumniators of Thomas Paine now attend to his preface, where, to leave no excuse for ignorance or misrepresentation, he expresses himself thus:—

“I have differed from some professional gentlemen on the subject of prosecutions, and I since find they are falling into

my opinion, which I will here state as fully but as concisely as I can.

"I will first put a case with respect to any law, and then compare it with a government, or with what in England is or has been called a constitution.

"It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law, or any other, is founded.

"If a law be bad, it is one thing to *oppose the practice* of it, but it is quite a different thing to *expose its errors*, to *reason* on its defects, and to *show cause* why it should be repealed, or why another ought to be substituted in its place. I have always held it an opinion (making it also my practice), that it is better to obey a bad law, making use at the same time of every argument to show its errors and procure its repeal, than forcibly to violate it; because the precedent of breaking a bad law might weaken the force, and lead to a discretionary violation, of those which are good.

"The case is the same with principles and forms of governments, or to what are called constitutions, and the parts of which they are composed.

"It is for the good of nations, and not for the emolument or aggrandisement of particular individuals, that government ought to be established, and that mankind are at the expense of supporting it. The defects of every government and constitution, both as to principle and form, must, on a par of reasoning, be as open to discussion as the defects of a law, and it is a duty which every man owes to society to point them out. When those defects and the means of remedying them are generally seen by a NATION, THAT NATION will reform its government or its constitution in the one case as the government repealed or reformed the law in the other."

Gentlemen, you must undoubtedly wish to deal with every man who comes before you in judgment as you would be dealt by; and surely you will not lay it down to-day as a law to be binding hereafter, even upon yourselves, that if you should

publish any opinion concerning existing abuses in your country's government, and point out to the whole public the means of amendment, you are to be acquitted or convicted as any twelve men may happen to agree with you in your *opinions*. Yet this is precisely what you are asked to do to another—it is precisely the case before you. Mr. Paine expressly says, I obey a law until it is repealed; obedience is not only my principle but my practice, since my disobedience of a law, from thinking it *bad*, might apply to justify another man in the disobedience of a *good one*; and thus individuals would give the rule for themselves, and not society for all. You will presently see that the same principle pervades the whole work; and I am the more anxious to call your attention to it, however repetition may tire you, because it unfolds the whole principle of my argument; for, if you find a sentence in the whole book that invests any individual, or any number of individuals, or any community short of the WHOLE NATION, with a power of changing any part of the law or constitution, I abandon the cause,—YES, I freely abandon it, because I will not affront the majesty of a court of justice by maintaining propositions which, even upon the surface of them, are false. Mr. Paine, pages 162-168, goes on thus—

“When a NATION changes its opinion and habits of thinking, it is no longer to be governed as before; but it would not only be wrong, but bad policy, to attempt by force what ought to be accomplished by reason. Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a government. There ought, therefore, to be, in every nation, a method of occasionally ascertaining the state of public opinion with respect to government.

“There is, therefore, no power but the voluntary will of the people that has a right to act in any matter respecting a general reform; and by the same right that two persons can confer on such a subject, a thousand may. The object in all such preliminary proceedings is to find out what the GENERAL SENSE OF A NATION is, and to be governed by it. If it prefer a bad or defective government to a reform, or choose to pay

ten times more taxes than there is occasion for, it has a right so to do ; and, so long as the majority do not impose conditions on the minority different to what they impose on themselves, though there may be much error, there is no injustice ; neither will the error continue long. Reason and discussion will soon bring things right, however wrong they may begin. By such a process no tumult is to be apprehended. The poor, in all countries, are naturally both peaceable and grateful in all reforms in which their interest and happiness are included. It is only by neglecting and rejecting them that they become tumultuous."

Gentlemen, these are the sentiments of the author of *The Rights of Man*; and, whatever his opinions may be of the defects in our Government, it never can change ours concerning it, if our sentiments are just ; and a writing can never be seditious, in the sense of the English law, which states that the Government leans on the UNIVERSAL WILL for its support.

This universal will is the best and securest title which his Majesty and his family have to the throne of these kingdoms ; and in proportion to the wisdom of our institutions, the title must in common sense become the stronger. So little idea indeed have I of any other, that in my place in Parliament, not a week ago, I considered it as the best way of expressing my reverence to the constitution, as established at the Revolution, to declare (I believe in the presence of the Heir-Apparent to the Crown, to whom I have the greatest personal attachment), that his Majesty reigned in England by choice and consent, as the magistrate of the English people ; not indeed a consent and choice by personal election, like a King of Poland—the worst of all possible constitutions ; but by the election of a family for great national objects, in defiance of that hereditary right, which only becomes tyranny, in the sense of Mr. Paine, when it claims to inherit a nation, instead of governing by their consent, and continuing for its benefit. This sentiment has the advantage of Mr. Burke's high authority, who says with great truth, in a "Letter to his Constituents":—"Too little dependence cannot be had at this time of day on names and

prejudices : the eyes of mankind are opened ; and communities must be held together by a visible and solid interest." I believe, gentlemen of the jury, that the Prince of Wales will always render this title dear to the people. The Attorney-General can only tell you what he *believes* of him ; I can tell you what I *KNOW*, and what I am bound to declare, since this Prince may be traduced in every part of the kingdom, without its coming in question, till brought in to load a defence with matter collateral to the charge. I therefore *assert* what the Attorney-General can only *hope*, that whenever that Prince shall come to the throne of this country (which I pray, but, by the course of nature, may never happen), he will make the constitution of Great Britain the foundation of all his conduct.

Having now established the author's general intention by his own introduction, which is the best and fairest exposition, let us next look at the occasion which gave it birth.

The Attorney-General, throughout the whole course of his address to you (I knew it would be so), has avoided the most distant notice or hint of any circumstance having led to the appearance of the author in the political world, after a silence of so many years ; he has not even pronounced, or even glanced, at the name of Mr. Burke, but has left you to take it for granted that the defendant volunteered this delicate and momentous subject, and, without being led to it by the provocation of political controversy, had seized a favourable moment to stigmatise, from mere malice, and against his own confirmed opinions, the constitution of this country.

Gentlemen, my learned friend knows too well my respect and value for him to suppose that I am charging him with a wilful suppression ; I know him to be incapable of it ; he knew it would come from me. He will permit me, however, to lament that it should have been left for me to inform you, at this late period of the cause, that not only the work before you, but the first part, of which it is a natural continuation, were written, *avowedly and upon the face of them*, IN ANSWER TO MR. BURKE. They were written, besides, under circumstances to be explained hereafter, in the course of which explanation I



may have occasion to cite a few passages from the works of that celebrated person. And I shall speak of him with the highest respect ; for, with whatever contempt he may delight to look down upon my humble talents, however he may disparage the principles which direct my public conduct, he shall never force me to forget the regard which this country owes to him for the writings which he has left upon record as an inheritance to our most distant posterity. After the gratitude which we owe to God for the divine gifts of reason and understanding, our next thanks are due to those from the fountains of whose enlightened minds they are fed and fructified. But pleading, as I do, the cause of freedom of opinions, I shall not give offence by remarking that this great author has been thought to have changed some of his ; and, if Thomas Paine had not thought so, I should not now be addressing you, because the book which is my subject would never have been written. Who may be right and who in the wrong, in the contention of doctrines, I have repeatedly disclaimed to be the question. I can only say that Mr. Paine may be right THROUGHOUT, but that Mr. Burke CANNOT. Mr. Paine has been UNIFORM in *his* opinions, but Mr. Burke HAS NOT. Mr. Burke can only be right in part ; but should Mr. Paine be even mistaken in the whole, still I am not removed from the principle of his defence. My defence has nothing to do with the rectitude of his doctrines. I admit Mr. Paine to be a republican ; you shall soon see what made him one. I do not seek to shade or qualify his attack upon our constitution ; I put my defence on no such matter. He undoubtedly means to declare it to be defective in its forms, and contaminated with abuses which, in his judgment, will, one day or other, bring on the ruin of us all. It is in vain to mince the matter ; this is the scope of his work. But still, if it contain no attack upon the King's Majesty, nor upon any other LIVING MAGISTRATE ; if it excite to no resistance to magistracy, but, on the contrary, if it even studiously inculcate obedience, then, whatever may be its defects, the question continues as before, and ever must remain, an unmixed question of the liberty of the press. I have therefore considered



it as no breach of professional duty, nor injurious to the cause I am defending, to express my own admiration of the real principles of our constitution,—a constitution which I hope may never give way to any other,—a constitution which has been productive of many benefits, and which will produce many more hereafter, if we have wisdom enough to pluck up the weeds that grow in the richest soils and amongst the brightest flowers. I agree with the merchants of London, in a late declaration, that the English Government is equal to the reformation of its own abuses; and, as an inhabitant of the city, I would have signed it, if I had known, *of my own knowledge*, the facts recited in its preamble. But abuses the English constitution unquestionably has, which call loudly for reformation, the existence of which has been the theme of our greatest statesmen, which have too plainly formed the principles of the defendant, and may have led to the very conjuncture which produced his book.

Gentlemen, we all but too well remember the calamitous situation in which our country stood but a few years ago—a situation which no man can look back upon without horror, nor feel himself safe from relapsing into again, while the causes remain which produced it. The event I allude to you must know to be the American War, and the still existing causes of it, the corruptions of this Government. In those days it was not thought virtue by the patriots of England to conceal the existence of them from the people; but then, as now, authority condemned them as disaffected subjects, and defeated the ends they sought by their promulgation.

Hear the opinion of Sir George Saville—not his speculative opinion concerning the structure of our Government in the *abstract*, but his opinion of the settled abuses which prevailed in *his own time*, and which continue at *this moment*. But first let me remind you who Sir George Saville was. I fear we shall hardly look upon his like again. How shall I describe him to you? In my own words I cannot. I was lately commended by Mr. Burke in the House of Commons for strengthening my own language by an appeal to Dr. Johnson. Were the

honourable gentleman present at this moment he would no doubt doubly applaud my choice in resorting to *his own works* for the description of Sir George Saville.

"His fortune is among the largest; a fortune which, wholly unencumbered as it is, without one single charge from luxury, vanity, or excess, sinks under the benevolence of its dispenser. This private benevolence, expanding itself into patriotism, renders his whole being the estate of the public, in which he has not reserved a *peculium* for himself of profit, diversion, or relaxation. During the session, the first in and the last out of the House of Commons, he passes from the senate to the camp; and seldom seeing the seat of his ancestors, he is always in Parliament to serve his country, or in the field to defend it."

It is impossible to ascribe to such a character any principle but patriotism, when he expressed himself as follows:—

"I return to you baffled and dispirited, and I am sorry that truth obliges me to add, with hardly a ray of hope of seeing any change in the miserable course of public calamities.

"On this melancholy day of account, in rendering up to you my trust, I deliver to you your share of a country maimed and weakened; its treasure lavished and misspent; its honours faded; and its conduct the laughing-stock of Europe: our nation in a manner without allies or friends, except such as we have hired to destroy our fellow-subjects, and to ravage a country in which we once claimed an invaluable share. I return to you some of your principal privileges impeached and mangled. And, lastly, I leave you, as I conceive, at this hour and moment, fully, effectually, and absolutely under the discretion and power of a military force, which is to act without waiting for the authority of the civil magistrates.

"Some have been accused of exaggerating the public misfortunes, nay, of having endeavoured to help forward the mischief, that they might afterwards raise discontents. I am willing to hope that neither my temper nor my situation in life will be thought naturally to urge me to promote misery, discord, or confusion, or to exult in the subversion of order,

or in the ruin of property. I have no reason to contemplate with pleasure the poverty of our country, the increase of our debts and of our taxes, or the decay of our commerce. Trust not, however, to my report: reflect, compare, and judge for yourselves.

"But, under all these disheartening circumstances, I could yet entertain a cheerful hope, and undertake again the commission with alacrity, as well as zeal, if I could see any effectual steps taken to remove the original cause of the mischief. 'Then would there be a hope.'

"But till the purity of the constituent body, and thereby that of the representative, be restored, there is NONE.

"I gladly embrace this most public opportunity of delivering my sentiments, not only to all my constituents, but to those likewise not my constituents, whom yet, in the large sense, I represent, and am faithfully to serve.

"I look upon restoring election and representation in some degree (for I expect no miracles) to their original purity, to be that, without which all other efforts will be vain and ridiculous.

"If something be not done, you may, indeed, retain the OUTWARD FORM of your constitution, but not the POWER thereof."

Such were the words of that great good man, lost with those of many others of his time, and his fame, as far as power could hurt it, put in the shade along with them. The consequences we have all seen and felt: America, from an obedient, affectionate colony, became an independent nation; and two millions of people, nursed in the very lap of our monarchy, became the willing subjects of a republican constitution.

Gentlemen, in that great and calamitous conflict Edmund Burke and Thomas Paine fought in the same field of reason together, but with very different successes. Mr. Burke spoke to a Parliament in England, such as Sir George Saville describes it, having no ears but for sounds that flattered its corruptions. Mr. Paine, on the other hand, spoke TO A PEOPLE, reasoned with them, told them that they were bound

by no subjection to any sovereignty, further than their own benefit connected them; and by these powerful arguments prepared the minds of the American people for that GLORIOUS, JUST, and HAPPY revolution.

Gentlemen, I have a right to distinguish it by these epithets, because I aver that at this moment there is as sacred a regard to property, as inviolable a security to all the rights of individuals, lower taxes, fewer grievances, less to deplore, and more to admire, in the constitution of America, than that of any other country under heaven. I wish indeed to except our own, but I cannot even do that, till it shall be purged of those abuses which, though they obscure and deform the surface, have not as yet, *thank God*, destroyed the vital parts.

Why then is Mr. Paine to be calumniated and reviled, because, out of a people consisting of near three millions, *he alone* did not remain attached *in opinion* to a monarchy? Remember that all the blood which was shed in America, and to which he was for years a melancholy and indignant witness, was shed by the authority of the Crown of Great Britain, under the influence of a Parliament such as Sir George Saville has described it, and such as Mr. Burke himself will be called upon by and by in more glowing colours to paint it. How, then, can it be wondered at that Mr. Paine should return to this country in his heart a republican? Was he not equally a republican when he wrote *Common Sense*? Yet that volume has been sold without restraint or prosecution in every shop in England ever since, and which nevertheless (*I appeal to the book, which I have in Court, and which is in everybody's hands*) contains every one principle of government, and every abuse in the British constitution, which is to be found in *The Rights of Man*. Yet Mr. Burke himself saw no reason to be alarmed at that publication, nor to cry down its contents, even when America, which was swayed by it, was in arms against the Crown of Great Britain. You shall hear his opinion of it in his Letter to the Sheriffs of Bristol, pages 33 and 34.

"The *Court Gazette* accomplished what the abettors of independence had attempted in vain. When that disingenuous

compilation, and strange medley of railing and flattery, was adduced as a proof of the united sentiments of the people of Great Britain, there was a great change throughout all America. The tide of popular affection, which had still set towards the parent country, began immediately to turn, and to flow with great rapidity in a contrary course. Far from concealing these wild declarations of enmity, *the author of the celebrated pamphlet* \* *which prepared the minds of the people for independence*, insists largely on the multitude and the spirit of these addresses; and draws an argument from them which (if the fact were as he supposes) must be irresistible; for I never knew a writer on the theory of government so partial to authority as not to allow that the hostile mind of the rulers to their people did fully justify a change of government; nor can any reason whatever be given why one people should voluntarily yield any degree of pre-eminence to another, but on a supposition of great affection and benevolence towards them. Unfortunately, your rulers, trusting to other things, took no notice of this great principle of connection."

Such were the sentiments of Mr. Burke; but there is a time, it seems, for all things.

Gentlemen, the consequences of this mighty revolution are too notorious to require illustration. No audience would sit to *hear* (what everybody has *seen* and *felt*), how the independence of America notoriously produced, not by remote and circuitous effect, but directly and palpably, the revolutions which now agitate Europe, and which portend such mighty changes over the face of the earth. Let governments take warning. The revolution in France was the consequence of her incurably corrupt and profligate Government. God forbid that I should be thought to lean, by this declaration, upon her unfortunate monarch, bending perhaps at this moment under afflictions which my heart sinks within me to think of: when I speak with detestation of the former politics of the French court, I fasten as little of them upon that fallen and unhappy

\* *Common Sense*, written by Thomas Paine in America.

prince, as I impute to our gracious Sovereign the corruptions of our own. I desire, indeed, in the distinctest manner, to be understood that I mean to speak of his Majesty, not only with that obedience and duty which I owe to him as a subject, but with that justice which I think is due to him from all men who examine his conduct either in public or private life.

Gentlemen, Mr. Paine happened to be in England when the French Revolution took place; and notwithstanding what he must be supposed and allowed from his own history to have felt upon such a subject, he remained wholly silent and inactive. The people of this country, too, appeared to be indifferent spectators of the animating scene. They saw, without visible emotion, despotism destroyed, and the King of France, by his own consent, become the first magistrate of a free people. Certainly, at least, it produced none of those effects which are so deprecated by Government at present; nor, most probably, ever would, if it had not occurred to the celebrated person whose name I must so often mention voluntarily to provoke the subject—a subject which, if dangerous to be discussed, HE should not have led to the discussion of; for surely it is not to be endured that any private man shall publish a creed for a whole nation; shall tell us that we are not to think for ourselves, shall impose his own fetters upon the human mind, shall dogmatise at discretion, and yet that no man shall sit down to answer him without being guilty of a libel. I assert that if it be a libel to mistake our constitution, to attempt the support of it by means that tend to destroy it, and to choose the most dangerous season for doing so, Mr. Burke is that libeller; but not therefore the object of a criminal prosecution: whilst I am defending the motives of one man, I have neither right nor disposition to criminate the motives of another. All I contend for is a fact that cannot be controverted—viz., that *this officious interference was the origin of Mr. Paine's book*. I put my cause upon its being the origin of it—the avowed origin—as will abundantly appear from the introduction and preface to both parts, and from the whole body of the work; nay, from the very work of Mr. Burke himself, to which both of them are answers.

For the history of that celebrated work, I appeal to itself.

When the French Revolution had arrived at some of its early stages, a few, and but a few, persons (not to be named when compared with the nation) took a visible interest in these mighty events—an interest well worthy of Englishmen. They saw a pernicious system of government which had led to desolating wars, and had been for ages the scourge of Great Britain, giving way to a system which seemed to promise harmony and peace amongst nations. They saw this with virtuous and peaceable satisfaction; and a reverend divine,\* eminent for his eloquence, recollecting that the issues of life are in the hands of God, saw no profaneness in mixing the subject with public thanksgiving, by reminding the people of this country of their own glorious deliverance in former ages. It happened, also, that a society of gentlemen, France being then a neutral nation, and her own monarch swearing almost daily upon her altars to maintain the new constitution, thought they infringed no law by sending a general congratulation. Their numbers, indeed, were very inconsiderable; so much so, that Mr. Burke, with more truth than wisdom, begins his volume with a sarcasm upon their insignificance:—

“Until very lately he had never heard of such a club. It certainly never occupied a moment of his thoughts; nor, he believed, those of any person out of their own set.”

Why then make their proceedings the subject of alarm throughout England? There had been no prosecution against them, nor any charge founded even upon suspicion of disaffection against any of their body. But Mr. Burke thought it was reserved for his eloquence to whip these curs of faction to their kennels. How he has succeeded, I appeal to all that has happened since the introduction of his schism in the British Empire, by giving to the King, whose title was questioned by no man, a title which it is his Majesty's most solemn interest to disclaim.

After having, in his first work, lashed Dr. Price in a strain of

\* Dr. Price.



eloquent irony for considering the monarchy to be elective, which he could not but know Dr. Price, *in the literal sense of election*, neither did nor could possibly consider it, Mr. Burke published a second treatise; in which, after reprinting many passages from Mr. Paine's former work, he ridicules and denies the supposed right of the people to change their governments, in the following words:—

"The French Revolution, *say they*" (speaking of the English societies), "was the act of the majority of the people; and if the majority of any other people, *the people of England, for instance*, wish to make the same change, they have the same right; just the same undoubtedly; that is, none *at all*."

And then, after speaking of the subserviency of will to duty (in which I agree with him), he, in a substantive sentence, maintains the same doctrine, thus:—

"The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract."

So that if reason, or even revelation itself, were now to demonstrate to us, that our constitution was mischievous in its effects—if, to use Mr. Attorney-General's expression, we had been insane for the many centuries we have supported it; yet that still, if the King had not forfeited his title to the Crown, nor the Lords their privileges, *the universal voice of the people of England* could not build up a new government upon a legitimate basis.

Passing by, for the present, the absurdity of such a proposition, and supposing it could, beyond all controversy, be maintained; for Heaven's sake, let wisdom never utter it! Let policy and prudence for ever conceal it! If you seek the stability of the English Government, rather put the book of Mr. Paine, which calls it bad, into every hand in the kingdom, than doctrines which bid human nature rebel even against that which is the best. Say to the people of England, Look at your constitution, there it lies before you—the work of your pious fathers,—handed down as a sacred deposit from



generation to generation,—the result of wisdom and virtue,—and its parts cemented together with kindred blood: there are, indeed, a few spots upon its surface; but the same principle which reared the structure will brush them all away. You may preserve your Government—you may destroy it. To such an address, what would be the answer? A chorus of the nation—YES, WE WILL PRESERVE IT. But say to the *same* nation, even of the very *same* constitution, It is yours, such as it is, for better or for worse;—it is strapped upon your backs, to carry it as beasts of burden,—you have no jurisdiction to cast it off. Let *this* be your position, and you instantly raise up (I appeal to every man's consciousness of his own nature) a spirit of uneasiness and discontent. It is this spirit alone that has pointed most of the passages arraigned before you.

But let the prudence of Mr. Burke's argument be what it may, the argument itself is untenable. His Majesty undoubtedly was not elected to the throne. No man can be supposed, in the teeth of fact, to have contended it;—but did not the people of England elect King William, and break the hereditary succession?—and does not his Majesty's title grow out of that election? It is one of the charges against the defendant, his having denied the Parliament which called the Prince of Orange to the throne to have been a legal convention of the whole people; and is not the very foundation of that charge that it *was* such a legal convention, and that it was intended to be so? And *if it was so*, did not the people then confer the Crown upon King William without any regard to hereditary right? Did they not cut off the Prince of Wales, who stood directly in the line of succession, and who had incurred no personal forfeiture? Did they not give their deliverer an estate in the Crown totally new and unprecedented in the law or history of the country? And, lastly, might they not, by the same authority, have given the royal inheritance to the family of a stranger? Mr. Justice Blackstone, in his *Commentaries*, asserts in terms *that they might*; and ascribes their choice of King William, and the subsequent

limitations of the Crown, not to want of jurisdiction, but to their true origin, to prudence and discretion in not disturbing a valuable institution further than public safety and necessity dictated.

The English Government stands then on this public consent, the true root of all governments. And I agree with Mr. Burke that, while it is well administered, it is not in the power of factions or libels to disturb it; though, when ministers are in fault, they are sure to set down all disturbances to these causes. This is most justly and eloquently exemplified in his own *Thoughts on the Cause of the Present Discontents*, pages 5 and 6 :—

“Ministers contend that no adequate provocation has been given for so spreading a discontent, our affairs having been conducted throughout with remarkable temper and consummate wisdom. The wicked industry of some libellers, joined to the intrigues of a few disappointed politicians, have, in their opinion, been able to produce this unnatural ferment in the nation.

“Nothing, indeed, can be more unnatural than the present convulsions of this country, if the above account be a true one. I confess I shall assent to it with great reluctance, and only on the compulsion of the clearest and firmest proofs; because their account resolves itself into this short but discouraging proposition: ‘That we have a very good Ministry, but that we are a very bad people;’ that we set ourselves to bite the hand that feeds us; and, with a malignant insanity, oppose the measures and ungratefully vilify the persons of those whose sole object is our own peace and prosperity. If a few puny libellers, acting under a knot of factious politicians, without virtue, parts, or character (for such they are constantly represented by these gentlemen), are sufficient to excite this disturbance, very perverse must be the disposition of that people amongst whom such a disturbance can be excited by such means.”

He says true; never were serious disturbances excited by such means!

But to return to the argument. Let us now see how the rights of the people stand upon authorities. Let us examine whether this great source of government insisted on by Thomas Paine be not maintained by persons on whom my friend will find it difficult to fasten the character of libellers.

I shall begin with the most modern author on the subject of government—whose work lies spread out before me, as it often does at home for my delight and instruction in my leisure hours. I have also the honour of his personal acquaintance. He is a man, perhaps more than any other, devoted to the real constitution of this country, as will be found throughout his valuable work; he is a person, besides, of great learning, which enabled him to infuse much useful knowledge into my learned friend now near me, who introduced me to him.\* I speak of Mr. Paley, Archdeacon of Carlisle, and of his work entitled *The Principles of Political and Moral Philosophy*, in which he investigates the first principles of all governments—a discussion not thought dangerous till lately. I hope we shall soon get rid of this ridiculous practice.

Mr. Paley professes to think of governments what the Christian religion was thought of by its first teachers—"If it be of God, it will stand;" and he puts the duty of obedience to them upon free will and moral duty. After dissenting from Mr. Locke as to the origin of governments in compact, he says—

"Wherefore, rejecting the intervention of a compact as unfounded in its principle, and dangerous in the application, we assign for the only ground of the subjects' obligation, THE WILL OF GOD, AS COLLECTED FROM EXPEDIENCY.

"The steps by which the argument proceeds are few and direct. 'It is the will of God that the happiness of human life be promoted;'—this is the first step, and the foundation, not only of this, but of every moral conclusion. 'Civil society conduces to that end;'—this is the second proposition. 'Civil

\* Lord Ellenborough, then Mr. Law.

societies cannot be upheld unless in each the interest of the whole society be binding upon every part and member of it;—this is the third step, and conducts us to the conclusion, —namely, ‘That, so long as the interest of the whole society requires it (that is, so long as the established government cannot be resisted or changed without public inconveniency), it is the will of God (which will universally determines our duty) that the established government be obeyed,’—*and no longer.*

“But who shall judge of this? We answer, ‘*Every man for himself.*’ In contentions between the sovereign and the subject, the parties acknowledge no common arbitrator; and it would be absurd to commit the decision to those whose conduct has provoked the question, and whose own interest, authority, and fate are immediately concerned in it. The danger of error and abuse is no objection to the rule of expediency, because every other rule is liable to the same or greater; and every rule that can be propounded upon the subject (like all rules which appeal to or bind the conscience) must, in the application, depend upon private judgment. It may be observed, however, that it ought equally to be accounted the exercise of a man’s private judgment, whether he determines by reasonings and conclusions of his own, or submits to be directed by the advice of others, provided he be free to choose his guide.”

He then proceeds in a manner rather inconsistent with the principles entertained by my learned friend in his opening to you—

“No usage, law, or authority whatever, is so binding that it need or ought to be continued when it may be changed with advantage to the community. The family of the prince—the order of succession—the prerogative of the crown—the form and parts of the legislature—together with the respective powers, office, duration, and mutual dependency of the several parts,—are all only so many laws, mutable, like other laws, whenever expediency requires, either by the ordinary act of the legislature, or, if the occasion deserve it, BY THE INTERPOSITION OF THE PEOPLE.”

No man can say that Mr. Paley intended to diffuse discon-

tent by this declaration. He must, therefore, be taken to think with me, that freedom and affection, and the sense of advantage, are the best and the only supports of government. On the same principle he then goes on to say—"These points are wont to be approached with a kind of awe; they are represented to the mind as principles of the constitution, settled by our ancestors; and, being settled, to be no more committed to innovation or debate; as foundations never to be stirred; as the terms and conditions of the social compact, to which every citizen of the state has engaged his fidelity by virtue of a promise which he cannot now recall. Such reasons have no place in our system."

These are the sentiments of this excellent author; and there is no part of Mr. Paine's work, from the one end of it to the other, that advances any other proposition.

But the Attorney-General will say these are the grave speculative opinions of a friend to the English Government, whereas Mr. Paine is its professed enemy; what then? The principle is, that every man, while he obeys the laws, is to think for himself, and to communicate what he thinks. The very ends of society exact this licence, and the policy of the law, in its provisions for its security, has tacitly sanctioned it. The real fact is, that writings against a free and well-proportioned government need not be guarded against by laws. They cannot often exist, and never with effect. The just and lawful principles of society are rarely brought forward but when they are insulted and denied, or abused in practice. Mr. Locke's Essay on Government we owe to Sir Robert Filmer, as we owe Mr. Paine's to Mr. Burke; indeed, between the arguments of Filmer and Burke I see no essential difference, since it is not worth disputing whether a king exists by *divine* right or by *indissoluble human* compact, if he exists whether we will or no. If his existence be without our consent, and is to continue without benefit, it matters not whether his title be from God or from man.

That his title is from man, and from every generation of man, without regard to the determination of former ones, hear from Mr. Locke:—"All men," say they (*i.e.*, Filmer and his

adherents), "*are BORN under government, and therefore they cannot be at liberty to begin a new one. Every one is born a subject to his father, or his prince, and is therefore under the perpetual tie of subjection and allegiance.* It is plain mankind never owned nor considered any such natural *subjection that they were born in*, to one or the other, that tied them, without their own consents, to a subjection to them and their heirs.

"It is true that whatever engagements or promises any one has made for himself, he is under the obligation of them, but cannot, by any compact whatsoever, bind his children or posterity; for his son, when a man, being altogether as free as the father, any *act of the father can no more give away the liberty of the son* than it can of anybody else."

So much for Mr. Locke's opinion of the rights of man. Let us now examine his ideas of the supposed danger of trusting him with them.

"Perhaps it will be said that—the people being ignorant, and always discontented—to lay the foundation of government in the unsteady opinion and uncertain humour of the people is to expose it to certain ruin; and no government will be able long to subsist if the people may set up a new legislature whenever they take offence at the old one. To this I answer, Quite the contrary; people are not so easily got out of their old forms as some are apt to suggest; they are hardly to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to; and if there be any original defects, or adventitious ones, introduced by time or corruption, it is not an easy thing to be changed, even when all the world sees there is an opportunity for it. This slowness and aversion in the people to quit their old constitutions has, in the many revolutions which have been seen in this kingdom in this and former ages, still kept us to, or, after some interval of fruitless attempts, still brought us back again, to our old legislative of kings, lords, and commons; and whatever provocations have made the crown be taken from some of our princes' heads, they never carried the people so far as to place it in another line."

Gentlemen. I wish I had strength to go on with all that

follows ; but I have read enough, not only to maintain the true principles of government, but to put to shame the narrow system of distrusting the people.

It may be said that Mr. Locke went great lengths in his positions to beat down the contrary doctrine of divine right, which was then endangering the new establishment. But that cannot be objected to David Hume, who maintains the same doctrine. Speaking of the Magna Charta in his History, vol. ii., page 88, he says, "It must be confessed that the former articles of the great charter contain such mitigations and explanations of the feudal law as are reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice and free enjoyment of property ; the great object for which political society was founded by men, *which the people have a perpetual and unalienable right to recall ; and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention.*"

These authorities are sufficient to rest on ; yet I cannot omit Mr. Burke himself, who is, if possible, still more distinct on the subject. Speaking not of the ancient people of England, but of colonies planted almost within our memories, he says, "If there be one fact in the world perfectly clear, it is this, that the disposition of the people of America is wholly averse to any other than a free government ; and this is indication enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer, THAT IT IS WHAT THE PEOPLE THINK SO ; AND THAT THEY, AND NOT I, ARE THE NATURAL, LAWFUL, AND COMPETENT JUDGES OF THIS MATTER. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavour to prove from thence that they have reasoned amiss ; and that, having gone so far, by analogy, they must hereafter have no enjoyment but by my pleasure."



Gentlemen, all that I have been stating hitherto has been only to show that there is not that *novelty* in the opinions of the defendant as to lead you to think he does not *bond fide* entertain them, much less when connected with the history of his life, which I therefore brought in review before you. But still the great question remains unargued : Had he a right to promulgate these opinions? If he entertained them, I shall argue that he had ; and although my arguments upon the liberty of the press may not to-day be honoured with your or the Court's approbation, I shall retire not at all disheartened, consoling myself with the reflection that a season may arrive for their reception. The most essential liberties of mankind have been but slowly and gradually received ; and so very late indeed do some of them come to maturity that, notwithstanding the Attorney-General tells you that the very question I am now agitating is most peculiarly for *your* consideration, AS A JURY, under our ANCIENT constitution, yet I must remind both YOU and HIM that your jurisdiction to consider and deal with it at all in judgment is but A YEAR OLD. Before that late period I ventured to maintain this very RIGHT OF A JURY over the question of libel under the same *ancient* constitution (I do not mean before the noble Judge now present, for the matter was gone to rest in the courts long before he came to sit where he does, but) before a noble and reverend magistrate of the most exalted understanding, and of the most uncorrupted integrity.\* He treated me not with contempt, indeed, for of that his nature was incapable, but he put me aside with indulgence, as you do a child while it is lisping its prattle out of season ; and if this cause had been tried *then*, instead of *now*, the defendant must have been instantly convicted on the proof of the publication, whatever *you* might have thought of his case. Yet I have lived to see it resolved, by an almost unanimous vote of the whole Parliament of England, that I had all along been in the right. If this be not an awful lesson of caution concerning opinions, where are such lessons to be read ?

\* Earl of Mansfield.



Gentlemen, I have insisted, at great length, upon the origin of governments, and detailed the authorities which you have heard upon the subject, because I consider it to be not only an essential support, but the very foundation of the liberty of the press. If Mr. Burke be right in HIS principles of government, I admit that the press, in my sense of its freedom, ought not to be free, *nor free in any sense at all*; and that all addresses to the people upon the subject of government, and all speculations of amendment, of what kind or nature soever, are illegal and criminal, since, if the people have, without possible recall, delegated all their authorities, they have no jurisdiction to act, and therefore none to think or write upon such subjects; and it would be a libel to arraign government, or any of its acts, before those that have no jurisdiction to correct them. But, on the other hand, as it is a settled rule in the law of England that the subject may always address a competent jurisdiction, no legal argument can shake the freedom of the press, in my sense of it, if I am supported in my doctrines concerning the great unalienable right of the people, to reform or to change their governments.

It is because the liberty of the press resolves itself into this great issue that it has been, in every country, the last liberty which subjects have been able to wrest from power. Other liberties are held *under* governments; but the liberty of opinion keeps GOVERNMENTS THEMSELVES in due subjection to their duties. This has produced the martyrdom of truth in every age, and the world has been only purged from ignorance with the innocent blood of those who have enlightened it.

Gentlemen, my strength and time are wasted, and I can only make this melancholy history pass like a shadow before you.

I shall begin with the grand type and example.

The universal God of nature, the Saviour of mankind, the Fountain of all light, who came to pluck the world from eternal darkness, expired upon a cross—the scoff of infidel scorn; and His blessed apostles followed Him in the train of martyrs. When He came in the flesh, He might have come like the

Mahometan prophet, as a powerful sovereign, and propagated His religion with an unconquerable sword, which even now, after the lapse of ages, is but slowly advancing under the influence of reason over the face of the earth; but such a process would have been inconsistent with His mission, which was to confound the pride, and to establish the universal rights of men. He came, therefore, in that lowly state which is represented in the gospel, and preached His consolations to the poor.

When the foundation of this religion was discovered to be invulnerable and immortal, we find political power taking the Church into partnership; thus began the corruptions, both of religion and civil power; and, hand in hand together, what havoc have they not made in the world?—ruling by ignorance and the persecution of truth; but this very persecution only hastened the revival of letters and liberty. Nay, you will find that in the exact proportion that knowledge and learning have been beat down and fettered, they have destroyed the governments which bound them. The Court of Star Chamber, the first restriction of the press of England, was erected previous to all the great changes in the constitution. From that moment, no man could legally write without an imprimatur from the State; but truth and freedom found their way with greater force through secret channels; and the unhappy Charles, *unwarned by a free press*, was brought to an ignominious death. When men can freely communicate their thoughts and their sufferings, real or imaginary, their passions spend themselves in air, like gunpowder scattered upon the surface; but, pent up by terrors, they work unseen, burst forth in a moment, and destroy everything in their course. Let reason be opposed to reason, and argument to argument, and every good government will be safe.

The usurper, Cromwell, pursued the same system of restraint in support of his government, and the end of it speedily followed.

At the restoration of Charles II. the Star Chamber Ordinance of 1637 was worked up into an Act of Parliament, and was

followed up during that reign, and the short one that followed it, by the most sanguinary prosecutions. But what fact in history is more notorious than that this blind and contemptible policy prepared and hastened the Revolution? At that great era these cobwebs were all brushed away. The freedom of the press was regenerated, and the country, ruled by its affections, has since enjoyed a century of tranquillity and glory. Thus I have maintained by English history that, in proportion as the press has been free, English government has been secure.

Gentlemen, the same important truth may be illustrated by great authorities. Upon a subject of this kind resort cannot be had to law cases. The ancient law of England knew nothing of such libels; they began, and should have ended, with the Star Chamber. What writings are slanderous of *individuals* must be looked for where these prosecutions are recorded; but upon *general* subjects we must go to *general* writers. If, indeed, I were to refer to obscure authors, I might be answered that my very authorities were libels, instead of justifications or examples; but this cannot be said with effect of great men, whose works are classics in our language, taught in our schools, and repeatedly printed under the eye of Government.

I shall begin with the poet Milton, a great authority in all learning. It may be said, indeed, he was a republican, but that would only prove that republicanism is not incompatible with virtue. It may be said, too, that the work which I cite was written against previous licensing, which is not contended for to-day. But if every work were to be adjudged a libel which was adverse to the wishes of Government, or to the opinions of those who may compose it, the revival of a licenser would be a security to the public. If I present my book to a magistrate appointed by law, and he rejects it, I have only to forbear from the publication. In the forbearance I am safe; and he too is answerable to law for the abuse of his authority. But, upon the argument of to-day, a man must print at his peril, without any guide to the principles of judgment upon which his work may be afterwards prosecuted and condemned.

Milton's argument therefore applies, and was meant to apply, to every interruption to writing, which, while they oppress the individual, endanger the State.

"We have them not," says Milton, "that can be heard of, from any ancient state, or polity, or church, nor by any statute left us by our ancestors, elder or later, nor from the modern custom of any reformed city, or church abroad ; but from the most anti-christian council, and the most tyrannous inquisition that ever existed. Till *then*, books were ever as freely admitted into the world as any other birth ; *the issue of the brain was no more stifled than the issue of the womb.*

"To the pure all things are pure ; not only meats and drinks, but all kind of knowledge, whether good or evil. The knowledge cannot defile, nor consequently the books, if the will and conscience be not defiled.

"Bad books serve in many respects to discover, to confute, to forewarn, and to illustrate. Whereof, what better witness can we expect I should produce than one of your own, now sitting in Parliament, the chief of learned men reputed in this land, *Mr. Selden*, whose volume of natural and national laws proves, not only by great authorities brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, YEA, ERRORS, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest.

"Opinions and understanding are not such wares as to be monopolised and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land to mark and license it like our broadcloth and our woolpacks.

"Nor is it to the common people less than a reproach ; for if we be so jealous over them that we cannot trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people ; in such a sick and weak estate of faith and discretion as to be able to take nothing down but through the pipe of a licenser ? That this is care or love of them we cannot pretend.

"Those corruptions which it seeks to prevent break in faster at doors which cannot be shut. To prevent men thinking and acting for themselves by restraints on the press is like to the exploits of that gallant man who thought to pound up the crows by shutting his park gate.

"This obstructing violence meets, for the most part, with an event utterly opposite to the end which it drives at. Instead of suppressing books, it raises them and invests them with a reputation. The punishment of wits enhances their authority, saith the Viscount St. Albans, and a forbidden writing is thought to be a certain spark of truth that flies up in the face of them who seek to tread it out."

He then adverts to his visit to the famous Galileo, whom he found and visited in the Inquisition, "for not thinking in astronomy with the Franciscan and Dominican monks." And what event ought more deeply to interest and affect us? THE VERY LAWS OF NATURE were to bend under the rod of a licenser. This illustrious astronomer ended his life within the bars of a prison, because, in seeing the phases of Venus through his newly-invented telescope, he pronounced that she shone with borrowed light, and from the sun as the centre of the universe. This was the *mighty crime*, the placing the sun in the centre: that sun which now inhabits it upon the foundation of mathematical truth, which enables us to traverse the pathless ocean, and to carry our line and rule amongst other worlds, which, but for Galileo, we had never known, perhaps even to the recesses of an infinite and eternal God.

Milton then, in his most eloquent address to the Parliament, puts the liberty of the press on its true and most honourable foundation:—

"Believe it, Lords and Commons, they who counsel ye to such a suppressing of books, do as good as bid you suppress yourselves, and I will soon show how.

"If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, and free, and humane government. It is the liberty, Lords and Commons, which your own valorous and

happy counsels have purchased us ; liberty, which is the nurse of all great wits. This is that which hath rarefied and enlightened our spirits like the influence of heaven. This is that which hath enfranchised, enlarged, and lifted up our apprehensions degrees above themselves. Ye cannot make us now less capable, less knowing, less eagerly pursuing the truth, unless ye first make yourselves that made us so less the lovers, less the founders, of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us ; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts now more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us. Give me the liberty to know, to utter, and to argue freely, according to conscience, above all liberties."

Gentlemen, I will yet refer you to another author, whose opinion you may think more in point, as having lived in our own times, and as holding the highest monarchical principles of government. I speak of Mr. Hume, who, nevertheless, considers that this liberty of the press extends not only to abstract speculation, but to keep the public on their guard against all the acts of their Government.

After showing the advantages of a monarchy to public freedom, provided it is duly controlled and watched by the popular part of the constitution, he says, "These principles account for the great liberty of the press in these kingdoms, beyond what is indulged in any other Government. It is apprehended that arbitrary power would steal in upon us were we not careful to prevent its progress, and were there not an easy method of conveying the alarm from one end of the kingdom to the other. *The spirit of the people must frequently be roused in order to curb the ambition of the Court*, and the dread of rousing this spirit must be employed to prevent that ambition. Nothing is so effectual to this purpose as the liberty of THE PRESS, by which all the learning, wit, and genius of the nation may be employed on the

side of freedom, and every one be animated to its defence. *As long, therefore, as the republican part of our Government can maintain itself against the monarchical, it will naturally be careful to keep the press open, as of importance to its own preservation."*

There is another authority contemporary with the last, a splendid speaker in the Upper House of Parliament, and who held during most of his time high offices under the King. I speak of the Earl of Chesterfield, who thus expressed himself in the House of Lords:—"One of the greatest blessings, my Lords, we enjoy is liberty; but every good in this life has its alloy of evil. Licentiousness is the alloy of liberty, it is——"

Lord KENYON. Doctor Johnson claims to pluck that *feather* from Lord Chesterfield's wing. He speaks, I believe, of the eye of the political body.

Mr. ERSKINE. My Lord, I am happy that it is admitted to be a feather. I have heard it said that Lord Chesterfield borrowed that which I was just about to state, and which his Lordship has anticipated.

Lord KENYON. That very speech which did Lord Chesterfield so much honour is supposed to have been written by Doctor Johnson.

Mr. ERSKINE. Gentlemen, I believe it was so, and I am much obliged to his Lordship for giving me a far higher authority for my doctrine. For though Lord Chesterfield was a man of great wit, he was undoubtedly far inferior in learning and, what is more to the purpose, in *monarchical* opinion, to the celebrated writer to whom my Lord has now delivered the work by his authority. Doctor Johnson then says, "One of the greatest blessings we enjoy, one of the greatest blessings a people, my Lords, can enjoy, is liberty; but every good in this life has its alloy of evil. Licentiousness is the alloy of liberty. It is an ebullition, an excrescence; it is a speck upon the eye of the political body, but which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is apt to appear.



"There is such a connection between licentiousness and liberty, that it is not easy to correct the one without dangerously wounding the other : it is extremely hard to distinguish the true limit between them : like a changeable silk, we can easily see there are two different colours, but we cannot easily discover where the one ends, or where the other begins."

I confess I cannot help agreeing with this learned author. THE DANGER OF TOUCHING THE PRESS IS THE DIFFICULTY OF MARKING ITS LIMITS. My learned friend, who has just gone out of Court, has drawn no line and unfolded no principle. He has not told us, if *this* book is condemned, *what* book may be written. If I may not write against the existence of a monarchy, and recommend a republic, may I write against any part of the Government? May I say that we should be better without a House of Lords, or a House of Commons, or a Court of Chancery, or any other given part of our establishment? Or if, as has been hinted, a work may be libellous for stating even *legal* matter with *sarcastic* phrase, the difficulty becomes the greater, and the liberty of the press more impossible to define.

The same author, pursuing the subject, and speaking of the fall of Roman liberty, says, "But this sort of liberty came soon after to be called licentiousness ; for we are told that Augustus, after having established his empire, restored order in Rome by restraining licentiousness. God forbid we should in this country have order restored or licentiousness restrained, at so dear a rate as the people of Rome paid for it to Augustus !

"Let us consider, my Lords, that arbitrary power has seldom or never been introduced into any country at once. It must be introduced by slow degrees, and as it were step by step, lest the people should see its approach. The barriers and fences of the people's liberty must be plucked up one by one, and some plausible pretences must be found for removing or hoodwinking, one after another, those sentries who are posted by the constitution of a free country for warning the people of their danger. When these preparatory steps are once made,



the people may then, indeed, with regret, see slavery and arbitrary power making long strides over their land; but it will be too late to think of preventing or avoiding the impending ruin.

"The stage, my Lords, and the press, are two of our out-sentries: if we remove them, if we hoodwink them, if we throw them in fetters, the enemy may surprise us."

Gentlemen, this subject was still more lately put in the justest and most forcible light by a noble person high in the magistracy, whose mind is not at all tuned to the introduction of disorder by improper popular excesses: I mean Lord Loughborough, Chief Justice of the Court of Common Pleas. I believe I can answer for the correctness of my note, which I shall follow up with the opinion of another member of the Lords' House of Parliament, the present Earl Stanhope; or rather, I shall take Lord Stanhope first, as his Lordship introduces the subject by adverting to this argument of Lord Loughborough's. "If," says Lord Stanhope, "our boasted liberty of the press were to consist only in the liberty to write *in praise* of the constitution, this is a liberty enjoyed under many *arbitrary* governments. I suppose it would not be deemed quite an unpardonable offence, even by the Empress of Russia, if any man were to take into his head to write a panegyric upon the Russian form of government. Such a liberty as that might therefore properly be termed the *Russian liberty of the press*. But the *English liberty of the press* is of a very different description: for, by the law of England, it is not prohibited to publish speculative works upon the constitution, whether *they contain praise or censure*."—(Lord Stanhope's *Defence of the Libel Bill*.)

You see, therefore, as far as the general principle goes, I am supported by the opinion of Lord Stanhope, for otherwise the noble Lord has written a libel himself, by exciting other people to write *whatever they may think*, be it good or evil, of the constitution of the country. As to the other high authority, Lord Loughborough, I will read what applies to this subject—"Every man," said Lord Loughborough, "may publish at his

discretion his opinions concerning forms and systems of government. If they be wise and enlightening, the world will gain by them; if they be weak and absurd, they will be laughed at and forgotten; and if they be *bonâ fide*, *they cannot be criminal, however* ERRONEOUS. On the other hand, the purpose and the direction may give a different turn to writings whose common construction is harmless, or even meritorious. Suppose men, assembled in disturbance of the peace, to pull down mills or turnpikes, or to do any other mischief, and that a mischievous person should disperse among them an excitation to the planned mischief known to both writer and reader, *To your tents, O Israel*; that publication would be criminal;—not as a libel, not as an abstract writing, but as an act; and the act being the crime, *it must be stated as a fact extrinsic on the record*; for otherwise a Court of Error could have no jurisdiction but over the *natural construction of the writing*; nor would the defendant have any notice of such matter at the trial, without a charge on the record. To give the jury cognisance of any matter beyond the construction of the writing, the averment should be, in the case as I have instanced, that certain persons were, as I have described, assembled; and that the publisher, intending to excite these persons so assembled, wrote *so and so*. Here the crime is complete, and consists in an *overt act of wickedness evidenced by a writing*."

In answer to all these authorities, the Attorney-General may say that if Mr. Paine had written his observations with the views of those high persons, and under other circumstances, he would be protected and acquitted;—to which I can only answer, that no facts or circumstances attending his work are either *charged or proved*;—that you have *no* jurisdiction whatever but over the natural construction of the work before you, and that I am therefore brought without a flaw to the support of the passages which are the particular subject of complaint.

Gentlemen, I am not unmindful how long I have already trespassing upon your patience; and, recollecting the nature of the human mind, and how much, for a thousand reasons, I have

to struggle against at this moment, I shall not be disconcerted if any of you should appear anxious to retire from the pain of hearing me further. It has been said in the newspapers, that my vanity has forwarded my zeal in this cause ;—but I might appeal even to the authors of those paragraphs whether a situation ever existed which vanity would have been fonder to fly from—the task of speaking against every known prepossession—with every countenance, as it were, planted and lifted up against me. But I stand at this bar to give to a criminal arraigned before it the defence which the law of the country entitles him to. If any of my arguments be indecent, or unfit for the Court to hear, the noble Judge presides to interrupt them ; if all, or any of them, are capable of an answer, they will be answered ; or if they be so unfounded in your own minds, who are to judge of them, as not to call for refutation, your verdict in a moment will overthrow all that has been said. We shall then have all discharged our duties. It is your unquestionable province to judge, and mine not less unquestionably to address your judgments.

When the noble Judge and myself were counsel for Lord George Gordon in 1781, it was not considered by that jury, nor imputed to us by anybody, that we were contending for the privileges of overawing the House of Commons, or recommending the conflagration of this city. *I* am doing the same duty now which *my Lord and I* then did in concert together ; and, whatever may become of the cause, *I expect to be heard* ; conscious that no just obloquy can be, or will in the end be, cast upon me for having done my duty in the manner I have endeavoured to perform it.—Sir, I shall name you presently.\*

Gentlemen, I come now to observe on the passages selected by the information ; and with regard to the first, I shall dispose of it in a moment.

“All *hereditary* government is in its nature tyranny. An heritable crown, or an heritable throne, or by what other

\* This expression was provoked by the conduct of one of the jury, which this rebuke put an end to.

fanciful name such things may be called, have no other significant explanation than that mankind are heritable *property*. To *inherit* a government is to *inherit* the *people* as if they were flocks and herds."

And is it to be endured, says the Attorney-General, that the people of this country are to be told that they are driven like oxen or sheep? Certainly not. I am of opinion that a more dangerous doctrine cannot be instilled into the people of England. But who instils such a doctrine? I deny that it is instilled by Mr. Paine. When he maintains that hereditary monarchy inherits a people like flocks and herds, it is clear from the context (*which is kept out of view*) that he is combating the proposition in Mr. Burke's book, which asserts that the hereditary monarchy of England is fastened upon the people of England by *indissoluble compact*. Mr. Paine, on the contrary, asserts the King of England to be the *magistrate of the people*, existing by their consent, which is utterly incompatible with their being driven like herds. His argument, therefore, is this, and it retorts on his adversary: he says, Such a king as *you*, Mr. Burke, represent the King of England to be, inheriting the people by virtue of conquest, or of some compact, which, having once existed, cannot be dissolved while the original terms of it are kept, *is an inheritance like flocks and herds*. But I deny that to be the King of England's title. He is *the magistrate of the people*, and that title I respect. It is to your own imaginary King of England, therefore, and not to his Majesty, that your unfounded innuendoes apply. It is the monarchs of Russia and Prussia, and all governments fastened upon unwilling subjects by hereditary indefeasible titles, who are stigmatised by Paine as inheriting the people like flocks. The sentence, therefore, must either be taken in the pure abstract, and then it is not only merely speculative, but the application of it to our own Government fails altogether, or it must be taken connected with the matter which constitutes the application, and then it is MR. BURKE'S KING OF ENGLAND, and NOT his Majesty, whose title is denied.

I pass, therefore, to the next passage, which appears to be an

extraordinary selection. It is taken at a leap from page 21 to page 47, and breaks in at the words "This convention." The sentence selected stands thus: "This convention met at Philadelphia in May 1787, of which General Washington was elected president. He was not at that time connected with any of the State governments, or with Congress. He delivered up his commission when the war ended, and since then had lived a private citizen.

"The convention went deeply into all the subjects; and having, after a variety of debate and investigation, agreed among themselves upon the several parts of a federal constitution, the next question was, the manner of giving it authority and practice.

"For this purpose they did not, like a cabal of courtiers, send for a Dutch stadtholder, or a German elector; but they referred the whole matter to the sense and interest of the country."

This sentence, standing thus by itself, may appear to be a mere sarcasm on King William, upon those who effected the Revolution, and upon the Revolution itself, without any reasoning or deduction; but when the context and sequel are looked at and compared, it will appear to be a serious historical comparison between the Revolution effected in England in 1688 and the late one in America when she established her independence; and no man can doubt that his judgment on that comparison was sincere. But where is the libel on the Constitution? For whether King William was brought over here by the sincerest and justest motives of the whole people of England, each man acting for himself, or from the motives and through the agencies imputed by the defendant, it signifies not one farthing at this time of day to the establishment itself. Blackstone properly warns us not to fix our obedience or affection to the Government on the motives of our ancestors, or the rectitude of their proceedings, but to be satisfied with what is established. This is safe reasoning, and, for my own part, I should not be differently affected to the constitution of my country, which my own understanding approved, whether angels or demons had given it birth.

Do any of you love the Reformation the less because Henry the Eighth was the author of it? or because lust and poverty, not religion, were his motives? He had squandered the treasures of his father, and he preferred Anne Bullen to his queen: these were the causes which produced it. What then? Does that affect the purity of our reformed religion? Does it undermine its establishment, or shake the King's title, to the exclusion of those who held by the religion it had abolished? Will the Attorney-General affirm that I could be convicted of a libel for a whole volume of asperity against Henry the Eighth, merely because he effected the Reformation; and if not, why against King William, who effected the Revolution? Where is the line to be drawn? Are one, two, or three centuries to constitute the statute of limitation? Nay, do not our own historians detail this very cabal of courtiers from the records of our own country? If you will turn to Hume's History, volume the eighth, page 188, etc., etc., you will find that he states, at great length, the whole detail of intrigues which paved the way for the Revolution, and the interested coalition of parties which gave it effect.

But what of all this, concerning the motives of parties, which is recorded by Hume? The question is, *What is the thing brought about?—Not, HOW it was brought about.* If it stands, as Blackstone argues it, upon the consent of our ancestors, followed up by our own, no individual can withdraw his obedience. If he dislikes the establishment, let him seek elsewhere for another; I am not contending for uncontrolled *conduct*, but for freedom of *opinion*.

With regard to what has been stated of the *Edwards* and *Henries*, and the other princes under which the author can only discover "*restrictions on power, but nothing of a constitution,*" surely my friend is not in earnest when he selects that passage as a libel.

Paine insists that there was no constitution under these princes, and that English liberty was obtained from usurped power by the struggles of the people. SO SAY I. And I think it for the honour and advantage of the country that it should be

known. Was there any freedom after the original establishment of the Normans by conquest? Was not the MAGNA CHARTA wrested from John by *open force of arms* at Runnymede? Was it not again re-enacted whilst menacing arms were in the hands of the people? Were not its stipulations broken through, and two-and-forty times re-enacted by Parliament, upon the firm demand of the people in the following reigns? I protest it fills me with astonishment to hear these truths brought in question.

I was formerly called upon, under the discipline of a college, to maintain them, and was rewarded for being thought to have successfully maintained that our present Constitution was by no means a remnant of Saxon liberty, nor any other institution of liberty, but the pure consequence of the oppression of the Norman tenures, which, spreading the spirit of freedom from one end of the kingdom to another, enabled our brave fathers, inch by inch, not to reconquer, *but for the first time to obtain* those privileges which are the unalienable inheritance of all mankind.

But why do we speak of the Edwards and Henries, when Hume himself expressly says, notwithstanding all we have heard to-day of the antiquity of our Constitution, that our monarchy was nearly absolute till the middle of last century. It is his *Essay on the Liberty of the Press*, vol i., page 15—

“All absolute governments, and such in a great measure *was* England till the middle of the last century, *notwithstanding the numerous panegyrics on ANCIENT English liberty*, must very much depend on the administration.”

This is Hume's opinion ; the conclusion of a grave historian from all that he finds recorded as the materials for history ; and shall it be said that Mr. Paine is to be punished for writing to-day what was before written by another, who is now a distinguished classic in the language? All the verdicts in the world will not make such injustice palatable to an impartial public or to posterity.

The next passage arraigned is this (page 56): “The attention of the Government of England (for I rather choose to call it by



this name than the English Government) appears, since its political connection with Germany, to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestic concerns are neglected ; and with respect to regular law, there is scarcely such a thing."

That the Government of this country has, in consequence of its connection with the continent, and the continental wars which it has occasioned, been continually loaded with grievous taxes, no man can dispute ; and I appeal to your justice whether this subject has not been, for years together, the constant topic of unproved declamation and grumbling.

As to what he says with regard to there hardly existing such a thing as regular law, he speaks *in the abstract* of the complexity of our system ; he does not arraign the administration of justice *in its practice*. But with regard to criticisms and strictures on the general system of our Government, it has been echoed over and over again by various authors, and even from the pulpits, of our country. I have a sermon in court, written during the American war by a person of great eloquence and piety, in which he looks forward to an exemption from the intolerable grievances of our old legal system in the infant establishment of the New World :—

"It may be in the purposes of Providence, on yon western shores, to raise the bulwark of a purer reformation than ever Britain patronised ; to found a less burdensome, more auspicious, stable, and incorruptible government than ever Britain has enjoyed ; and to establish there a system of law more just and simple in its principles, less intricate, dubious, and dilatory in its proceedings, more mild and equitable in its sanctions, more easy and more certain in its execution ; wherein no man can err through ignorance of what concerns him, or want justice through poverty or weakness, or escape it by legal artifice, or civil privileges, or interposing power ; wherein the rule of conduct shall not be hidden or disguised in the language of principles and customs that died with the barbarism which gave them birth ; wherein hasty formulas shall not dissipate



the reverence that is due to the tribunals and transactions of justice ; wherein obsolete prescripts shall not pervert, nor entangle, nor impede the administration of it, nor in any instance expose it to derision or to disregard ; wherein misrepresentation shall have no share in deciding upon right and truth ; and under which no man shall grow great by the wages of chicanery, or thrive by the quarrels that are ruinous to his employers."

This is ten times stronger than Mr. Paine ; but who ever thought of prosecuting Mr. Cappe ? \*

In various other instances you will find defects in our jurisprudence pointed out and lamented, and not seldom by persons called upon by their situations to deliver the law in the seat of magistracy ; therefore, the author's *general* observation does not appear to be that species of attack upon the magistracy of the country as to fall within the description of a libel.

With respect to the two Houses of Parliament, I believe I shall be able to show you that the very person who introduced this controversy, and who certainly is considered by those who now administer the government, as a man usefully devoted to maintain the constitution of the country in the present crisis, has himself made remarks upon these assemblies, that upon comparison you will think more severe than those which are the subject of the Attorney-General's animadversion. The passage in Mr. Paine runs thus—

"With respect to *the two Houses* of which the English Parliament is composed, they appear to be effectually influenced into one, and, as a legislature, to have no temper of its own. The minister, whoever he at any time may be, touches it as with an opium wand, and it sleeps obedience.

"But if we look at the distinct abilities of the two Houses, the difference will appear so great as to show the inconsistency of placing power where there can be no certainty of the judgment to use it. Wretched as the state of representation is in England, it is manhood compared with what is called the

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\* A late eminent and pious minister at York,

House of Lords; and so little is this nicknamed House regarded that the people scarcely inquire at any time what it is doing. It appears also to be most under influence, and the furthest removed from the general interest of the nation."

The conclusion of the sentence, and which was meant by Paine as evidence of the previous assertion, the Attorney-General has omitted in the information and in his speech; it is this: "In the debate on engaging in the Russian and Turkish war, the majority in the House of Peers in favour of it was upwards of ninety, when in the other House, which is more than double its numbers, the majority was sixty-three."

The terms, however, in which Mr. Burke speaks of the House of Lords are still more expressive: "It is something more than a century ago since we voted the House of Lords useless. They have now voted themselves so, and the whole hope of reformation (*speaking of the House of Commons*) is cast upon us." This sentiment Mr. Burke not only expressed in his place in Parliament, where no man can call him to an account; but it has been since repeatedly printed amongst his works. Indeed his opinion of BOTH THE HOUSES OF PARLIAMENT, which I am about to read to you, was originally published as a separate pamphlet, and applied to the settled habitual abuses of these high assemblies. Remember, I do not use them as *argumenta ad hominem*, or *ad invidiam*, against the author; for if I did, it could be no defence of Mr. Paine. But I use them as high authority, the work\* having been the just foundation of substantial and lasting reputation. Would to God that any part of it were capable of being denied or doubted!

"Against the being of Parliament I am satisfied no designs have ever been entertained since the Revolution. Every one must perceive that it is strongly the interest of the Court to have some second cause interposed between the ministers and the people. The gentlemen of the House of Commons have an

\* Mr. Burke's *Thoughts on the Cause of the Present Discontents*, published in 1775.

interest equally strong in sustaining the part of that intermediate cause. However they may hire out the *usufruct* of their voices, they never will part with the *fee and inheritance*. Accordingly, those who have been of the most known devotion to the will and pleasure of a Court, have at the same time been most forward in asserting an high authority in the House of Commons. *When they knew who were to use that authority, and how it was to be employed, they thought it never could be carried too far.* It must be always the wish of an unconstitutional statesman, that an House of Commons *who are entirely dependent upon him, should have every right of the people dependent upon their pleasure.* FOR IT WAS DISCOVERED THAT THE FORMS OF A FREE AND THE ENDS OF AN ARBITRARY GOVERNMENT WERE THINGS NOT ALTOGETHER INCOMPATIBLE.

“The power of the Crown, almost dead and rotten as prerogative, has grown up anew, with much more strength and far less odium, under the name of influence. An influence which operates without noise and violence,—which converts the very antagonist into the instrument of power,—which contains in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tend to augment, was an admirable substitute for a prerogative that, being only the offspring of antiquated prejudices, had moulded in its original stamina irresistible principles of decay and dissolution. The ignorance of the people is a bottom but for a temporary system; but the interest of active men in the state is a foundation perpetual and infallible.”

Mr. Burke, therefore, in page 66, speaking of the same Court party, says :—

“Parliament was indeed the great object of all these politics, the end at which they aimed, as well as the INSTRUMENT by which they were to operate.”

And pursuing the subject in page 70, proceeds as follows :—

“They who will not conform their conduct to the public good, and cannot support it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the

shattered and old-fashioned fortress of Prerogative, and made a lodgment in the stronghold of Parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into Parliament. *There the whole is executed from the beginning to the end; and the power of obtaining their object absolute; and the safety in the proceeding perfect; no rules to confine, nor after-reckonings to terrify.* For Parliament cannot with any great propriety punish others for things in which they themselves have been ACCOMPLICES. Thus its control upon the executory power is lost, because it is made to partake in every considerable act of government: *and impeachment, that great guardian of the purity of the constitution, is in danger of being lost even to the idea of it.*"

"Until this time, the opinion of the people, through the power of an Assembly, still in some sort popular, led to the greatest honours and emoluments in the gift of the Crown. Now the principle is reversed; and the favour of the Court is the only sure way of obtaining and holding those honours which ought to be IN THE DISPOSAL OF THE PEOPLE."

Mr. Burke, in page 100, observes with great truth that the mischiefs he complained of did not at all arise from the monarchy, but from the Parliament, and that it was the duty of the people to look to it. He says, "The distempers of monarchy were the great subjects of apprehension and redress in the *last century*; in *this*, the distempers of Parliament."

Not the distempers of Parliament in this year or the last, but in *this century*—i.e., its settled habitual distemper. "It is not in Parliament alone that the remedy for parliamentary disorders can be completed; and hardly indeed can it begin there. Until a confidence in Government is re-established, the people ought to be *excited* to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties and corporations, and frequent and correct lists of the voters in all important questions ought to be procured.

"By such means something may be done, since it may

appear who those are that, by an indiscriminate support of all administrations, have totally banished all integrity and confidence out of public proceedings; have confounded the best men with the worst; and weakened and dissolved, instead of strengthening and compacting, the general frame of Government."

I wish it was possible to read the whole of this most important volume—but the consequences of these truths contained in it were all eloquently summed up by the author in his speech upon the reform of the household.

"But what I confess was uppermost with me, what I bent the whole course of my mind to, was the reduction of that corrupt influence which is itself the perennial spring of all prodigality and disorder; which loads us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution."

The same important truths were held out to the whole public, upon a still later occasion, by the person now at the head of his Majesty's councils; and so high (as it appears) in the confidence of the nation.\* *He*, not in the *abstract*, like the author before you, but upon the *spur of the occasion*, and in the teeth of what had been just declared in the House of Commons, came to, and acted upon, resolutions which are contained in this book†—resolutions pointed to the purification of a Parliament dangerously corrupted into the very state described by Mr. Paine. Remember here, too, that I impute no censurable conduct to Mr. Pitt. It was the most brilliant passage in his life, and I should have thought his life a better one if he had continued uniform in the support of opinions which it is said he has not changed, and which certainly have had nothing to change them. But at all events, I have a right to make use of the authority of his splendid talents and high situation, not merely to protect the defendant, but the public, by resisting the precedent,—that what one man may do in England with

\* Mr. Pitt.

† Mr. Erskine took up a book.

approbation and glory, shall conduct another man to a pillory or a prison.

The abuses pointed out by the man before you led that right honourable gentleman to associate with many others of high rank, under the banners of the Duke of Richmond, whose name stands at the head of the list, and to pass various public resolutions concerning the absolute necessity of purifying the House of Commons; and we collect the plan from a preamble entered in the book: "Whereas the life, liberty, and property of every man is or may be affected by the law of the land in which he lives, and every man is bound to pay obedience to the same.

"And whereas, by the constitution of this kingdom, the right of making laws is vested in three estates, of King, Lords, and Commons, in Parliament assembled, and the consent of all the three said estates, comprehending the whole community, is necessary to make laws to bind the whole community. And whereas the House of Commons represents all the commons of the realm, and the consent of the House of Commons binds the consent of all the commons of the realm, and in all cases on which the legislature is competent to decide.

"And whereas no man is, or can be, actually represented who hath not a vote in the election of his representative.

"And whereas it is the right of every commoner of this realm (infants, persons of insane mind, and criminals incapacitated by law, only excepted) to have a vote in the election of the representative who is to give his consent to the making of laws by which he is to be bound.

"And whereas the number of persons who are suffered to vote for electing the members of the House of Commons do not at this time amount to one-sixth part of the whole commons of this realm, whereby far the greater part of the said commons are deprived of their right to elect their representatives; and the consent of the majority of the whole community to the passing of laws is given by persons whom they have not delegated for such purposes; and to which the said majority have not in fact consented by themselves or by their representatives.

"And whereas the state of election of members of the House of Commons hath in process of time so grossly deviated from its simple and natural principle of representation and equality, that in several places the members are returned by the property of one man; that the smallest boroughs send as many members as the largest counties, and that a majority of the representatives of the whole nation are chosen by a number of votes not exceeding twelve thousand."

These, with many others were published, not as *abstract speculative writings*, but within a few days after the House of Commons had declared that no such rights existed, and that no alteration was necessary in the representation. It was *then* that they met at the Thatched House and published their opinions and resolutions to the country at large. Were any of them prosecuted for these proceedings? Certainly not, for they were legal proceedings. But I desire you, as men of honour and truth, to compare all this with Mr. Paine's expression of the minister's touching Parliament with his opiate wand, and let equal justice be done—that is all I ask—let all be punished, or none. Do not let Mr. Paine be held out to the contempt of the public upon the score of his observations on Parliament, while others are enjoying all the sweets which attend a supposed attachment to their country, who have not only expressed the same sentiments, but have reduced their opinions to practice.

But *now* every man is to be cried down for such opinions. I observed that my learned friend significantly raised his voice in naming Mr. Horne Tooke, as if to connect him with Paine, or Paine with him. This is exactly the same course of justice; for, after all, he said nothing of Mr. Tooke. What could he have said, but that he was a man of great talents, and a subscriber with the great names I have read in proceedings which they have thought fit to desert?

Gentlemen, let others hold their opinions, and change them at their pleasure; I shall ever maintain it to be the dearest privilege of the people of Great Britain to watch over everything that affects their happiness, either in the system of their



government or in the practice, and that for this purpose THE PRESS MUST BE FREE. It has always been so, and much evil has been corrected by it. If Government finds itself annoyed by it, let it examine its own conduct, and it will find the cause ; let it amend it, and it will find remedy.

Gentlemen, I am no friend to sarcasms in the discussion of grave subjects, but you must take writers according to the view of the mind at the moment ; Mr. Burke, as often as anybody, indulges in it. Hear his reason, in his speech on reform, for not taking away the salaries from Lords who attend upon the British Court. "You would," said he, "have the Court deserted by all the nobility of the kingdom.

"Sir, the most serious mischiefs would follow from such a desertion. Kings are naturally lovers of low company ; they are so elevated above all the rest of mankind, that they must look upon all their subjects as on a level : they are rather apt to hate than to love their nobility on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must indeed be admitted that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, with some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands ; and the mischief increased every day till its decline and its final ruin. It is, therefore, of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person a great number of his first nobility ; and it is rather an useful prejudice that gives them a pride in such a servitude : though they are not much the better for a Court, a Court will be much the better for them. I have



therefore, not attempted to reform any of the offices of honour about the King's person."

What is all this but saying that a King is an animal so incurably addicted to low company as generally to bring on by it the ruin of nations; but, nevertheless, he is to be kept as a necessary evil, and his propensities bridled by surrounding him with a parcel of miscreants still worse, if possible, but better than those he would choose for himself. This, therefore, if taken by itself, would be a most abominable and libellous sarcasm on kings and nobility; but look at the whole speech, and you observe a great system of regulation; and no man, I believe, ever doubted Mr. Burke's attachment to monarchy. To judge, therefore, of any part of a writing, THE WHOLE MUST BE READ.

With this same view, I will read to you the beginning of Harrington's *Oceana*; but it is impossible to name this well-known author without exposing to just contempt and ridicule the ignorant or profligate misrepresentations which are vomited forth upon the public, to bear down every man as desperately wicked who in any age or country has countenanced a republic, for the mean purpose of prejudging this trial!

[Mr. Erskine took up a book, but laid it down again without reading from it, saying something to the gentleman who sat near him, in a low voice, which the reporter did not hear.]

Is this the way to support the English constitution? Are these the means by which Englishmen are to be taught to cherish it? I say, if the man upon trial were stained with blood instead of ink, if he were covered over with crimes which human nature would start at the naming of, the means employed against him would not be the less disgraceful.

For this notable purpose, then, Harrington, *not above a week ago*,\* was handed out to us as a low, obscure wretch, involved

\* A pamphlet had been published just before, putting T. Paine and Harrington on the same footing—as obscure blackguards.

in the murder of the monarch and the destruction of the monarchy, and as addressing his despicable works at the shrine of an usurper. Yet this very Harrington, this low blackguard, was descended (you may see his pedigree at the Heralds' Office for sixpence) from eight dukes, three marquises, seventy earls, twenty-seven viscounts, and thirty-six barons, sixteen of whom were knights of the Garter—a descent which I think would save a man from disgrace in any of the circles of Germany. But what was he besides? A BLOOD-STAINED RUFFIAN? Oh, brutal ignorance of the history of the country! He was the most affectionate servant of Charles the First, from whom he never concealed his opinions; for it is observed by Wood that the King greatly affected his company; but when they happened to talk of a commonwealth, he would scarcely endure it. "I know not," says Toland, "which most to commend: the King, for trusting an honest man, though a republican; or Harrington, for owning his principles while he served a king."

But did his opinions affect his conduct? Let history again answer. He preserved his fidelity to his unhappy prince to the very last, after all his fawning courtiers had left him to his enraged subjects. He stayed with him while a prisoner in the Isle of Wight; came up by stealth to follow the fortunes of his monarch and master; even hid himself in the boot of the coach when he was conveyed to Windsor; and, ending as he began, fell into his arms and fainted on the scaffold.

After Charles's death, the *Oceana* was written, and as if it were written from justice and affection to his memory; for it breathes the same noble and spirited regard, and asserts that it was not CHARLES that brought on the destruction of the monarchy, but the feeble and ill-constituted nature of monarchy itself.

But the book was a flattery to Cromwell. Once more and finally let history decide. The *Oceana* was seized by the Usurper as a libel, and the way it was recovered is remarkable. I mention it to show that Cromwell was a wise man in himself, and knew on what governments must stand for their support.

Harrington waited on the Protector's daughter to beg for his book, which her father had taken, and on entering her apartment, snatched up her child and ran away. On her following him with surprise and terror, he turned to her and said, "I know what you feel as a mother, feel then for ME; your father has got MY child"—meaning the *Oceana*. The *Oceana* was afterwards restored on her petition; Cromwell answering with the sagacity of a sound politician, "Let him have his book; if my government is made to stand, it has nothing to fear from PAPER SHOT." He said true. No GOOD government will ever be battered by paper shot. Montesquieu says that "In a free nation it matters not whether individuals reason well or ill; it is sufficient that they *do* reason. Truth arises from the collision, and from hence springs liberty, which is a security from the effect of reasoning." The Attorney-General has read extracts from Mr. Adams's answer to this book. Let others write answers to it, like Mr. Adams; I am not insisting upon the infallibility of Mr. Paine's doctrines; if they are erroneous, let them be answered, and truth will spring from the collision.

Milton wisely says that a disposition in a nation to this species of controversy is no proof of sedition or degeneracy, but quite the reverse. [I omitted to cite the passage with the others.] In speaking of this subject he rises into that inexpressibly sublime style of writing wholly peculiar to himself. He was indeed no plagiarist from anything human; he looked up for light and expression, as he himself wonderfully describes it, by devout prayer to that great Being who is the source of all utterance and knowledge; and who sendeth out His seraphim with the hallowed fire of His altar to touch and purify the lips of whom He pleases. "When the cheerfulness of the people," says this mighty poet, "is so sprightly up as that it has not only wherewith to guard well its own freedom and safety, but to spare and to bestow upon the solidest and sublimest points of controversy and new invention, it betokens us not degenerated nor drooping to a fatal decay, but casting off the old and wrinkled skin of corruption, to outlive these

pangs, and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honourable in these latter ages. Methinks I see, in my mind, a noble and puissant nation rousing herself, like a strong man after sleep, and shaking her invincible locks: methinks I see her as an eagle muing her mighty youth, and kindling her undazzled eyes at the full mid-day beam; purging and unscaling her long-abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms."

Gentlemen, what Milton only saw in his mighty imagination. I see in fact; what he expected, but which never came to pass, I see now fulfilling; methinks I see this noble and puissant nation, not degenerated and drooping to a fatal decay, but casting off the wrinkled skin of corruption to put on again the vigour of her youth. And it is because others as well as myself see this that we have all this uproar!—France and its constitution are the mere pretences. It is because Britons begin to recollect the inheritance of their own constitution, left them by their ancestors;—it is because they are awakened to the corruptions which have fallen upon its most valuable parts, that forsooth the nation is in danger of being destroyed by a single pamphlet. I have marked the course of this alarm: it began with the renovation of those exertions for the public which the alarmists themselves had originated and deserted; and they became louder and louder when they saw them avowed and supported by my admirable friend Mr. Fox, the most eminently honest and enlightened statesman that history brings us acquainted with: a man whom to name is to honour, but whom in attempting adequately to describe, I must fly to Mr. Burke, my constant refuge when eloquence is necessary: a man who, to relieve the sufferings of the most distant nation, "put to the hazard his ease, his security, his interest, his power, even his darling popularity, for the benefit of a people whom he had never seen." How much more

then for the inhabitants of his native country!—yet this is the man who has been censured and disavowed in the manner we have lately seen.

Gentlemen, I have but a few more words to trouble you with: I take my leave of you with declaring that all this freedom which I have been endeavouring to assert is no more than the ancient freedom which belongs to our own inbred constitution. I have not asked you to acquit Thomas Paine upon any new lights, or upon any principle but that of the law, which you are sworn to administer;—my great object has been to inculcate that wisdom and policy, which are the parents of the government of Great Britain, forbid this jealous eye over her subjects; and that, on the contrary, they cry aloud in the language of the poet, adverted to by Lord Chatham on the memorable subject of America, *unfortunately without effect*—

“Be to their faults a little blind,  
Be to their virtues very kind,  
Let all their thoughts be unconfined,  
And clap your padlock on the mind.”

Engage the people by their affections,—convince their reason,—and they will be loyal from the only principle that can make loyalty sincere, vigorous, or rational,—a conviction that it is their truest interest, and that their government is for their good. Constraint is the natural parent of resistance, and a pregnant proof that reason is not on the side of those who use it. You must all remember Lucian's pleasant story: Jupiter and a countryman were walking together, conversing with great freedom and familiarity upon the subject of heaven and earth. The countryman listened with attention and acquiescence, while Jupiter strove only to convince him; but happening to hint a doubt, Jupiter turned hastily round and threatened him with his thunder. “Ah, ah!” says the countryman, “now, Jupiter, I know that you are wrong; you are always wrong when you appeal to your thunder.”

This is the case with me—I can reason with the people of England, but I cannot fight against the thunder of authority.

Gentlemen, this is my defence for free opinions. With regard to myself, I am, and always have been, obedient and affectionate to *the law*—to that rule of action, as long as I exist, I shall ever give my voice and my conduct ; but I shall ever do as I have done to-day, maintain the dignity of my high profession, and perform, as I understand them, all its important duties.

[Mr. Attorney-General arose immediately to reply to Mr. Erskine, when Mr. Campbell (the foreman of the jury) said,—My Lord, I am authorised by the jury to inform the Attorney-General that a reply is not necessary for them, unless the Attorney-General wishes to make it, or your Lordship. Mr. Attorney-General sat down, and the jury gave in their verdict, —GUILTY.]

## CHARLES JAMES FOX.

*Speech in the Debate in Parliament on the French Overtures for Peace, February 3, 1800.*

[WAR between England and the French Republic was declared in 1793, and continued without intermission to the Peace of Amiens. Towards the end of 1799 Napoleon Buonaparte, who had overthrown the Government of the Directory, and had become First Consul, made proposals of peace to the British Government. These proposals were urged in the form of a letter addressed, contrary to diplomatic usage, directly to the King of England. "Called by the wishes of the French nation," wrote Napoleon, "to occupy the first station in the Republic, I think it proper on entering into office to make a direct communication to your Majesty. The war which for eight years has ravaged the four quarters of the globe, must it be eternal? Are there no means of coming to an understanding?" A royal message was transmitted to Parliament respecting these overtures of peace from the French Consular Government. At this time the Tory ministry of the younger Pitt was in office, supported by that remnant of the Whigs which had followed Burke in his violent opposition to the Revolution, and opposed by the section of the Whigs that acknowledged the leadership of Fox. A resolution substantially rejecting the overtures, and pledging the House to the support of the Government, was carried by a majority of 265 to 64; Hawkesbury and Canning being tellers for the Tory majority, Sheridan and Whitbread for the Whig minority.

The debate was one of the most important that ever took place in Parliament, both Pitt and Fox making two of their greatest speeches. Fox was perhaps the greatest Parliamentary debater that England ever produced; his luminous reasoning, stormy invective, and noble human feeling being combined with a rare capacity for taking up all the weak points of his opponent's case. According to Lord Holland, "he never

spoke better" than on this memorable occasion. Pitt's line of argument was that the spirit and aims of the French Revolutionary movement were the same that they had been from the first—that France must be steadily resisted, and that the British Government was acting in strict self-defence. Fox, while deploring its excesses, sympathised in the main with the French Revolution, and he had earnestly desired that France should be left to work out her destiny without external interference. In this speech he defends his general conduct, and strongly condemns a policy which he believed to be reactionary and unjust. Throughout the whole speech we note the elements ascribed to Fox by Sir Walter Scott in the introduction to the First Canto of "*Marmion*"—

"Genius high, and lore profound,  
And wit that loved to play, not wound;  
And all the reasoning powers divine,  
To penetrate, resolve, combine;  
And feelings keen, and fancy's glow."

The eulogy pronounced on Washington was called forth by the recent death of that illustrious man.]

MR. SPEAKER,—At so late an hour of the night I am sure you will do me the justice to believe that I do not mean to go at length into the discussion of this great question. Exhausted as the attention of the House must be, and unaccustomed as I have been of late to attend in my place, nothing but a deep sense of my duty could have induced me to trouble you at all, and particularly to request your indulgence at such an hour. Sir, my hon. and learned friend has truly said that the present is a new era in the war. The right hon. the Chancellor of the Exchequer feels the justice of the remark; for by travelling back to the commencement of the war, and referring to all the topics and arguments which he has so often and so successfully urged to the House, and by which he has drawn them on to the support of his measures, he is forced to acknowledge that, at the end of a seven years' conflict, we are come but to a new era in the war, at which he thinks it necessary only to press all his former arguments to induce us to persevere. All the topics



which have so often misled us—all the reasoning which has so invariably failed—all the lofty predictions which have so constantly been falsified by events—all the hopes which have amused the sanguine, and all the assurances of the distress and weakness of the enemy which have satisfied the unthinking, are again enumerated and advanced as arguments for our continuing the war. What ! at the end of seven years of the most burdensome and the most calamitous struggle that this country was ever engaged in, are we again to be amused with notions of finance and calculations of the exhausted resources of the enemy as a ground of confidence and of hope? Gracious God ! Were we not told, five years ago, that France was not only on the brink, but that she was actually in the gulf of bankruptcy? Were we not told, as an unanswerable argument against treating, that she could not hold out another campaign—that nothing but peace could save her—that she wanted only time to recruit her exhausted finances—that to grant her repose was to grant her the means of again molesting this country, and that we had nothing to do but persevere for a short time, in order to save ourselves for ever from the consequences of her ambition and her Jacobinism? What ! after having gone on from year to year upon assurances like these, and after having seen the repeated refutations of every prediction, are we again to be seriously told that we have the same prospect of success on the same identical grounds? And without any other argument or security, are we invited, at this new era of the war, to carry it on upon principles which, if adopted, may make it eternal? If the right hon. gentleman shall succeed in prevailing on Parliament and the country to adopt the principles which he has advanced this night, I see no possible termination to the contest. No man can see an end to it ; and upon the assurances and predictions which have so uniformly failed, are we called upon, not merely to refuse all negotiation, but to countenance principles and views as distant from wisdom and justice as they are in their nature wild and impracticable.

I must lament, Sir, in common with every friend of peace,

the harsh and unconciliating language which ministers have held towards the French, and which they have even made use of in their answer to a respectful offer of negotiation. Such language has ever been considered as extremely unwise, and has ever been reprobated by diplomatic men. I remember with pleasure the terms in which Lord Malmesbury at Paris, in the year 1796, replied to expressions of this sort used by M. de la Croix. He justly said, "that offensive and injurious insinuations were only calculated to throw new obstacles in the way of accommodation, and that it was not by revolting reproaches, nor by reciprocal invective, that a sincere wish to accomplish the great work of pacification could be evinced." Nothing could be more proper nor more wise than this language; and such ought ever to be the tone and conduct of men entrusted with the very important task of treating with an hostile nation. Being a sincere friend to peace, I must say with Lord Malmesbury, that it is not by reproaches and by invective that we can hope for a reconciliation; and I am convinced in my own mind that I speak the sense of this House, and of a majority of the people of this country, when I lament that any unnecessary recriminations should be flung out by which obstacles are put in the way of pacification. I believe that it is the prevailing sentiment of the people that we ought to abstain from harsh and insulting language; and in common with them I must lament that both in the papers of Lord Grenville, and in the speeches of this night, such licence has been given to the invective and reproach. For the same reason I must lament that the right hon. gentleman has thought proper to go at such length, and with such severity of minute investigation, into all the early circumstances of the war, which, whatever they were, are nothing to the present purpose, and ought not to influence the present feelings of the House.

I certainly shall not follow him into all the minute detail, though I do not agree with him in many of his assertions. I do not know what impression his narrative may make on other gentlemen; but I will tell him, fairly and candidly, he has not convinced me. I continue to think, and until I see better

grounds for changing my opinion than any that the right hon. gentleman has this night produced, I shall continue to think and to say, plainly and explicitly, that this country was the aggressor in the war. But with regard to Austria and Prussia—is there a man who for one moment can dispute that they were the aggressors? It will be vain for the right hon. gentleman to enter into long and plausible reasoning against the evidence of documents so clear, so decisive—so frequently, so thoroughly investigated. The unfortunate Louis XVI. himself, as well as those who were in his confidence, have borne decisive testimony to the fact that between him and the emperor there was an intimate correspondence, and a perfect understanding. Do I mean by this that a positive treaty was entered into for the dismemberment of France? Certainly not; but no man can read the declarations which were made at Mantua, as well as at Pilnitz, as they are given by M. Bertrand de Moleville, without acknowledging that there was not merely an intention, but a declaration of an intention, on the part of the great powers of Germany to interfere in the internal affairs of France, for the purpose of regulating the government against the opinion of the people. This, though not a plan for the partition of France, was, in the eye of reason and common sense, an aggression against France. The right hon. gentleman denies that there was such a thing as a treaty of Pilnitz. Granted. But was there not a declaration which amounted to an act of hostile aggression? The two powers, the Emperor of Germany and the King of Prussia, made a public declaration that they were determined to employ their forces, in conjunction with those of the other sovereigns of Europe, “to put the King of France in a situation to establish, in perfect liberty, the foundations of a monarchical government equally agreeable to the rights of sovereigns and the welfare of the French.” Whenever the other princes should agree to co-operate with them, “then, and in that case, their majesties were determined to act promptly, and by mutual consent, with the forces necessary to obtain the end proposed by all of them. In the meantime they declared that they would give orders for

their troops to be ready for actual service." Now, I would ask gentlemen to lay their hands upon their hearts, and say what the fair construction of this declaration was—whether it was not a menace and an insult to France, since, in direct terms, it declared that whenever the other powers should concur, they would attack France, then at peace with them, and then employed only in domestic and internal regulations? Let us suppose the case to be that of Great Britain. Will any gentleman say, if two of the great powers should make a public declaration that they were determined to make an attack on this kingdom as soon as circumstances should favour their intention; that they only waited for this occasion; and that in the meantime they would keep their forces ready for the purpose; that it would not be considered by the parliament and people of this country as an hostile aggression? And is there an Englishman in existence who is such a friend to peace as to say that the nation could retain its honour and dignity if it should sit down under such a menace? I know too well what is due to the national character of England to believe that there would be two opinions on the case, if thus put home to our own feelings and understanding. We must, then, respect in others the indignation which such an act would excite in ourselves; and when we see it established on the most indisputable testimony, that both at Pilnitz and at Mantua declarations were made to this effect, it is idle to say that, as far as the Emperor and the King of Prussia were concerned, they were not the aggressors in the war.

"Oh! but the decree of the 19th of November 1792! that, at least," the right hon. gentleman says, "you must allow to be an act of aggression, not only against England, but against all the sovereigns of Europe." I am not one of those, Sir, who attach much interest to the general and indiscriminate provocations thrown out at random, like this resolution of the 19th of November 1792. I do not think it necessary to the dignity of any people to notice and to apply to themselves menaces flung out without particular allusion, which are always unwise in the power which uses them, and which it is still more unwise to

treat with seriousness. But if any such idle and general provocation to nations is given, either in insolence or in folly, by any government, it is a clear first principle that an explanation is the thing which a magnanimous nation, feeling itself aggrieved, ought to demand ; and if an explanation be given which is not satisfactory, it ought clearly and distinctly to say so. There ought to be no ambiguity, no reserve, on the occasion. Now we all know from documents on our table that M. Chauvelin did give an explanation of this silly decree. He declared in the name of his government "that it was never meant that the French government should favour insurrections ; that the decree was applicable only to those people who, after having acquired their liberty by conquest, should demand the assistance of the republic ; but that France would respect, not only the independence of England, but also that of her allies with whom she was not at war." This was the explanation given of the offensive decree. "But this explanation was not satisfactory !" Did you say so to M. Chauvelin ? Did you tell him that you were not content with this explanation ? And when you dismissed him afterwards, on the death of the king, did you say that this explanation was unsatisfactory ? No ; you did no such thing : and I contend that unless you demanded further explanations, and they were refused, you have no right to urge the decree of the 19th of November as an act of aggression. In all your conferences and correspondence with M. Chauvelin did you hold out to him what terms would satisfy you ? Did you give the French the power or the means of settling the misunderstanding which that decree, or any other of the points at issue, had created ? I contend that when a nation refuses to state to another the thing which would satisfy her, she shows that she is not actuated by a desire to preserve peace between them : and I aver that this was the case here. The Scheldt, for instance. You now say that the navigation of the Scheldt was one of your causes of complaint. Did you explain yourself on that subject ? Did you make it one of the grounds for the dismissal of M. Chauvelin. Sir, I repeat it, a nation, to justify itself in

appealing to the last solemn resort, ought to prove that it had taken every possible means, consistent with dignity, to demand the reparation which would be satisfactory, and if she refused to explain what would be satisfactory, she did not do her duty, nor exonerate herself from the charge of being the aggressor.

The right hon. gentleman has this night, for the first time, produced a most important paper—the instructions which were given to his Majesty's minister at the court of St. Petersburg about the end of the year 1792, to interest her Imperial Majesty to join her efforts with those of his Britannic Majesty to prevent, by their joint mediation, the evils of a general war. Of this paper, and of the existence of any such document, I for one was entirely ignorant; but I have no hesitation in saying that I completely approve of the instructions which appear to have been given; and I am sorry to see the right hon. gentleman disposed rather to take blame to himself than credit for having written it. He thinks that he shall be subject to the imputation of having been rather too slow to apprehend the dangers with which the French revolution was fraught, than that he was forward and hasty—“*Quod solum excusat, hoc solum miror in illo.*” I do not agree with him on the idea of censure. I by no means think that he was blameable for too much confidence in the good intentions of the French. I think the tenor and composition of this paper was excellent—the instructions conveyed in it wise; and that it wanted but one essential thing to have entitled it to general approbation—namely, to be acted upon. The clear nature and intent of that paper I take to be, that our ministers were to solicit the court of Petersburg to join with them in a declaration to the French government, stating explicitly what course of conduct, with respect to their foreign relations, they thought necessary to the general peace and security of Europe, and what, if complied with, would have induced them to mediate for that purpose—a proper, wise, and legitimate course of proceeding. Now I ask, Sir, whether, if this paper had been communicated to Paris at the end of the year 1792, instead of Petersburg, it would not have been productive of most seasonable benefits to

mankind ; and by informing the French in time of the means by which they might have secured the mediation of Great Britain, have not only avoided the rupture with this country, but have also restored general peace to the continent? The paper, Sir, was excellent in its intentions ; but its merit was all in the composition. It was a fine theory, which ministers did not think proper to carry into practice. Nay, on the contrary, at the very time they were drawing up this paper they were insulting M. Chauvelin in every way, until about the 23rd or 24th of January 1793, when they finally dismissed him, without stating any one ground upon which they were willing to preserve terms with the French.

"But France," it seems, "then declared war against us ; and she was the aggressor, because the declaration came from her." Let us look at the circumstances of this transaction on both sides. Undoubtedly the declaration was made by her ; but is a declaration the only thing that constitutes the commencement of a war? Do gentlemen recollect that, in consequence of a dispute about the commencement of war, respecting the capture of a number of ships, an article was inserted in our treaty with France, by which it was positively stipulated that in future to prevent all disputes, the act of the dismissal of a minister from either of the two courts should be held and considered as tantamount to a declaration of war? I mention this, Sir, because when we are idly employed in this retrospect of the origin of a war which has lasted so many years, instead of fixing our eyes only to the contemplation of the means of putting an end to it, we seem disposed to overlook everything on our own parts, and to search only for grounds of imputation on the enemy. I almost think it an insult on the House to detain them with this sort of examination. If, Sir, France was the aggressor, as the right hon. gentleman says she was throughout, why did not Prussia call upon us for the stipulated number of troops, according to the article of the defensive treaty of alliance subsisting between us, by which, in case either of the contracting parties was attacked, they had a right to demand the stipulated aid? And the same thing, again,



may be asked when we were attacked. The right hon. gentleman might here accuse himself, indeed, of reserve ; but it unfortunately happened that, at the time, the point was too clear on which side the aggression lay. Prussia was too sensible that the war could not entitle her to make the demand, and that it was not a case within the scope of the defensive treaty. This is evidence worth a volume of subsequent reasoning ; for if, at the time when all the facts were present to their minds, they could not take advantage of existing treaties, and that, too, when the courts were on the most friendly terms with one another, it will be manifest to every thinking man that they were sensible they were not authorised to make the demand.

I really, Sir, cannot think it necessary to follow the right hon. gentleman into all the minute details which he has thought proper to give us respecting the first aggression ; but that Austria and Prussia were the aggressors not a man in any country, who has ever given himself the trouble to think at all on the subject, can doubt. Nothing could be more hostile than their whole proceedings. Did they not declare to France that it was their internal concerns, not their external proceedings, which provoked them to confederate against her ? Look back to the proclamations with which they set out. Read the declarations which they made themselves to justify their appeal to arms. They did not pretend to fear their ambition, their conquests, their troubling their neighbours ; but they accused them of new-modelling their own government. They said nothing of their aggressions abroad ; they spoke only of their clubs and societies at Paris.

Sir, in all this I am not justifying the French—I am not striving to absolve them from blame, either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable, in various instances, as any of the most despotic and unprincipled governments that the world ever saw. I think it impossible, Sir, that it should have been otherwise. It was not to be expected that the French, when once engaged in foreign wars, should not



endeavour to spread destruction around them, and to form plans of aggrandisement and plunder on every side. Men bred in the school of the House of Bourbon could not be expected to act otherwise. They could not have lived so long under their ancient masters without imbibing the restless ambition, the perfidy, and the insatiable spirit of the race. They have imitated the practice of their great prototype, and through their whole career of mischief and of crimes have done no more than servilely trace the steps of their own Louis XIV. If they have overrun countries and ravaged them, they have done it upon Bourbon principles. If they have ruined and dethroned sovereigns, it is entirely after the Bourbon manner. If they have even fraternised with the people of foreign countries, and pretended to make their cause their own, they have only faithfully followed the Bourbon example. They have constantly had Louis, the grand monarque, in their eye. But it may be said that this example was long ago, and that we ought not to refer to a period so distant. True, it is a distant period as applied to the man, but not so to the principle. The principle was never extinct; nor has its operation been suspended in France, except, perhaps, for a short interval during the administration of Cardinal Fleury; and my complaint against the republic of France is, not that she has generated new crimes, not that she has promulgated new mischief, but that she has adopted and acted upon the principles which have been so fatal to Europe under the practice of the House of Bourbon. It is said that wherever the French have gone, they have introduced revolution; that they have sought for the means of disturbing neighbouring states, and have not been content with mere conquest. What is this but adopting the ingenious scheme of Louis XIV.? He was not content with merely overrunning a state;—whenever he came into a new territory he established what he called his Chamber of Claims; a most convenient device, by which he inquired whether the conquered country or province had any dormant or disputed claims, any cause of complaint, any unsettled demand upon any other state or province—upon

which he might wage war upon such state, thereby discover again ground for new devastation, and gratify his ambition by new acquisitions. What have the republicans done more atrocious, more Jacobinical, than this? Louis went to war with Holland. His pretext was that Holland had not treated him with sufficient respect ;—a very just and proper cause for war indeed ! This, Sir, leads me to an example which I think seasonable, and worthy the attention of his Majesty's ministers. When our Charles II., as a short exception to the policy of his reign, made the triple alliance for the protection of Europe, and particularly of Holland, against the ambition of Louis XIV., what was the conduct of that great, virtuous, and most able statesman, M. de Witt, when the confederates came to deliberate on the terms upon which they should treat with the French monarch? When it was said that he had made unprincipled conquests, and that he ought to be forced to surrender them all, what was the language of that great and wise man? "No," said he ; "I think we ought not to look back to the origin of the war so much as to the means of putting an end to it. If you had united in time to prevent these conquests, well ; but now that he has made them, he stands upon the ground of conquest, and we must agree to treat with him, not with reference to the origin of the conquest, but with regard to his present posture. He has those places, and some of them we must be content to give up as the means of peace, for conquest will always successfully set up its claims to indemnification." Such was the language of this minister, who was the ornament of his time ; and such, in my mind, ought to be the language of statesmen with regard to the French at this day. The same ought to have been said at the formation of the confederacy. It was true that the French had overrun Savoy ; but they had overrun it upon Bourbon principles ; and having gained this and other conquests before the confederacy was formed, they ought to have treated with her rather for future security than for past correction. States in possession, whether monarchical or republican, will claim indemnity in proportion to their success ; and it will never be

so much inquired by what right they gained possession as by what means they can be prevented from enlarging their depredations. Such is the safe practice of the world; and such ought to have been the conduct of the powers when the reduction of Savoy made them coalesce.

The right hon. gentleman may know more of the secret particulars of their overrunning Savoy than I do; but certainly, as they have come to my knowledge, it was a most Bourbon-like act. A great and justly celebrated historian, whom I will not call a foreigner—I mean Mr. Hume (a writer certainly estimable in many particulars, but who was a childish lover of princes)—talks of Louis XIV. in very magnificent terms; but he says of him that, though he managed his enterprises with skill and bravery, he was unfortunate in this, that he never got a good and fair pretence for war. This he reckons among his misfortunes! Can we say more of the republican French? In seizing on Savoy I think they made use of the words, "*convenances morales et physiques*." These were their reasons. A most Bourbon-like phrase! And I therefore contend that as we never scrupled to treat with the princes of the House of Bourbon on account of their rapacity, their thirst of conquest, their violation of treaties, their perfidy, and their restless spirit, so we ought not to refuse to treat with their republican imitators. Ministers could not pretend ignorance of the unprincipled manner in which the French had seized on Savoy. The Sardinian minister complained of the aggression, and yet no stir was made about it. The courts of Europe stood by and saw the outrage; and our minister saw it. The right hon. gentleman will in vain, therefore, exert his powers to persuade me of the interest he takes in the preservation of the rights of nations, since, at the moment when an interference might have been made with effect, no step was taken, no remonstrance made, no mediation negotiated, to stop the career of conquest. All the pretended and hypocritical sensibility for the "rights of nations and for social order," with which we have since been stunned, cannot impose upon those who would take the trouble to look back to

the period when this sensibility ought to have roused us into seasonable exertion. At that time, however, the right hon. gentleman makes it his boast that he was prevented by a sense of neutrality from taking any measures of precaution on the subject. I do not give the right hon. gentleman much credit for his spirit of neutrality on the occasion. It flowed from the sense of the country at the time, the great majority of which was clearly and decidedly against all interruptions being given to the French in their desire of regulating their own internal government.

But this neutrality, which respected only the internal rights of the French, and from which the people of England would never have departed but for the impolitic and hypocritical cant which was set up to rouse their jealousy and alarm their fears, was very different from the great principle of political prudence which ought to have actuated the councils of the nation, on seeing the first steps of France towards a career of external conquest. My opinion is, that when the unfortunate King of France offered to us, in the letter delivered by M. Chauvelin and M. Talleyrand, and even entreated us to mediate between him and the allied powers of Austria and Prussia, they ought to have accepted the offer and exerted their influence to save Europe from the consequence of a system which was then beginning to manifest itself. It was, at least, a question of prudence; and as we had never refused to treat and to mediate with the old princes on account of their ambition or their perfidy, we ought to have been equally ready now, when the same principles were acted upon by other men. I must doubt the sensibility which could be so cold and so indifferent at the proper moment for its activity. I fear that there was at that moment the germs of ambition rising in the mind of the right hon. gentleman, and that he was beginning, like others, to entertain hopes that something might be obtained out of the coming confusion. What but such a sentiment could have prevented him from overlooking the fair occasion that was offered for preventing the calamities with which Europe was threatened? What but some such interested principle could

have made him forego the truly honourable task by which his administration would have displayed its magnanimity and its power? But for some such feeling would not this country, both in wisdom and in dignity, have interfered, and in conjunction with the other powers have said to France, "You ask for a mediation; we will mediate with candour and sincerity, but we will at the same time declare to you our apprehensions. We do not trust to your assertion of a determination to avoid all foreign conquest, and that you are desirous only of settling your own constitution, because your language is contradicted by experience and the evidence of facts. You are Frenchmen, and you cannot so soon have thrown off the Bourbon principles in which you were educated. You have already imitated the bad practice of your princes; you have seized on Savoy without a colour of right. But here we take our stand. Thus far you have gone, and we cannot help it; but you must go no farther. We will tell you distinctly what we shall consider as an attack on the balance and the security of Europe; and, as the condition of our interference, we will tell you also the securities that we think essential to the general repose." This ought to have been the language of his Majesty's ministers when their mediation was solicited; and something of this kind they evidently thought of when they sent the instructions to Petersburg which they have mentioned this night, but upon which they never acted. Having not done so, I say they have no claim to talk now about the violated rights of Europe, about the aggression of the French, and about the origin of the war in which this country was so suddenly afterwards plunged. Instead of this, what did they do? They hung back; they avoided explanation; they gave the French no means of satisfying them; and I repeat my proposition—when there is a question of peace and war between two nations, that government feels itself in the wrong which refuses to state with clearness and precision what she would consider as a satisfaction and a pledge of peace.

Sir, if I understand the true precepts of the Christian religion, as set forth in the New Testament, I must be permitted to say

that there is no such thing as a rule or doctrine by which we are directed, or can be justified, in waging a war for religion. The idea is subversive of the very foundations upon which it stands, which are those of peace and good-will among men. Religion never was, and never can be, a justifiable cause of war; but it has been too often grossly used as the pretext and the apology for the most unprincipled wars.

I have already said, and I repeat it, that the conduct of the French to foreign nations cannot be justified. They have given great cause of offence, but certainly not to all countries alike. The right hon. gentlemen opposite to me have made an indiscriminate catalogue of all the countries which the French have offended, and, in their eagerness to throw odium on the nation, have taken no pains to investigate the sources of their several quarrels. I will not detain the House by entering into the long detail which has been given of their aggressions and their violences; but let me mention Sardinia as one instance which has been strongly insisted upon. Did the French attack Sardinia when at peace with them? No such thing. The King of Sardinia had accepted of a subsidy from Great Britain; and Sardinia was, to all intents and purposes, a belligerent power. Several other instances might be mentioned; but though perhaps in the majority of instances the French may be unjustifiable, is this the moment for us to dwell upon these enormities—to waste our time and inflame our passions by recriminating upon each other? There is no end to such a war. I have somewhere read, I think in Sir Walter Raleigh's *History of the World*, of a most bloody and fatal battle which was fought by two opposite armies, in which almost all the combatants on both sides were killed, "because," says the historian, "though they had offensive weapons on both sides, they had none for defence." So, in this war of words, if we are to use only offensive weapons, if we are to indulge only in invective and abuse, the contest must be eternal. If this war of reproach and invective is to be countenanced, may not the French with equal reason complain of the outrages and the horrors committed by the powers opposed to them? If we

must not treat with the French on account of the iniquity of their former transactions, ought we not to be as scrupulous of connecting ourselves with other powers equally criminal? Surely, Sir, if we must be thus rigid in scrutinising the conduct of an enemy, we ought to be equally careful in not committing our honour and our safety with an ally who has manifested the same want of respect for the rights of other nations. Surely, if it is material to know the character of a power with whom you are only about to treat for peace, it is more material to know the character of allies, with whom you are about to enter into the closest connection of friendship, and for whose exertions you are about to pay.

Now, Sir, what was the conduct of your own allies to Poland? Is there a single atrocity of the French in Italy, in Switzerland, in Egypt if you please, more unprincipled and inhuman than that of Russia, Austria, and Prussia in Poland? What has there been in the conduct of the French to foreign powers; what in the violation of solemn treaties; what in the plunder, devastation, and dismemberment of unoffending countries; what in the horrors and murders perpetrated upon the subdued victims of their rage in any district which they have overrun, worse than the conduct of those three great powers in the miserable, devoted, and trampled-on kingdom of Poland, and who have been, or are, our allies in this war for religion, social order, and the rights of nations? "Oh! but we regretted the partition of Poland!" Yes, regretted! you regretted the violence, and that is all you did. You united yourselves with the actors; you, in fact, by your acquiescence, confirmed the atrocity. But they are your allies; and though they overran and divided Poland, there was nothing, perhaps, in the manner of doing it which stamped it with peculiar infamy and disgrace. The hero of Poland, perhaps, was merciful and mild. He was "as much superior to Buonaparte in bravery, and in the discipline which he maintained, as he was superior in virtue and humanity! He was animated by the purest principles of Christianity, and was restrained in his career by the benevolent precepts which it inculcates." Was he? Let unfortunate



Warsaw, and the miserable inhabitants of the suburb of Praga in particular, tell! What do we understand to have been the conduct of this magnanimous hero, with whom, it seems, Buonaparte is not to be compared? He entered the suburb of Praga, the most populous suburb of Warsaw; and there he let his soldiery loose on the miserable, unarmed, and unresisting people! Men, women, and children, nay, infants at the breast, were doomed to one indiscriminate massacre! Thousands of them were inhumanly, wantonly butchered! And for what? Because they had dared to join in a wish to meliorate their own condition as a people, and to improve their constitution, which had been confessed by their own sovereign to be in want of amendment. And such is the hero upon whom the cause of "religion and social order" is to repose! And such is the man whom we praise for his discipline and his virtue, and whom we hold out as our boast and our dependence, while the conduct of Buonaparte unfits him to be even treated with as an enemy!

But the behaviour of the French towards Switzerland raises all the indignation of the right hon. gentleman and inflames his eloquence. I admire the indignation which he expresses (and I think he felt it) in speaking of this country, so dear and so congenial to every man who loves the sacred name of liberty. He who loves liberty, says the right hon. gentleman, thought himself at home on the favoured and happy mountains of Switzerland, where she seemed to have taken up her abode under a sort of implied compact, among all other states, that she should not be disturbed in this her chosen asylum. I admire the eloquence of the right hon. gentleman in speaking of this country of liberty and peace, to which every man would desire, once in his life at least, to make a pilgrimage. But who, let me ask him, first proposed to the Swiss people to depart from the neutrality which was their chief protection and to join the confederacy against the French? I aver that a noble relation of mine (Lord Robert Fitzgerald), then the minister of England to the Swiss Cantons, was instructed, in direct terms, to propose to the Swiss, by an official note, to break from the



safe line they had laid down for themselves, and to tell them "in such a contest neutrality was criminal." I know that noble lord too well, though I have not been in habits of intercourse with him of late, from the employments in which he has been engaged, to suspect that he would have presented such a paper without the express instructions of his court, or that he would have gone beyond those instructions.

But was it only to Switzerland that this sort of language was held? What was our language also to Tuscany and to Genoa? An hon. gentleman (Mr. Canning) has denied the authenticity of a pretended letter which has been circulated and ascribed to Lord Harvey. He says it is all a fable and a forgery. Be it so; but is it also a fable that Lord Harvey did speak in terms to the grand duke which he considered as offensive and insulting? I cannot tell, for I was not present. But was it not, and is it not believed? Is it a fable that Lord Harvey went into the closet of the grand duke, laid his watch upon the table, and demanded in a peremptory manner that he should, within a certain number of minutes, I think I have heard within a quarter of an hour, determine, aye or no, to dismiss the French minister, and order him out of his dominions; with the menace that if he did not the English fleet should bombard Leghorn? Will the hon. gentleman deny this also? I certainly do not know it from my own knowledge; but I know that persons of the first credit, then at Florence, have stated these facts, and that they never have been contradicted. It is true that upon the grand duke's complaint of this indignity Lord Harvey was recalled; but was the principle recalled? Was the mission recalled? Did not ministers persist in the demand which Lord Harvey had made, perhaps ungraciously? Was not the grand duke forced, in consequence, to dismiss the French minister? and did they not drive him to enter into an unwilling war with the republic? It is true that he afterwards made his peace; and that, having done so, he was treated severely and unjustly by the French. But what do I conclude from all this but that we have no right to be scrupulous, we who have violated the respect due to peaceable powers

ourselves in this war, which, more than any other that ever afflicted human nature, has been distinguished by the greatest number of disgusting and outrageous insults to the smaller powers by the great. And I infer from this also that the instances not being confined to the French, but having been perpetrated by every one of the allies, and by England as much as by the others, we have no right to refuse to treat with the French on this ground. Need I speak of your conduct to Genoa also? Perhaps the note delivered by Mr. Drake was also a forgery. Perhaps the blockade of the port never took place. It is impossible to deny the facts, which were so glaring at the time. It is a painful thing to me, Sir, to be obliged to go back to these unfortunate periods of the history of this war, and of the conduct of this country; but I am forced to the task by the use which has been made of the atrocities of the French as an argument against negotiation. I think I have said enough to prove that if the French have been guilty, we have not been innocent. Nothing but determined incredulity can make us deaf and blind to our own acts, when we are so ready to yield an assent to all the reproaches which are thrown out on the enemy, and upon which reproaches we are gravely told to continue the war.

"But the French," it seems, "have behaved ill everywhere. They seized on Venice, which had preserved the most exact neutrality, or rather," as it is hinted, "had manifested symptoms of friendship to them." I agree with the right hon. gentleman, it was an abominable act. I am not the apologist of, much less the advocate for, their iniquities; neither will I countenance them in their pretences for the injustice. I do not think that much regard is to be paid to the charges which a triumphant soldiery bring on the conduct of a people whom they have overrun. Pretences for outrage will never be wanting to the strong when they wish to trample on the weak; but when we accuse the French of having seized upon Venice, after stipulating for its neutrality and guaranteeing its independence, we should also remember the excuse that they made for violence—namely, that their troops had been attacked and murdered. I

say I am always incredulous about such excuses ; but I think it fair to hear whatever can be alleged on the other side. We cannot take one side of a story only. Candour demands that we should examine the whole before we make up our minds on the guilt. I cannot think it quite fair to state the view of the subject of one party as indisputable fact, without even mentioning what the other party has to say for itself. But, Sir, is this all? Though the perfidy of the French to the Venetians be clear and palpable, was it worse in morals, in principle, and in example than the conduct of Austria? My hon. friend (Mr. Whitbread) properly asked, "Is not the receiver as bad as the thief?" If the French seized on the territory of Venice, did not the Austrians agree to receive it? "But this," it seems, "is not the same thing." It is quite in the nature, and within the rule of diplomatic morality, for Austria to receive the country which was seized upon unjustly. "The emperor took it as a compensation: it was his by barter: he was not answerable for the guilt by which it was obtained." What is this, Sir, but the false and abominable reasoning with which we have been so often disgusted on the subject of the slave trade? Just in the same manner have I heard a notorious wholesale dealer in this inhuman traffic justify his abominable trade. "I am not guilty of the horrible crime of tearing that mother from her infants; that husband from his wife; of depopulating that village; of depriving that family of their sons, the support of their aged parent! No: thank heaven! I am not guilty of this horror; I only bought them in the fair way of trade. They were brought to the market; they had been guilty of crimes, or they had been made prisoners in war; they were accused of witchcraft, of *obi*, or of some other sort of sorcery; and they were brought to me for sale; I gave a valuable consideration for them; but God forbid that I should have stained my soul with the guilt of dragging them from their friends and families!" Such has been the precious defence of the slave trade; and such is the argument set up for Austria, in this instance of Venice. "I did not commit the crime of trampling on the independence of Venice. I did not seize on the city; I

gave a *quid pro quo*. It was a matter of barter and indemnity; I gave half a million of human beings to be put under the yoke of France in another district, and I had these people turned over to me in return!" This, Sir, is the defence of Austria; and under such detestable sophistry as this is the infernal traffic in human flesh, whether in white or black, to be continued and even justified! At no time has that diabolical traffic been carried to a greater length than during the present war; and that by England herself as well as Austria and Russia.

"But France," it seems, "has roused all the nations of Europe against her;" and the long catalogue has been read to you to prove that she must have been atrocious to provoke them all. Is it true, Sir, that she has roused them all? It does not say much for the address of his Majesty's ministers if this be the case. What, Sir, have all your negotiations, all your declamation, all your money, been squandered in vain? Have you not succeeded in stirring the indignation and engaging the assistance of a single power? But you do yourselves injustice. I dare say the truth lies between you. Between their crimes and your money the rage has been excited; and full as much is due to your seductions as to her atrocities. My learned friend was correct, therefore, in his argument; for you cannot take both sides of the case: you cannot accuse them of having provoked all Europe, and at the same time claim the merit of having roused them to join you.

You talk of your allies. Sir, I wish to know who your allies are? Russia is one of them, I suppose. Did France attack Russia? Has the magnanimous Paul taken the field for social order and religion, on account of personal aggression? The Emperor of Russia has declared himself grand-master of Malta, though his religion is as opposite to that of the knights as ours is; and he is as much considered an heretic by the Church of Rome as we are. The King of Great Britain might, with as much propriety, declare himself the head of the order of the Chartreuse monks. Not content with taking to himself the commandery of this institution of Malta, Paul has even created a married man a knight, contrary to all the most sacred rules

and regulations of the order. And yet this ally of ours is fighting for religion ! So much for his religion : Let us see his regard to social order ! How does he show his abhorrence of the principles of the French in their violation of the rights of other nations ? What has been his conduct to Denmark ? He says to Denmark—"You have seditious clubs at Copenhagen—No Danish vessel shall enter the ports of Russia !" He holds a still more despotic language to Hamburg. He threatens to lay an embargo on their trade ; and he forces them to surrender up men who are claimed by the French as their citizens—whether truly or not, I do not inquire. He threatens them with his own vengeance if they refuse, and subjects them to that of the French if they comply. And what has been his conduct to Spain ? He first sends away the Spanish minister from Petersburg, and then complains as a great insult that his minister was dismissed from Madrid ! This is one of our allies ; and he has declared that the object for which he has taken up arms is to replace the ancient race of the House of Bourbon on the throne of France, and that he does this for the cause of religion and social order ! Such is the respect for religion and social order which he himself displays ; and such are the examples of it with which we coalesce !

No man regrets, Sir, more than I do, the enormities that France has committed ; but how do they bear upon the question as it now stands ? Are we for ever to deprive ourselves of the benefits of peace because France has perpetrated acts of injustice ? Sir, we cannot acquit ourselves upon such ground. We have negotiated. With the knowledge of these acts of injustice and disorder, we have treated with them twice ; yet the right hon. gentleman cannot enter into negotiation with them now ; and it is worth while to attend to the reasons that he gives for refusing their offer. The revolution itself is no more an objection now than it was in 1796, when he did negotiate ; for the government of France at that time was surely as unstable as it is now. The crimes of the French, the instability of their government, did not then prevent him ; and why are they to prevent him now ? He negotiated with

a government as unstable, and, baffled in that negotiation, he did not scruple to open another at Lisle in 1797. We have heard a very curious account of these negotiations this day, and, as the right hon. gentleman has emphatically told us, an "honest" account of them. He says he has no scruple in avowing that he apprehended danger from the success of his own efforts to procure a pacification, and that he was not displeased at its failure. He was sincere in his endeavours to treat, but he was not disappointed when they failed. I wish to understand the right hon. gentleman correctly. His declaration on the subject, then, I take to be this—that though sincere in his endeavours to procure peace in 1797, yet he apprehended greater danger from accomplishing his object than from the continuance of war; and that he felt this apprehension from the comparative views of the probable state of peace and war at that time. I have no hesitation in allowing the fact that a state of peace, immediately after a war of such violence, must, in some respects, be a state of insecurity; but does this not belong, in a certain degree, to all wars? And are we never to have peace, because that peace may be insecure? But there was something, it seems, so peculiar in this war and in the character and principles of the enemy, that the right hon. gentleman thought a peace in 1797 would be comparatively more dangerous than war. Why, then, did he treat? I beg the attention of the House to this—He treated, "because the unequivocal sense of the people of England was declared to be in favour of a negotiation." The right hon. gentleman confesses the truth, then, that in 1797 the people were for peace. I thought so at the time; but you all recollect that, when I stated it in my place, it was denied. "True," they said, "you have procured petitions; but we have petitions too: we all know in what strange ways petitions may be procured, and how little they deserve to be considered as the sense of the people." This was their language at the time; but now we find these petitions did speak the sense of the people, and that it was on this side of the House only that the sense of the people was spoken. The majority spoke a contrary language.

It is acknowledged, then, that the unequivocal sense of the people of England may be spoken by the minority of this House, and that it is not always by the test of numbers that an honest decision is to be ascertained. This House decided against what the right hon. gentleman knew to be the sense of the country ; but he himself acted upon that sense against the vote of parliament.

The negotiation in 1796 went off, as my learned friend has said, upon the question of Belgium, or, as the right hon. gentleman asserts, upon a question of principle. He negotiated to please the people, but it went off "on account of a monstrous principle advanced by France incompatible with all negotiation." This is now said. Did the right hon. gentleman say so at the time ? Did he fairly and candidly inform the people of England that they broke off the negotiation because the French had urged a basis that it was totally impossible for England at any time to grant ? No such thing. On the contrary, when the negotiation broke off, they published a manifesto, "renewing, in the face of Europe, the solemn declaration that whenever the enemy should be disposed to enter on the work of a general pacification, in a spirit of conciliation and equity, nothing should be wanting on their part to contribute to the accomplishment of that great object." And accordingly, in 1797, notwithstanding this incompatible principle, and with all the enormities of the French on their heads, they opened a new negotiation at Lisle. They do not wait for any retractation of this incompatible principle ; they do not wait even till overtures shall be made to them ; but they solicit and renew a negotiation themselves. I do not blame them for this, Sir ; I say only that it is an argument against the assertion of an incompatible principle. It is a proof that they did not then think as the right hon. gentleman now says they thought ; but that they yielded to the sentiments of the nation, who were generally inclined to peace, against their own judgment ; and, from a motive which I shall come to by-and-by, they had no hesitation, on account of the first rupture, to renew the negotiation—it was renewed at Lisle ;



and this the French broke off, after the revolution at Paris on the 4th of September. What was the conduct of ministers upon this occasion? One would have thought that, with the fresh insult at Lisle in their minds, with the recollection of their failure the year before at Paris, if it had been true that they found an incompatible principle, they would have talked a warlike language, and would have announced to their country and to all Europe that peace was not to be obtained; that they must throw away the scabbard and think only of the means of continuing the contest. No such thing. They put forth a declaration, in which they said that they should look with anxious expectation for the moment when the government of France should show a disposition and spirit corresponding with their own; and renewing before all Europe the solemn declaration that, at the very moment when the brilliant victory of Lord Duncan might have justified them in demanding more extravagant terms, they were willing, if the calamities of war could be closed, to conclude peace on the same moderate and equitable principles and terms which they had before proposed. Such was their declaration upon that occasion; and in the discussions which we had upon it in this House ministers were explicit. They said that by that negotiation there had been given to the world what might be regarded as an unequivocal test of the sincerity and disposition of government towards peace or against it; for those who refuse discussion show that they are disinclined to pacification; and it is therefore, they said, always to be considered as a test that the party who refuses to negotiate is the party who is disinclined to peace. This they themselves set up as the test. Try them now, Sir, by that test. An offer is made them. They rashly, and I think rudely, refuse it. Have they, or have they not, broken their own test?

But, they say, "we have not refused all discussion." They have put a case. They have expressed a wish for the restoration of the House of Bourbon, and have declared that to be an event which would immediately remove every obstacle to negotiation. Sir, as to the restoration of the House of Bourbon,



if it shall be the wish of the people of France, I for one shall be perfectly content to acquiesce. I think the people of France, as well as every other people, ought to have the government which they like best themselves ; and the form of that government, or the persons who hold it in their hands, should never be an obstacle with me to treat with the nation for peace, or to live with me in amity—but as an Englishman, and actuated by English feelings, I surely cannot wish for the restoration of the House of Bourbon to the throne of France. I hope that I am not a man to bear heavily upon any unfortunate family. I feel for their situation—I respect their distresses—but, as a friend of England, I cannot wish for their restoration to the power which they abused. I cannot forget that the whole history of the century is little more than an account of the wars and the calamities arising from the restless ambition, the intrigues, and the perfidy of the House of Bourbon.

I cannot discover, in any part of the laboured defence which has been set up for not accepting the offer now made by France, any argument to satisfy my mind that ministers have not forfeited the test which they held out as infallible in 1797. An hon. gentleman thinks that Parliament should be eager only to approach the throne with declarations of their readiness to support his Majesty in the further prosecution of the war, without inquiry ; and he is quite delighted with an address, which he has found upon the journals, to King William, in which they pledged themselves to support him in his efforts to resist the ambition of Louis XIV. He thinks it quite astonishing how much it is in point, and how perfectly it applies to the present occasion. One would have thought, Sir, that in order to prove the application, he would have shown that an offer had been respectfully made by the grand monarch to King William to treat, which he had peremptorily and in very irritating terms refused ; and that, upon this, the House of Commons had come forward, and with one voice declared their determination to stand by him, with their lives and fortunes, in prosecuting the just and necessary war. Not a word of all this ; and yet the hon. gentleman finds it quite a parallel case, and an exact model

for the House, on this day, to pursue. I really think, Sir, he might as well have taken any other address upon the Journals, upon any other topic, as this address to King William. It would have been equally in point, and would have equally served to show the hon. gentleman's talents for reasoning.

Sir, I cannot here overlook another instance of this hon. gentleman's candid style of debating, and of his respect for Parliament. He has found out, it seems, that in former periods of our history, and even in periods which have been denominated good times, intercepted letters have been published; and he reads from the *Gazette* instances of such publication. Really, Sir, if the hon. gentleman had pursued the profession to which he turned his thoughts when younger, he would have learnt that it was necessary to find cases a little more in point. And yet, full of his triumph on this notable discovery, he has chosen to indulge himself in speaking of a most respectable and a most honourable person as any that this country knows, and who is possessed of as sound an understanding as any man that I have the good fortune to be acquainted with, in terms the most offensive and disgusting, on account of words which he may be supposed to have said in another place.\* He has spoken of that noble person and of his intellect in terms which, were I disposed to retort, I might say show the hon. gentleman to be possessed of an intellect which would justify me in passing over in silence anything that comes from such a man. Sir, that noble person did not speak of the mere act of publishing the intercepted correspondence; and the hon. gentleman's reference to the *Gazettes* of former periods is, therefore, not in point. The noble duke complained of the manner in which these intercepted letters had been published, not of the fact itself of their publication; for, in the introduction and notes to those letters, the ribaldry is such that they are not screened from the execration of every honourable mind even by their extreme stupidity. The hon. gentleman says that he must treat with indifference the intellect of a man who can ascribe

\* The Duke of Bedford.

the present scarcity of corn to the war. Sir, I think there is nothing either absurd or unjust in such an opinion. Does not the war, necessarily, by its magazines, and still more by its expeditions, increase consumption? But when we learn that corn is, at this very moment, sold in France for less than half the price which it bears here, is it not a fair thing to suppose that, but for the war and its prohibitions, a part of that grain would be brought to this country, on account of the high price which it would sell for, and that, consequently, our scarcity would be relieved from their abundance? I speak only upon report, of course; but I see that the price quoted in the French markets is less by one half than the prices in England. There was nothing, therefore, very absurd in what fell from my noble friend; and I would really advise the hon. gentleman, when he speaks of persons distinguished for every virtue, to be a little more guarded in his language. I see no reason why he and his friends should not leave to persons in another place, holding the same opinions as themselves, the task of answering what may be thrown out there. Is not the phalanx sufficient? It is no great compliment to their talents, considering their number, that they cannot be left to the task of answering the few to whom they are opposed; but perhaps the hon. gentleman has too little to do in this House, and is to be sent there himself. In truth, I see no reason why even he might not be sent, as well as some others who have been sent there.

To return to the subject of the negotiation in 1797. It is, in my mind, extremely material to attend to the account which the right hon. gentleman gives of his memorable negotiation of 1797, and of his motives for entering into it. In all questions of peace and war, he says, many circumstances must necessarily enter into the consideration; and that they are not to be decided upon the extremes: the determination must be made upon a balance and comparison of the evils or the advantages upon the one side and the other, and that one of the greatest considerations is that of finance. In 1797 the right hon. gentleman confesses he found himself peculiarly embarrassed as to the resources for the war, if they were to be found in the

old and usual way of the funding system. Now, though he thought, upon his balance and comparison of considerations, that the evils of war would be fewer than those of peace, yet they would only be so provided that he could establish a "new and solid system of finance" in the place of the old and exhausted funding system; and to accomplish this it was necessary to have the unanimous approbation of the people. To procure this unanimity he pretended to be a friend to negotiation, though he did not wish for the success of that negotiation, but hoped only that through that means he should bring the people to agree to his new and solid system of finance. With these views, then, what does he do? Knowing that, contrary to his declarations in this House, the opinion of the people of England was generally for peace, he enters into a negotiation, in which, as the world believed at the time, and even until this day, he completely failed. No such thing, Sir—he completely succeeded,—for his object was not to gain peace; it was to gain over the people of this country to a "new and a solid system of finance"—that is, to the raising a great part of the supplies within the year, to the triple assessment, and to the tax upon income! And how did he gain them over? By pretending to be a friend of peace, which he was not; and by opening a negotiation which he secretly wished might not succeed. The right hon. gentleman says that in all this he was honest and sincere; he negotiated fairly, and would have obtained the peace if the French had shown a disposition correspondent to his own; but he rejoiced that their conduct was such as to convince the people of England of the necessity of concurring with him in the views which he had, and in granting him the supply which he thought essential to their posture at the time. Sir, I will not say that in all this he was not honest to his own purpose, and that he has not been honest in his declarations and confessions this night; but I cannot agree that he was honest to this House, or honest to the people of this country. To this House it was not honest to make them counteract the sense of the people, as he knew it to be expressed in the petitions upon the table; nor was it honest

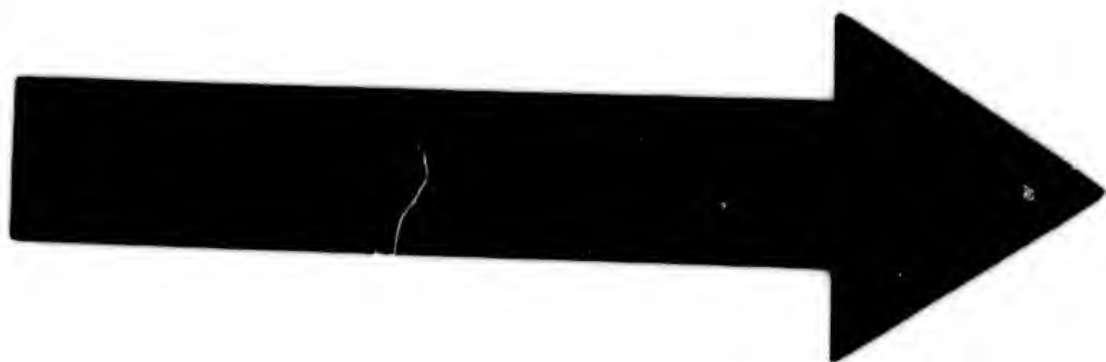
to the country to act in a disguise, and to pursue a secret purpose, unknown to them, while affecting to take the road which they pointed out. I know not whether this may not be honesty in the political ethics of the right hon. gentleman, but I know that it would be called by a very different name in the common transactions of society, and in the rules of morality established in private life. I know of nothing in the history of this country that it resembles, except, perhaps, one of the most profligate periods—the reign of Charles II., when the sale of Dunkirk might probably have been justified by the same pretence. Charles also declared war against France, and did it to cover a negotiation by which, in his difficulties, he was to gain a “solid system of finance.”

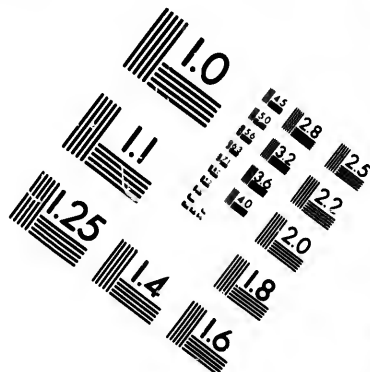
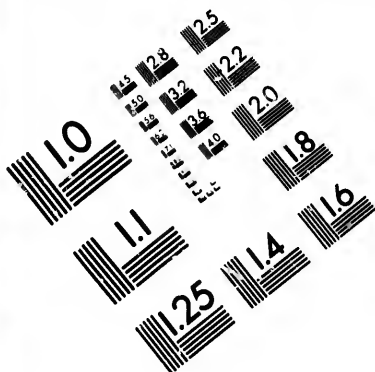
But, Sir, I meet the right hon. gentleman on his own ground. I say that you ought to treat on the same principle on which you treated in 1797, in order to gain the cordial co-operation of the people. “We want experience and the evidence of facts.” Can there be any evidence of facts equal to that of a frank, open, and candid negotiation? Let us see whether Buonaparte will display the same temper as his predecessors. If he shall do so, then you will confirm the people of England in their opinion of the necessity of continuing the war, and you will revive all the vigour which you roused in 1797. Or will you not do this until you have a reverse of fortune? Will you never treat but when you are in a situation of distress, and when you have occasion to impose on the people?

“But,” you say, “we have not refused to treat.” You have stated a case in which you will be ready immediately to enter into a negotiation—viz., the restoration of the House of Bourbon; but you deny that this is a *sine quâ non*; and in your nonsensical language, which I do not understand, you talk of “limited possibilities” which may induce you to treat without the restoration of the House of Bourbon. But do you state what they are? Now, Sir, I say that if you put one case, upon which you declare that you are willing to treat immediately, and say that there are other possible cases which may induce you to treat hereafter, without mentioning what these possible

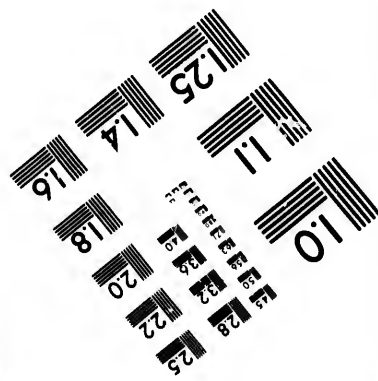
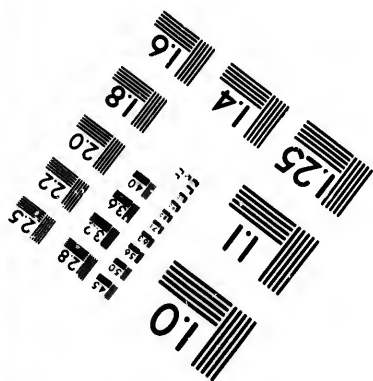
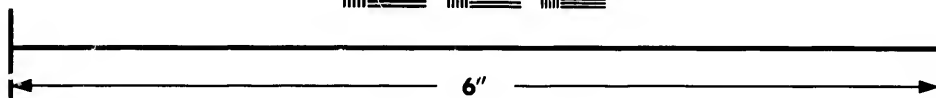
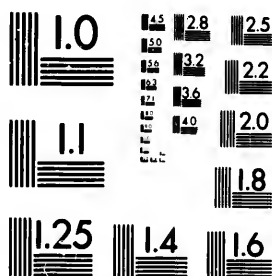
cases are, you do state a *sine quâ non* of immediate treaty. Suppose I have an estate to sell, and I say my demand is £1000 for it—I will sell the estate immediately for that sum. To be sure, there may be other terms upon which I may be willing to part with it ; but I say nothing of them. The £1000 is the only condition that I state now. Will any gentleman say that I do not make the £1000 the *sine quâ non* of the immediate sale ? Thus, you say, the restoration of the princes is not the only possible ground ; but you give no other. This is your *projet*. Do you demand a *contre projet* ? Do you follow your own rule ? Do you not do the thing of which you complained in the enemy ? You seemed to be afraid of receiving another proposition ; and by confining yourselves to this one point you make it in fact, though not in terms, your *sine quâ non*.

But the right hon. gentleman, in his speech, does what the official note avoids—he finds there the convenient words, “experience and the evidence of facts ;” upon these he goes into detail ; and, in order to convince the House that new evidence is required, he goes back to all the earliest acts and crimes of the revolution—to all the atrocities of all the governments that have passed away ; and he contends that he must have experience that these foul crimes are repented of, and that a purer and a better system is adopted in France, by which he may be sure that they shall be capable of maintaining the relations of peace and amity. Sir, these are not conciliatory words ; nor is this a practicable ground to gain experience. Does he think it possible that evidence of a peaceable demeanour can be obtained in war ? What does he mean to say to the French consul ? “Until you shall in war behave yourself in a peaceable manner, I will not treat with you.” Is there not something extremely ridiculous in this ? In duels, indeed, we have often heard of this kind of language. Two gentlemen go out and fight ; when, after discharging their pistols at one another, it is not an unusual thing for one of them to say to the other—“Now I am satisfied—I see that you are a man of honour, and we are friends again.” There is something, by-the-bye, ridiculous even in this ; but between





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nations it is more than ridiculous—it is criminal. It is a ground which no principle can justify, and which is as impracticable as it is impious. That two nations should be set on to beat one another into friendship is too abominable even for the fiction of romance ; but for a statesman seriously and gravely to lay it down as a system upon which he means to act is monstrous. What can we say of such a test as he means to put the French government to, but that it is hopeless? It is in the nature of war to inflame animosity—to exasperate, not to soothe—to widen, not to approximate. And so long as this is to be acted upon, it is vain to hope that we can have the evidence which we require.

The right hon. gentleman, however, thinks otherwise ; and he points out four distinct possible cases, besides the re-establishment of the Bourbon family, in which he would agree to treat with the French.

1. “If Buonaparte shall conduct himself so as to convince him that he has abandoned the principles which were objectionable in his predecessors, and that he shall be actuated by a more moderate system.” I ask you, Sir, if this is likely to be ascertained in war? It is the nature of war not to allay but to inflame the passions ; and it is not by the invective and abuse which have been thrown upon him and his government, nor by the continued irritations which war is sure to give, that the virtues of moderation and forbearance are to be nourished.

2. “If, contrary to the expectations of ministers, the people of France shall show a disposition to acquiesce in the government of Buonaparte.” Does the right hon. gentleman mean to say that because it is an usurpation on the part of the present chief, therefore the people are not likely to acquiesce in it? I have not time, Sir, to discuss the question of this usurpation, or whether it is likely to be permanent ; but I certainly have not so good an opinion of the French, or of any people, as to believe that it will be short-lived, merely because it was an usurpation, and because it is a system of military despotism. Cromwell was a usurper ; and in many points there may be found a resemblance between him and the present chief consul

of France. There is no doubt but that, on several occasions of his life, Cromwell's sincerity may be questioned, particularly in his self-denying ordinance—in his affected piety, and other things; but would it not have been insanity in France and Spain to refuse to treat with him because he was a usurper? No, Sir; these are not the maxims by which governments are actuated. They do not inquire so much into the means by which power may have been acquired, as into the fact of where the power resides. The people did acquiesce in the government of Cromwell; but it may be said that the splendour of his talents, the vigour of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the nation to acquiesce in his usurpation; and that we must not try Buonaparte by this example. Will it be said that Buonaparte is not a man of great abilities? Will it be said that he has not, by his victories, thrown a splendour over even the violence of the revolution, and that he does not conciliate the French people by the high and lofty tone in which he speaks to foreign nations? Are not the French, then, as likely as the English in the case of Cromwell to acquiesce in his government? If they should do so, the right hon. gentleman may find that this possible predicament may fail him. He may find that though one power may make war, it requires two to make peace. He may find that Buonaparte was as insincere as himself in the proposition which he made; and in his turn he may come forward and say—"I have no occasion now for concealment. It is true that in the beginning of the year 1800 I offered to treat, not because I wished for peace, but because the people of France wished for it; and besides, my old resources being exhausted, and there being no means of carrying on the war without a 'new and solid system of finance,' I pretended to treat, because I wished to procure the unanimous assent of the French people to this new and solid system. Did you think I was in earnest? You were deceived. I now throw off the mask; I have gained my point; and I reject your offers with scorn." Is it not a very possible case that he may use this language? Is it not within

the right hon. gentleman's "knowledge of human nature"? But even if this should not be the case, will not the very test which you require—the acquiescence of the people of France in his government—give him an advantage-ground in the negotiation which he does not possess now? Is it quite sure that when he finds himself safe in his seat he will treat on the same terms as now, and that you will get a better peace some time hence than you might reasonably hope to obtain at this moment? Will he not have one interest less than at present? And do you not overlook a favourable occasion for a chance which is extremely doubtful? These are the considerations which I would urge to his Majesty's ministers against the dangerous experiment of waiting for the acquiescence of the people of France.

3. "If the allies of this country shall be less successful than they have every reason to expect they will be in stirring up the people of France against Buonaparte, and in the further prosecution of the war." And,

4. "If the pressure of the war should be heavier upon us than it would be convenient for us to continue to bear." These are the other two possible emergencies in which the right hon. gentleman would treat even with Buonaparte. Sir, I have often blamed the right hon. gentleman for being disingenuous and insincere. On the present occasion I certainly cannot charge him with any such thing. He has made to-night a most honest confession. He is open and candid. He tells Buonaparte fairly what he has to expect. "I mean," says he, "to do everything in my power to raise up the people of France against you. I have engaged a number of allies, and our combined efforts shall be used to excite insurrection and civil war in France. I will strive to murder you, or to get you sent away. If I succeed, well; but if I fail, then I will treat with you. My resources being exhausted, even my solid system of finance having failed to supply me with the means of keeping together my allies, and of feeding the discontents I have excited in France, then you may expect to see me renounce my high tone, my attachment to the House of Bourbon, my abhorrence

of your crimes, my alarm at your principles ; for then I shall be ready to own that, on the balance and comparison of circumstances, there will be less danger in concluding a peace than in the continuance of war !” Is this a language for one state to hold to another ? And what sort of peace does the right hon. gentleman expect to receive in that case ? Does he think that Buonaparte would grant to baffled insolence, to humiliated pride, to disappointment, and to imbecility the same terms which he would be ready to give now ? The right hon. gentleman cannot have forgotten what he said on another occasion—

“ —Potuit quæ plurima virtus  
Esse, fuit : toto certatum est corpore regni.”

He would then have to repeat his words, but with a different application. He would have to say : all our efforts are vain—we have exhausted our strength—our designs are impracticable—and we must sue to you for peace.

Sir, what is the question this night ? We are called upon to support ministers in refusing a frank, candid, and respectful offer of negotiation, and to countenance them in continuing the war. Now, I would put the question in another way. Suppose ministers had been inclined to adopt the line of conduct which they pursued in 1796 and 1797, and that to-night, instead of a question on a war-address, it had been an address to his Majesty to thank him for accepting the overture, and for opening a negotiation to treat for peace : I ask the gentlemen opposite—I appeal to the whole 558 representatives of the people—to lay their hands upon their hearts, and to say whether they would not have cordially voted for such an address ? Would they, or would they not ? Yes, Sir, if the address had breathed a spirit of peace your benches would have resounded with rejoicings, and with praises of a measure that was likely to bring back the blessings of tranquillity. On the present occasion, then, I ask for the vote of none but of those who, in the secret confession of their conscience, admit, at this instant while they hear me, that they would have cheerfully and heartily voted with the minister

for an address directly the reverse of this. If every such gentleman were to vote with me, I should be this night in the greatest majority that ever I had the honour to vote with in this House.

Sir, we have heard to-night a great many most acrimonious invectives against Buonoparte, against the whole course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence—I think all this sort of invective, which is used only to inflame the passions of this House and of the country, exceeding ill-timed and very impolitic—but I say I will not make his defence. I am not sufficiently in possession of materials upon which to form an opinion on the character and conduct of this extraordinary man. Upon his arrival in France he found the government in a very unsettled state, and the whole affairs of the republic deranged, crippled, and involved. He thought it necessary to reform the government; and he did reform it, just in the way in which a military man may be expected to carry on a reform—he seized on the whole authority to himself. It will not be expected from me that I should either approve or apologise for such an act. I am certainly not for reforming governments by such expedients; but how this House can be so violently indignant at the idea of military despotism is, I own, a little singular, when I see the composure with which they can observe it nearer home; nay, when I see them regard it as a frame of government most peculiarly suited to the exercise of free opinion on a subject the most important of any that can engage the attention of a people. Was it not the system that was so happily and so advantageously established of late all over Ireland; and which, even now, the government may, at its pleasure, proclaim over the whole of that kingdom? Are not the persons and property of the people left in many districts at this moment to the entire will of military commanders? And is not this held out as peculiarly proper and advantageous at a time when the people of Ireland are free, and with unbiassed judgment, to discuss the most interesting question of a legislative union? Notwithstanding the existence

of martial law, so far do we think Ireland from being enslaved, that we think it precisely the period and the circumstances under which she may best declare her free opinion! Now really, Sir, I cannot think that gentlemen who talk in this way about Ireland can, with a good grace, rail at military despotism in France.

But, it seems, "Buonaparte has broken his oaths. He has violated his oath of fidelity to the constitution of the year 3." Sir, I am not one of those who think that any such oaths ought ever to be exacted. They are seldom or ever of any effect; and I am not for sporting with a thing so sacred as an oath. I think it would be good to lay aside all such oaths. Who ever heard that, in revolutions, the oath of fidelity to the former government was ever regarded; or even when violated, that it was imputed to the persons as a crime? In times of revolution, men who take up arms are called rebels—if they fail, they are adjudged to be traitors. But who ever heard before of their being perjured? On the restoration of Charles II., those who had taken up arms for the Commonwealth were stigmatised as rebels and traitors, but not as men foresworn. Was the Earl of Devonshire charged with being perjured on account of the allegiance he had sworn to the House of Stuart, and the part he took in those struggles which preceded and brought about the Revolution? The violation of oaths of allegiance was never imputed to the people of England, and will never be imputed to any people. But who brings up the question of oaths? He who strives to make twenty-four millions of persons violate the oaths they have taken to their present constitution, and who desires to re-establish the House of Bourbon by such violation of their vows. I put it so, Sir; because, if the question of oaths be of the least consequence, it is equal on both sides. He who desires the whole people of France to perjure themselves, and who hopes for success in his project only upon their doing so, surely cannot make it a charge against Buonaparte that he has done the same.

"Ah! but Buonaparte has declared it as his opinion, that the two governments of Great Britain and of France cannot exist

together. After the treaty of Campo Formio he sent two confidential persons, Berthier and Monge, to the Directory to say so in his name." Well, and what is there in this absurd and puerile assertion, if it was ever made? Has not the right hon. gentleman, in this House, said the same thing? In this, at least, they resemble one another. They have both made use of this assertion; and I believe that these two illustrious persons are the only two on earth who think it. But let us turn the tables. We ought to put ourselves at times in the place of the enemy, if we are desirous of really examining with candour and fairness the dispute between us. How may they not interpret the speeches of ministers and their friends in both Houses of the British parliament? If we are to be told of the idle speech of Berthier and Monge, may they not also bring up speeches in which it has not been merely hinted, but broadly asserted, that "the two constitutions of England and France could not exist together?" May not these offences and charges be reciprocated without end? Are we ever to go on in this miserable squabble about words? Are we still, as we happen to be successful on the one side or other, to bring up these impotent accusations, insults, and provocations, against each other; and only when we are beaten and unfortunate to think of treating? Oh! pity the condition of man, gracious God! and save us from such a system of malevolence, in which all our old and venerated prejudices are to be done away, and by which we are to be taught to consider war as the natural state of man, and peace but as a dangerous and difficult extremity?

Sir, this temper must be corrected. It is a diabolical spirit, and would lead to interminable war. Our history is full of instances that where we have overlooked a proffered occasion to treat, we have uniformly suffered by delay. At what time did we ever profit by obstinately persevering in war? We accepted at Ryswick the terms we had refused five years before, and the same peace which was concluded at Utrecht might have been obtained at Gertruydenberg. And as to security from the future machinations or ambition of the French, I ask you what security you ever had or could have? Did the



different treaties made with Louis IV. serve to tie up his hands, to restrain his ambition, or to stifle his restless spirit? At what period could you safely repose in the honour, forbearance, and moderation of the French government? Was there ever an idea of refusing to treat because the peace might be afterwards insecure? The peace of 1763 was not accompanied with securities; and it was no sooner made than the French court began, as usual, its intrigues. And what security did the right hon. gentleman exact at the peace of 1783, in which he was engaged? Were we rendered secure by that peace? The right hon. gentleman knows well that soon after that peace the French formed a plan, in conjunction with the Dutch, of attacking our Indian possessions, of raising up the native powers against us, and of driving us out of India; as the French are desirous of doing now—only with this difference, that the cabinet of France entered into this project in a moment of profound peace, and when they conceived us to be lulled into perfect security. After making the peace of 1783, the right hon. gentleman and his friends went out, and I, among others, came into office. Suppose, Sir, that we had taken up the jealousy upon which the right hon. gentleman now acts, and had refused to ratify the peace which he had made. Suppose that we had said—"No; France is acting a perfidious part—we see no security for England in this treaty—they want only a respite, in order to attack us again in an important part of our dominions; and we ought not to confirm the treaty." I ask, would the right hon. gentleman have supported us in this refusal? I say that upon his reasoning he ought; but I put it fairly to him, would he have supported us in refusing to ratify the treaty upon such a pretence? He certainly ought not, and I am sure he would not, but the course of reasoning which he now assumes would have justified his taking such a ground. On the contrary, I am persuaded that he would have said—"This is a refinement upon jealousy. Security! You have security, the only security that you can ever expect to get. It is the present interest of France to make peace. She will keep it if it be her interest: she will

break it if it be her interest ; such is the state of nations ; and you have nothing but your own vigilance for your security."

"It is not the interest of Buonaparte," it seems, "sincerely to enter into a negotiation, or, if he should even make peace, sincerely to keep it." But how are we to decide upon his sincerity? By refusing to treat with him? Surely, if we mean to discover his sincerity, we ought to hear the propositions which he desires to make. "But peace would be unfriendly to his system of military despotism." Sir, I hear a great deal about the short-lived nature of military despotism. I wish the history of the world would bear gentlemen out in this description of military despotism. Was not the government erected by Augustus Cæsar a military despotism? and yet it endured for 600 or 700 years. Military despotism, unfortunately, is too likely in its nature to be permanent, and it is not true that it depends on the life of the first usurper. Though half the Roman emperors were murdered, yet the military despotism went on; and so it would be, I fear, in France. If Buonaparte should disappear from the scene, to make room, perhaps, for a Berthier, or any other general, what difference would that make in the quality of French despotism or in our relation to the country? We may as safely treat with a Buonaparte or with any of his successors, be they who they may, as we could with a Louis XVI., a Louis XVII., or a Louis XVIII. There is no difference but in the name. Where the power essentially resides, thither we ought to go for peace.

But, Sir, if we are to reason on the fact, I should think that it is the interest of Buonaparte to make peace. A lover of military glory, as that general must necessarily be, may he not think that his measure of glory is full—that it may be tarnished by a reverse of fortune, and can hardly be increased by any new laurels? He must feel that, in the situation to which he is now raised, he can no longer depend on his own fortune, his own genius, and his own talents, for a continuance of his success; he must be under the necessity of employing other generals, whose misconduct or incapacity might endanger his power, or whose triumphs even might affect the interest which

he holds in the opinion of the French. Peace, then, would secure to him what he has achieved, and fix the inconstancy of fortune. But this will not be his only motive. He must see that France also requires a respite—a breathing interval to recruit her wasted strength. To procure her this respite would be, perhaps, the attainment of more solid glory, as well as the means of acquiring more solid power, than anything which he can hope to gain from arms and from the proudest triumphs. May he not then be zealous to gain this fame, the only species of fame, perhaps, that is worth acquiring? Nay, granting that his soul may still burn with the thirst of military exploits, is it not likely that he is earnestly disposed to yield to the feelings of the French people, and to consolidate his power by consulting their interests? I have a right to argue in this way, when suppositions of his insincerity are reasoned upon on the other side. Sir, these aspersions are, in truth, always idle, and even mischievous. I have been too long accustomed to hear imputations and calumnies thrown out upon great and honourable characters to be much influenced by them. My learned friend has paid this night a most just, deserved, and honourable tribute of applause to the memory of that great and unparalleled character who has been so recently lost to the world. I must, like him, beg leave to dwell a moment on the venerable George Washington, though I know that it is impossible for me to bestow anything like adequate praise on a character which gave us, more than any other human being, the example of a perfect man; yet, good, great, and unexampled as General Washington was, I can remember the time when he was not better spoken of in this House than Buonaparte is now. The right hon. gentleman who opened this debate (Mr. Dundas) may remember in what terms of disdain, of virulence, and even of contempt, General Washington was spoken of by gentlemen on that side of the House. Does he not recollect with what marks of indignation any member was stigmatised as an enemy to his country who mentioned with common respect the name of General Washington? If a negotiation had then been proposed to be opened with that great man, what would have been said?

"Would you treat with a rebel, a traitor! What an example would you not give by such an act!" I do not know whether the right hon. gentleman may not yet possess some of his old prejudices on the subject. I hope not. I hope by this time we are all convinced that a republican government, like that of America, may exist without danger or injury to social order or to established monarchies. They have happily shown that they can maintain the relations of peace and amity with other states: they have shown, too, that they are alive to the feelings of honour; but they do not lose sight of plain good sense and discretion. They have not refused to negotiate with the French, and they have accordingly the hopes of a speedy termination of every difference. We cry up their conduct, but we do not imitate it. At the beginning of the struggle we were told that the French were setting up a set of wild and impracticable theories, and that we ought not to be misled by them—we could not grapple with theories. Now we are told that we must not treat, because, out of the lottery, Buonaparte has drawn such a prize as military despotism. Is military despotism a theory? One would think that that is one of the practical things which ministers might understand, and to which they would have no particular objection. But what is our present conduct founded on but a theory, and that a most wild and ridiculous theory? What are we fighting for? Not for a principle; not for security; not for conquest even; but merely for an experiment and a speculation, to discover whether a gentleman at Paris may not turn out a better man than we now take him to be.

My hon. friend (Mr. Whitbread) has been censured for an opinion which he gave, and I think justly, that the change of property in France since the revolution must form an almost insurmountable barrier to the return of the ancient proprietors. "No such thing," says the right hon. gentleman; "nothing can be more easy. Property is depreciated to such a degree, that the purchasers would easily be brought to restore the estates." I very much differ with him in this idea. It is the character of every such convulsion as that which has ravaged France, that

an infinite and indescribable load of misery is inflicted upon private families. The heart sickens at the recital of the sorrows which it engenders. No revolution implied, though it may have occasioned, a total change of property. The restoration of the Bourbons does imply it; and there is the difference. There is no doubt but that if the noble families had foreseen the duration and the extent of the evils which were to fall upon their heads, they would have taken a very different line of conduct. But they unfortunately flew from their country. The king and his advisers sought foreign aid. A confederacy was formed to restore them by military force; and as a means of resisting this combination, the estates of the fugitives were confiscated and sold. However compassion may deplore the case, it cannot be said that the thing is unprecedented. The people have always resorted to such means of defence. Now the question is, how this property is to be got out of their hands? If it be true, as I have heard, that the purchasers of national and forfeited estates amount to 1,500,000 persons, I see no hopes of their being forced to deliver up their property; nor do I even know that they ought. I question the policy, even if the thing were practicable; but I assert that such a body of new proprietors forms an insurmountable barrier to the restoration of the ancient order of things. Never was a revolution consolidated by a pledge so strong.

But, as if this were not of itself sufficient, Louis XVIII. from his retirement at Mittau puts forth a manifesto, in which he assures the friends of his house that he is about to come back with all the powers that formerly belonged to his family. He does not promise to the people a constitution which may tend to conciliate; but, stating that he is to come with all the *ancien régime*, they would naturally attach to it its proper appendages of bastiles, lettres de cachet, gabelle, etc. And the noblesse, for whom this proclamation was peculiarly conceived, would also naturally feel that if the monarch was to be restored to all his privileges, they surely were to be reinstated in their estates without a compensation to the purchasers. Is this likely to

make the people wish for a restoration of royalty? I have no doubt but there may be a number of Chouans in France, though I am persuaded that little dependence is to be placed on their efforts. There may be a number of people dispersed over France, and particularly in certain provinces, who may retain a degree of attachment to royalty; and how the government will contrive to compromise with that spirit I know not. I suspect, however, that Buonaparte will try; his efforts have been turned to that object; and, if we may believe report, he has succeeded to a considerable degree. He will naturally call to his recollection the precedent which the history of France itself will furnish. The once formidable insurrection of the Huguenots was completely stifled and the party conciliated by the policy of Henry IV., who gave them such privileges and raised them so high in the government as to make some persons apprehend danger therefrom to the unity of the empire. Nor will the French be likely to forget the revocation of the edict—one of the memorable acts of the House of Bourbon—an act which was never surpassed in atrocity, injustice, and impolicy, by anything that has disgraced Jacobinism. If Buonaparte shall attempt some similar arrangement to that of Henry IV. with the Chouans, who will say that he is likely to fail? He will meet with no great obstacle to success from the influence which our ministers have established with the chiefs, or in the attachment and dependence which they have on our protection; for what has the right hon. gentleman told him, in stating the contingencies in which he will treat with Buonaparte? He will excite a rebellion in France—he will give support to the Chouans, if they can stand their ground; but he will not make common cause with them; for unless they can depose Buonaparte, send him into banishment, or execute him, he will abandon the Chouans, and treat with this very man, whom he describes as holding the reins and wielding the powers of France for purposes of unexampled barbarity.

Sir, I wish the atrocities of which we hear so much, and which I abhor as much as any man, were indeed unexampled. I fear that they do not belong exclusively to the French.

When the right hon. gentleman speaks of the extraordinary successes of the last campaign, he does not mention the horrors by which some of those successes were accompanied. Naples, for instance, has been, among others, what is called "delivered"; and yet, if I am rightly informed, it has been stained and polluted by murders so ferocious, and by cruelties of every kind so abhorrent, that the heart shudders at the recital. It has been said, not only that the miserable victims of the rage and brutality of the fanatics were savagely murdered, but that, in many instances, their flesh was eaten and devoured by the cannibals who are the advocates and the instruments of social order! Nay, England is not totally exempt from reproach, if the rumours which are circulated be true. I will mention a fact to give ministers the opportunity, if it be false, of wiping away the stain that it must otherwise fix on the British name. It is said that a party of the republican inhabitants of Naples took shelter in the fortress of the Castel de Uova. They were besieged by a detachment from the royal army, to whom they refused to surrender; but demanded that a British officer should be brought forward, and to him they capitulated. They made terms with him under the sanction of the British name. It was agreed that their persons and property should be safe, and that they should be conveyed to Toulon. They were accordingly put on board a vessel; but before they sailed their property was confiscated, numbers of them taken out, thrown into dungeons, and some of them, I understand, notwithstanding the British guarantee, actually executed.

Where then, Sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till you establish the House of Bourbon! And this you cherish the hope of doing, because you have had a successful campaign. Why, Sir, before this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, etc., which induced some gentlemen in this House to prepare themselves for a march to

Paris. With all that you have gained, you surely will not say that the prospect is brighter now than it was then. What have you gained but the recovery of a part of what you before lost? One campaign is successful to you—another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancour, which are infinitely more flagitious even than those of ambition and the thirst of power, you may go on for ever; as, with such black incentives, I see no end to human misery. And all this without an intelligible motive, all this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation. We must keep Buonaparte for some time longer at war, as a state of probation. Gracious God, Sir, is war a state of probation? Is peace a rash system? Is it dangerous for nations to live in amity with each other? Is your vigilance, your policy, your common powers of observation, to be extinguished by putting an end to the horrors of war? Cannot this state of probation be as well undergone without adding to the catalogue of human sufferings? "But we must pause!" What! must the bowels of Great Britain be torn out—her best blood be spilt—her treasure wasted—that you may make an experiment? Put yourselves—oh! that you would put yourselves—in the field of battle, and learn to judge of the sort of horrors that you excite. In former wars a man might at least have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity, and even perhaps allayed his feelings—they were fighting to repress the uncontrolled ambition of the grand monarch. But if a man were present now at a field of slaughter, and were to inquire for what they were fighting—"Fighting!" would be the answer; "they are not fighting, they are pausing." "Why is that man expiring? Why is that other writhing with agony? What means this implacable fury?" The answer must be, "You are quite wrong, Sir; you



deceive yourself—they are not fighting—do not disturb them—they are merely pausing!—this man is not expiring with agony—that man is not dead—he is only pausing! Lord help you, Sir! they are not angry with one another; they have now no cause of quarrel—but their country thinks that there should be a pause. All that you see, Sir, is nothing like fighting—there is no harm, nor cruelty, nor bloodshed in it whatever—it is nothing more than a *political pause*!—it is merely to try an experiment—to see whether Buonaparte will not behave himself better than heretofore; and in the meantime we have agreed to a pause, in pure friendship!” And is this the way, Sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilise the world, to destroy order, to trample on religion, to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system you spread terror and devastation all around you.

Sir, I have done. I have told you my opinion. I think you ought to have given a civil, clear, and explicit answer to the overture which was fairly and handsomely made you. If you were desirous that the negotiation should have included all your allies, as the means of bringing about a general peace, you should have told Buonaparte so; but I believe you were afraid of his agreeing to the proposal. You took that method before. “Ay, but,” you say, “the people were anxious for peace in 1797.” I say they are friends to peace now; and I am confident that you will one day own it. Believe me, they are friends to peace; although, by the laws which you have made restraining the expression of the sense of the people, public opinion cannot now be heard as loudly and unequivocally as heretofore. But I will not go into the internal state of this country. It is too afflicting to the heart to see the strides which have been made, by means of, and under the miserable pretext of this war, against liberty of every kind, both of speech and of writing; and to observe in another kingdom the rapid approaches to that military despotism which we affect to make an argument against peace. I know, Sir, that public

opinion, if it could be collected, would be for peace, as much now as in 1797, and I know that it is only by public opinion—not by a sense of their duty—not by the inclination of their minds—that ministers will be brought, if ever, to give us peace. I conclude, Sir, with repeating what I said before ; I ask for no gentleman's vote who would have reprobated the compliance of ministers with the proposition of the French government ; I ask for no gentleman's support to-night who would have voted against ministers, if they had come down and proposed to enter into a negotiation with the French ; but I have a right to ask—I know that, in honour, in consistency, in conscience, I have a right to expect the vote of every gentleman who would have voted with ministers in an address to his Majesty diametrically opposite to the motion of this night.

## DANIEL O'CONNELL.

*Speech at a Meeting to Recover Catholic Rights. Dublin,  
February 23, 1814.*

[THE herculean labours of Daniel O'Connell changed the whole current of Irish life. He replaced insurrection by combination, and raised the Catholic of Ireland from the position of vassalage in which he had previously lived. So powerful and successful were O'Connell's efforts that the strong English Government was obliged to capitulate to him. "It was," said Wendell Phillips in his centenary oration on O'Connell, "the proudest Government in Europe, with the hero of a hundred fields at its head, surrendering to ten men in an upper room." The speech here given was delivered fifteen years before the surrender of the Duke of Wellington. It not only pleads with power the cause of the Catholic, but it contains a very truthful picture of Europe in the year of the Vienna Congress and Napoleon's abdication, and it presents a just and discerning criticism of the Corn Laws (then being enacted), delivered twenty-four years before the founding of the Anti-Corn Law League.]

MR. O'CONNELL said that he wished to submit to the meeting a resolution, calling on the different counties and cities in Ireland to petition for unqualified emancipation. It was a resolution which had been already and frequently adopted; when we had persevered in our petitions, even at periods when we despaired of success; and it became a pleasing duty to present them, now that the symptoms of the times seemed so powerfully to promise an approaching relief.

Indeed, as long as truth or justice could be supposed to influence man; as long as man was admitted to be under the

control of reason ; so long must it be prudent and wise to procure discussions on the sufferings and the rights of the people of Ireland. Truth proclaimed the treacherous iniquity which had deprived us of our chartered liberty ; truth destroyed the flimsy pretext under which this iniquity is continued ; truth exposed our merits and our sufferings ; whilst reason and justice combined to demonstrate our right—the right of every human being to freedom of conscience—a right without which every honest man must feel that to him, individually, the protection of government is a mockery, and the restriction of penal law a sacrilege.

Truth, reason, and justice are our advocates ; and even in England let me tell you that those powerful advocates have some authority. They are, it is true, more frequently resisted there than in most other countries ; but yet they have some sway among the English at all times. Passion may confound and prejudice darken the English understanding ; and interested passion and hired prejudice have been successfully employed against us at former periods ; but the present season appears singularly well calculated to aid the progress of our cause, and to advance the attainment of our important objects.

I do not make the assertion lightly. I speak after deliberate investigation, and from solemn conviction, my clear opinion that we shall, during the present session of Parliament, obtain a portion at least, if not the entire, of our emancipation. We cannot fail, unless we are disturbed in our course by those who graciously style themselves our friends, or are betrayed by the treacherous machinations of part of our own body.

Yes, everything, except false friendship and domestic treachery, forebodes success. The cause of man is in its great advance. Humanity has been rescued from much of its thralldom. In the states of Europe, where the iron despotism of the feudal system so long classed men into two species—the hereditary masters and the perpetual slaves ; when rank supplied the place of merit, and to be humbly born operated as a perpetual exclusion ;—in many parts of Europe man is reassuming his natural station, and artificial distinctions have

vanished before the force of truth and the necessities of governors.

France has a representative government ; and as the unjust privileges of the clergy and nobility are abolished ; as she is blessed with a most wise, clear, and simple code of laws ; as she is almost free from debt, and emancipated from odious prejudices, she is likely to prove an example and a light to the world.

In Germany, the sovereigns who formerly ruled at their free will and caprice are actually bribing the people to the support of their thrones, by giving them the blessings of liberty. It is a wise and a glorious policy. The Prince Regent has emancipated his Catholic subjects of Hanover, and traced for them the grand outlines of a free constitution. The other states of Germany are rapidly following the example. The people, no longer destined to bear the burdens only of society, are called up to take their share in the management of their own concerns, and in the sustentation of the public dignity and happiness. In short, representative government, the only rational or just government, is proclaimed by princes as a boon to their people, and Germany is about to afford many an example of the advantages of rational liberty. Anxious as some kings appear to be in the great work of plunder and robbery, others of them are now the first heralds of freedom.

It is a moment of glorious triumph to humanity ; and even one instance of liberty, freely conceded, makes compensation for a thousand repetitions of the ordinary crimes of military monarchs. The crime is followed by its own punishment ; but the great principle of the rights of man establishes itself now on the broadest basis, and France and Germany now set forth an example for England to imitate.

Italy, too, is in the paroxysms of the fever of independence. Oh, may she have strength to go through the disease, and may she rise like a giant refreshed with wine ! One thing is certain, that the human mind is set afloat in Italy. The flame of freedom burns ; it may be smothered for a season ; but all the whiskered Croats and the fierce Pandours of Austria will not

be able to extinguish the sacred fire. Spain, to be sure, chills the heart and disgusts the understanding. The combined Inquisition and the court—press upon the mind, whilst they bind the body in fetters of adamant. But this despotism is, thank God, as unrelentingly absurd as it is cruel, and there arises a darling hope out of the very excess of the evil. The Spaniards must be walking corpses—they must be living ghosts, and not human beings, unless a sublime reaction be in rapid preparation. But let us turn to our own prospects.

The cause of liberty has made, and is making, great progress in states heretofore despotic. In all the countries in Europe, in which any portion of freedom prevails, the liberty of conscience is complete. England alone, of all the states pretending to be free, leaves shackles upon the human mind; England alone, amongst free states, exhibits the absurd claim of regulating belief by law, and forcing opinion by statute. Is it possible to conceive that this gross, this glaring, this iniquitous absurdity can continue? Is it possible, too, to conceive that it can continue to operate, not against a small and powerless sect, but against the millions, comprising the best strength, the most affluent energy of the empire?—a strength and an energy daily increasing, and hourly appreciating their own importance. The present system, disavowed by liberalised Europe, disclaimed by sound reason, abhorred by genuine religion, must soon and for ever be abolished.

Let it not be said that the princes of the Continent were forced by necessity to give privileges to their subjects, and that England has escaped from a similar fate. I admit that the necessity of procuring the support of the people was the main-spring of royal patriotism on the Continent; but I totally deny that the ministers of England can dispense with a similar support. The burdens of the war are permanent; the distresses occasioned by the peace are pressing; the financial system tottering, and to be supported in profound peace only by a war taxation. In the meantime, the resources of corruption are mightily diminished. Ministerial influence is necessarily diminished by one-half of the effective force of

indirect bribery; full two-thirds must be disbanded. Peculation and corruption must be put upon half-pay, and no allowances. The ministry lose not only all those active partisans; those outrageous loyalists, who fattened on the public plunder during the seasons of immense expenditure; but those very men will themselves swell the ranks of the malcontents, and probably be the most violent in their opposition. They have no sweet consciousness to reward them in their present privations; and therefore they are likely to exhaust the bitterness of their souls on their late employers. Every cause conspires to render this the period in which the ministry should have least inclination, least interest, least power, to oppose the restoration of our rights and liberties.

I speak not from mere theory. There exist at this moment practical illustrations of the truth of my assertions. Instances have occurred which demonstrate, as well the inability of the ministry to resist the popular voice, as the utility of re-echoing that voice, until it is heard and understood in all its strength and force. The ministers had determined to continue the property tax; they announced that determination to their partisans at Liverpool and in Bristol. Well, the people of England met; they petitioned; they repeated—they reiterated their petitions, until the ministry felt they could no longer resist; and they ungraciously, but totally, abandoned their determination; and the property tax now expires.

Another instance is also now before us. It relates to the Corn Laws. The success of the repetition of petitions in that instance is the more remarkable, because such success has been obtained in defiance of the first principles of political economy, and in violation of the plainest rules of political justice.

This is not the place to discuss the *merits of the Corn Laws*; but I cannot avoid, as the subject lies in my way, to put upon public record my conviction of the INUTILITY AS WELL AS THE IMPROPRIETY OF THE PROPOSED MEASURE RESPECTING THOSE LAWS. I expect that it will be believed in Ireland that I would not volunteer thus an opposition of sentiment to any measure, if

*I was not most disinterestedly, and in my conscience, convinced that SUCH MEASURE WOULD NOT BE OF ANY SUBSTANTIAL OR PERMANENT UTILITY TO IRELAND.*

As far as I am personally concerned, my interest plainly is to keep up the price of lands ; but I am quite convinced that the measure in question will have an effect PERMANENTLY AND FATALLY INJURIOUS TO IRELAND. *The clamour respecting the Corn Laws has been fomented by parsons who were afraid that they would not get money enough for their tithes, and absentee landlords, who apprehended a diminution of their rack rents ; and if you observed the names of those who have taken an active part in favour of the measure, you will find amongst them many, if not all, the persons who have most distinguished themselves against the liberty and religion of the people. There have been, I know, many good men misled, and many clever men deceived, on this subject ; but the great majority are of the class of oppressors.*

There was formed, some time ago, an association of a singular nature in Dublin and the adjacent counties. Mr. Luke White was, as I remember, at the head of it. It contained some of our stoutest and most stubborn seceders ; it published the causes of its institution ; it recited that, whereas butcher's meat was dearer in Cork, and in Limerick, and in Belfast than in Dublin, it was therefore expedient to associate, in order that the people of Dublin should not eat meat too cheap. Large sums were subscribed to carry the patriotic design into effect, but public indignation broke up the ostensible confederacy ; it was too plain and too glaring to bear public inspection. The indignant sense of the people of Dublin forced them to dissolve their open association ; and if the present enormous increase of the price of meat in Dublin beyond the rest of Ireland be the result of secret combination of any individuals, there is at least this comfort, that they do not presume to beard the public with the open avowal of their design to increase the difficulties of the poor in procuring food.

Such a scheme as that, with respect to meat in Dublin—such



a scheme, precisely, is the sought-for corn law. The only difference consists in the extent of the operation of both plans. The *corn plan* is only more extensive, not more unjust in principle, but it is more *unreasonable in its operation*, because its *necessary tendency must be to destroy that very market of which it seeks the exclusive possession*. The *corn law men want, they say, to have the exclusive feeding of the manufacturers; but at present our manufacturers, loaded as they are with taxation, are scarcely able to meet the goods of foreigners* in the markets of the world. The English are already undersold in foreign markets; but *if to this dearness produced by taxation there shall be added the dearness produced by dear food*, is it not plain that it will be impossible to enter into a competition with foreign manufacturers, who have no taxes and cheap bread? Thus the corn laws will destroy our manufactures, and compel our manufacturers to emigrate, in spite of penalties; and the corn law supporters will have injured themselves and destroyed others.

I beg pardon for dwelling on this subject. If I were at liberty to pursue it here, I would not leave it until I had satisfied every dispassionate man that the *proposed measure* is both USELESS AND UNJUST; but this is not the place for doing so, and I only beg to record at least the honest dictates of my judgment on this interesting topic. My argument, of the efficacy of petitioning, is strengthened by the impolicy of the measure in question; because, if petitions, by their number and perseverance, succeed in establishing a proposition impolitic in principle, and oppressive to thousands in operation, what encouragement does it not afford to us to repeat our petitions for that which has justice for its basis, and policy as its support!

The great advantages of discussion being thus apparent, the efficacy of repeating, and repeating, and repeating again our petitions being thus demonstrated by notorious facts, the Catholics of Ireland must be sunk in criminal apathy if they neglect the use of an instrument so efficacious for their emancipation.

There is further encouragement at this particular crisis.

Dissension has ceased in the Catholic body. Those who paralysed our efforts, and gave our conduct the appearance and reality of weakness, and wavering, and inconsistency, have all retired. Those who were ready to place the entire of the Catholic feelings and dignity, and some of the Catholic religion too, under the feet of every man who pleased to call himself our friend, and to prove himself our friend, by praising on every occasion, and upon no occasion, the oppressors of the Catholics, and by abusing the Catholics themselves ; the men who would link the Catholic cause to this patron and to that, and sacrifice it at one time to the minister, and at another to the opposition, and make it this day the tool of one party, and the next the instrument of another party ; the men, in fine, who hoped to traffic upon our country and our religion—who would buy honours, and titles, and places, and pensions, at the price of the purity, and dignity, and safety of the Catholic Church in Ireland ; all those men have, thank God, quitted us, I hope for ever. They have returned into silence and secession, or have frankly or covertly gone over to our enemies. I regret deeply and bitterly that they have carried with them some few who, like my Lord Fingal, entertain no other motives than those of purity and integrity, and who, like that noble lord, are merely mistaken.

But I rejoice at this separation—I rejoice that they have left the single-hearted, and the disinterested, and the indefatigable, and the independent, and the numerous, and the sincere Catholics to work out their emancipation unclogged, unshackled, and undismayed. They have bestowed on us another bounty also—they have proclaimed the causes of their secession—they have placed out of doubt the cause of the divisions. It is not intemperance, for that we abandoned ; it is not the introduction of extraneous topics, for those we disclaimed ; it is simply and purely, veto or no veto—restriction or no restriction—no other words ; it is religion and principle that have divided us ; thanks, many thanks to the tardy and remote candour of the seceders, that has at length written in large letters *the cause of their secession—it is the Catholic Church of Ireland—it is*

*whether that Church shall continue independent of a Protestant ministry or not. We are for its independence—the seceders are for its dependence.*

Whatever shall be the fate of our emancipation question, thank God we are divided for ever from those who would wish that our Church should crouch to the partisans of the Orange system. Thank God, secession has displayed its cloven foot, and avowed itself to be synonymous with vetoism.

Those are our present prospects of success. First, man is elevated from slavery almost everywhere, and human nature has become more dignified, and, I may say, more valuable. Secondly, England wants our cordial support, and knows that she has only to secede to us justice in order to obtain our affectionate assistance. Thirdly, this is the season of successful petition, and the very fashion of the times entitles our petition to succeed. Fourthly, the Catholic cause is disencumbered of hollow friends and interested speculators. Add to all these the native and inherent strength of the principle of religious freedom and the inert and accumulating weight of our wealth, our religion, and our numbers, and where is the sluggard that shall dare to doubt our approaching success?

Besides, even our enemies must concede to us that we act from principle, and from principle only. We prove our sincerity when we refuse to make our emancipation a subject of traffic and barter, and ask for relief only upon those grounds which, if once established, would give to every other sect the right to the same political immunity. All we ask is "a clear stage and no favour." We think the Catholic religion the most rationally consistent with the divine scheme of Christianity, and, therefore, all we ask is that everybody should be left to his unbiassed reason and judgment. If Protestants are equally sincere, why do they call the law, and the bribe, and the place, and the pension, in support of their doctrines? Why do they fortify themselves behind pains, and penalties, and exclusions, and forfeitures? Ought not our opponents to feel that they degrade the sanctity of their religion when they call in the profane aid of temporal rewards and punishments, and that they proclaim

the superiority of our creed when they thus admit themselves unable to contend against it upon terms of equality, and by the weapons of reason and argument, and persevere in refusing us all we ask—"a clear stage and no favour."

Yes, Mr. Chairman, our enemies, in words and by actions, admit and proclaim our superiority. It remains to our friends alone, and to that misguided and ill-advised portion of the Catholics who have shrunk into secession—it remains for those friends and seceders alone to undervalue our exertions, and underrate our conscientious opinions.

Great and good God, in what a cruel situation are the Catholics of Ireland placed! If they have the manliness to talk of their oppressors as the paltry bigots deserve—if they have the honesty to express, even in measured language, a small portion of the sentiments of abhorrence which persecuting bigotry ought naturally to inspire—if they condemn the principle which established the Inquisition in Spain and Orange lodges in Ireland, they are assailed by the combined clamour of those parliamentary friends and title-seeking, place-hunting seceders. The war-whoop of "*intemperance*" is scolded, and a persecution is instituted by our advocates and our seceders—against the Catholic who dares to be honest, and fearless, and independent!

But I tell you what they easily forgive—nay, what our friends, sweet souls, would vindicate to-morrow in parliament, if the subject arose there. Here it is—here is the *Dublin Journal* of the 21st of February, printed just two days ago. In the administration of Lord Whitworth, and the secretaryship of Mr. Peel, there is a government newspaper—a paper supported solely by the money of the people; for its circulation is little, and its private advertisements less. Here is a paper continued in existence like a wounded reptile—only whilst in the rays of the sun, by the heat and warmth communicated to it by the Irish administration. Let me read two passages for you. The first calls "*Popery the deadly enemy of pure religion and rational liberty.*" Such is the *temperate* description the writer gives of the Catholic faith. With respect

to purity of religion I shall not quarrel with him. I only differ with him in point of taste ; but I should be glad to know what this creature calls rational liberty. I suppose such as existed at Lacedæmon—the dominion of Spartans over Helots—the despotism of masters over slaves, that is his rational liberty. We will readily pass so much by. But attend to this :—

“I will,” says this moderate and temperate gentleman, “*lay before the reader such specimens of the POISH SUPERSTITION as will convince him that the treasonable combinations cemented by oaths, and the NOCTURNAL ROBBERY AND ASSASSINATION which have prevailed for many years past in Ireland, and still exist in many parts of it, are produced as a necessary consequence by its intolerant and sanguinary principles.*”

Let our seceders—let our gentle friends who are shocked at our intemperance, and are alive to the mild and conciliating virtues of Mr. Peel—read this passage, sanctioned I may almost say, certainly countenanced by those who do the work of governing Ireland. Would to God we had but one genuine, unsophisticated friend, one real advocate in the House of Commons ! How such a man would pour down indignation on the clerks of the Castle, who pay for this base and vile defamation of our religion—of the religion of nine-tenths of the population of Ireland !

But perhaps I accuse falsely ; perhaps the administration of Ireland are guiltless of patronising these calumnies. Look at the paper and determine ; it contains nearly five columns of advertisements—only one from a private person—and even that is a notice of an anti-Popery pamphlet, by a Mr. Cousins, a curate of the Established Church. Dean Swift has somewhere observed that the poorest of all possible rats was a curate—(*much laughing*) ; and if this rat be so, if he have as usual a large family, a great appetite, and little to eat, I sincerely hope that he may get what he wants—a fat living. Indeed, for the sake of consistency, and to keep up the succession of bad pamphlets, he ought to get a living.

Well, what think you are the rest of the advertisements ?

First, there are three from the worthy Commissioners of Wide Streets ; one dated 6th August 1813, announcing that they would, the ensuing Wednesday, receive certain proposals. Secondly, the Barony of Middlethird is proclaimed, as of the 6th of September last, for fear the inhabitants of that barony should not as yet know they were proclaimed. Thirdly, the proclamation against the Catholic Board, dated only the 3rd day of June last, is printed lest any person should forget the history of last year. Fourthly, there is proclamation stating that gunpowder was not to be carried *coastwise* for six months, and this is dated the 5th of October last. But why should I detain you with the details of State proclamations, printed for no other purpose than as an excuse for putting so much of the public money into the pocket of a calumniator of the Catholics. The abstract of the rest is that there is one other proclamation, stating that Liverpool is a port fit for importation from the East Indies ; another forbidding British subjects from serving in the American forces during the present, that is, the past war ; and another stating that although we had made peace with France, we are still at war with America, and that, therefore, no marine is to desert ; and to finish the climax, there is a column and a half of extracts from several statutes ; all this printed at the expense of Government—that is, at the expense of the people.

Look now at the species of services for which so enormous a sum of our money is thus wantonly lavished ! It consists simply of calumnies against the Catholic religion—calumnies so virulently atrocious as, in despite of the intention of the authors, to render themselves ridiculous. This hireling accuses our religion of being an enemy to liberty, of being an encourager of treason, of instigating to robbery, and producing a system of assassination. Here are libels for which no prosecution is instituted. Here are libels which are considered worthy of encouragement, and which are rewarded by the Irish treasury. And is it for this—is it to supply this waste, this abuse of public money—is it to pay for those false and foul calumnies, that we are, in a season of universal peace, to be borne down with a war

taxation? Are we to have two or three additional millions of taxes imposed upon us in peace, in order that this intestine war of atrocious calumny may be carried on against the religion of the people of Ireland with all the vigour of full pay and great plunder. Let us, agitators, be now taunted by jobbers in Parliament with our violence, our intemperance. Why, if we were not rendered patient by the aid of a dignified contempt, is there not matter enough to disgust and to irritate almost beyond endurance?

Thus are we treated by our friends, and our enemies, and our seceders; the first abandon, the second oppress, the third betray us, and they all join in calumniating us; in the last they are all combined. See how naturally they associate;—this libeller in the *Dublin Journal*, who calls the Catholic religion a system of assassination, actually praises in the same paper some individual Catholics; he praises, by name, Quarantotti, and my Lord Fingal (*much laughing*), and the respectable party (those are his words) who join with that noble lord.

Of Lord Fingal I shall always speak with respect, because I entertain the opinion that his motives are pure and honourable; but can anything, or at least ought anything, place his secession in so strong a point of view to the noble lord himself as to find that he and his party are praised by the very man who, in the next breath, treats his religion as a system of assassination. Let that party have all the enjoyment which such praises can confer; but if a spark of love for their religion or their country remains with them, let them recollect that they could have earned those praises only by having, in the opinion of this writer, betrayed the one and degraded the other.

This writer, too, attempts to traduce Lord Donoughmore. He attacks his lordship in bad English, and worse Latin, for having, as he says, cried *peccavi* to Popish thralldom. But the ignorant trader in virulence knew not how to spell that single Latin word, because they do not teach Latin at the charter schools.

I close with conjuring the Catholics to persevere in their present course.

*Let us never tolerate the slightest inroad on the discipline of our ancient, our holy Church. Let us never consent that she should be made the hireling of the ministry. Our forefathers would have died, nay, they perished in hopeless slavery rather than consent to such degradation.*

Let us rest upon the barrier where they expired, *or go back into slavery rather than forward into irreligion and disgrace!* Let us also advocate our cause on the two great principles—first, that of an eternal separation in spirituals between our Church and the State; secondly, that of *the eternal right to freedom of conscience*—a right which, I repeat it with pride and pleasure, would exterminate the Inquisition in Spain and bury in oblivion the bloody orange flag of dissension in Ireland!



## LORD MACAULAY.

*Speech on Parliamentary Reform. House of Commons,  
March 2, 1831.*

[MACAULAY said of his speaking, "My delivery is, I believe, too rapid. Very able shorthand writers have sometimes complained that they could not follow me, and have contented themselves with setting down the substance of what I said." This speech, however, was corrected by himself, and we may take it as being substantially identical with what he spoke. It was delivered on the occasion of Lord John Russell's motion for leave to bring in the first Reform Bill, and it is one of several speeches which Macaulay devoted to that theme. "Portions of the speech," said Sir Robert Peel, "were as beautiful as anything I have ever heard or read;" while Sir George Trevelyan tells us that "the names of Fox, Burke, and Canning were during the evening in everybody's mouth." Its tone is that of progressive Whiggism, revealing at the same time the ardent attachment to England which Macaulay felt, his intense desire to sunder no link connecting the England of the day with the England of the past, and yet his full conviction that the gravest abuses had been allowed to grow up and to prevent that free constitutional life which he regarded as having always been inherent in the English political system. Macaulay's speeches closely resembled his writing. In both there is the same wealth of historical and literary illustration, the same weighty and healthy common sense, and the same sonorous and sometimes slightly turgid eloquence. The speech given is a remarkable specimen of the fulness of knowledge and perfect self-possession of a young man in his thirty-first year.]

It is a circumstance, Sir, of happy augury for the motion before the House, that almost all those who have opposed it have declared themselves hostile on principle to Parliamentary Reform. Two members, I think, have confessed that, though they disapprove of the plan now submitted to us, they are

system. Yet even those gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change as to that which has been proposed by his Majesty's Government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who are averse to all Reform, but the disunion of reformers. I knew that, during three months, every reformer had been employed in conjecturing what the plan of the Government would be. I knew that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt, therefore, great apprehension that one person would be dissatisfied with one part of the bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the name of reformers in this House; and I trust that I may consider it as an omen of the concord which will prevail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the bill; but, having during the last twenty-four hours given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties, and of the public repose, and for the reconciling and knitting together of all the orders of the State.

The hon. Baronet who has just sat down\* has told us that the Ministers have attempted to unite two inconsistent principles in one abortive measure. Those were his very words. He thinks, if I understand him rightly, that we ought either to leave the representative system such as it is, or to make it perfectly symmetrical. I think, Sir, that the Ministers would have acted unwisely if they had taken either course. Their

\* Sir John Walsh.

principle is plain, rational, and consistent. It is this, to admit the middle class to a large and direct share in the representation, without any violent shock to the institutions of our country. I understand those cheers ; but surely the gentlemen who utter them will allow that the change which will be made in our institutions by this bill is far less violent than that which, according to the hon. Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, at the present time, to make the representation uniform. I praise them for not effacing the old distinction between the towns and the counties, and for not assigning Members to districts, according to the American practice, by the Rule of Three. The Government has, in my opinion, done all that was necessary for the removing of a great practical evil, and no more than was necessary.

I consider this, Sir, as a practical question. I rest my opinion on no general theory of government. I distrust all general theories of government. I will not positively say that there is any form of polity which may not, in some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote. Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the labouring classes is such that they may safely be intrusted with the right of electing members of the Legislature. If the labourers of England were in that state in which I, from my soul, wish to see them, if employment were always plentiful, wages always high, food always cheap, if a large family were considered not as an encumbrance but as a blessing, the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences ; and I do not believe that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the labouring classes in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of

the Government. We know what effect distress produces, even on people more intelligent than the great body of the labouring classes can possibly be. We know that it makes even wise men irritable, unreasonable, credulous, eager for immediate relief, heedless of remote consequences. There is no quackery in medicine, religion, or politics which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is, therefore, no reflection on the poorer class of Englishmen, who are not, and who cannot in the nature of things be, highly educated, to say that distress produces on them its natural effects, those effects which it would produce on the Americans, or on any other people, that it blinds their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who would serve them. For the sake, therefore, of the whole society, for the sake of the labouring classes themselves, I hold it to be clearly expedient that, in a country like this, the right of suffrage should depend on a pecuniary qualification.

But, Sir, every argument which would induce me to oppose Universal Suffrage induces me to support the plan which is now before us. I am opposed to Universal Suffrage because I think that it would produce a destructive revolution. I support this plan because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he proposed the laws known by the name of the Six Acts. He then told the House that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any gentleman say

that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity; but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliation? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe that, unless the plan proposed, or some similar plan, be speedily adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this bill because it will improve our institutions; but I support it also because it tends to preserve them. That we may exclude those whom it is necessary to exclude, we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government great masses of property and intelligence, great numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies?

My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that immense city which lies to the north of Great Russell Street and Oxford Street, a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well-built and well-furnished houses. I would make him

observe the brilliancy of the shops, and the crowd of well-appointed equipages. I would show him that magnificent circle of palaces which surrounds the Regent's Park. I would tell him that the rental of this district was far greater than that of the whole kingdom of Scotland at the time of the Union. And then I would tell him that this was an unrepresented district. It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation, or of Edinburgh and Glasgow with a mock representation. If a property tax were now imposed on the principle that no person who had less than a hundred and fifty pounds a year should contribute, I should not be surprised to find that one-half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found that one-fiftieth part in number and value of the contributors had a larger share of the representation than the other forty-nine fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever.

To say that such a system is ancient is no defence. My hon. friend, the member for the University of Oxford,\* challenges us to show that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was not in ancient times by any means so absurd as it is in our age. One noble Lord† has to-night told us that the town of Aldborough, which he represents, was not larger in the time of Edward the First than it is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that as the founders of our representative institutions gave members to Aldborough when it was as small as it now is, those who would disfranchise it on account of its smallness

\* Sir Robert Harry Inglis.

† Lord Stormont.

have no right to say that they are recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward the First, the kingdom did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a town of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever. But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My hon. friend, the member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House and over the electors. It is not strange that, in times when nothing was held sacred, the rights of the people, and of the representatives of the people, should not have been held sacred. The proceedings which my hon. friend has mentioned no more prove that by the ancient constitution of the realm this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Shipmoney prove their own legality, or than those unjustifiable arrests which took place long after the ratification of the great Charter and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors; and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been amazed indeed if they had foreseen that a city of more than a hundred thousand inhabitants would be left without representatives in the nineteenth century, merely because it stood on ground which in the thirteenth century had been occupied by a few huts.

They framed a representative system, which, though not without defects and irregularities, was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not livery-men. Towns shrank into villages. Villages swelled into cities larger than the London of the Plantagenets. Unhappily while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting, the new wine in the old bottles, the new society under the old institutions. It is now time for us to pay a decent, a rational, a manly reverence to our ancestors, not by superstitiously adhering to what they, in other circumstances did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the community which had been of no account expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this be granted, all is well. If this is refused, then comes the struggle between the young energy of one class and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the struggle of our North American colonies against the mother country. Such was the struggle which the Third Estate of France maintained against the aristocracy of birth. Such was the struggle which the Roman Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy



of mere locality, against an aristocracy the principle of which is to invest a hundred drunken potwallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the farthest ends of the earth for the marvels of their wealth and of their industry.

But these great cities, says my honourable friend the member for the University of Oxford, are virtually, though not directly, represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually can be noxious when exercised directly. If the wishes of Manchester have as much weight with us as they would have under a system which should give representatives to Manchester, how can there be any danger in giving representatives to Manchester? A virtual representative is, I presume, a man who acts as a direct representative would act; for surely it would be absurd to say that a man virtually represents the people of Manchester who is in the habit of saying No, when a man directly representing the people of Manchester would say Ay. The utmost that can be expected from virtual representation is that it may be as good as direct representation. If so, why not grant direct representation to places which, as everybody allows, ought, by some process or other, to be represented?

If it be said that there is an evil in change as change, I answer that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well which the people regard with aversion. We may say here that it is a good system and a perfect system. But if any man were to say so to any six hundred and fifty-eight respectable farmers or shopkeepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the government ought to be regarded? Above all, are these the feelings with which the popular branch of the legislature ought to be regarded? It is almost as essential to the utility of a House of Commons that

it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our government, is in practice the unpopular part. Who wishes to dethrone the King? Who wishes to turn the Lords out of their House? Here and there a crazy radical, whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check, not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savour, wherewith shall we season it? The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all those symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole lifetime of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Windham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event

has proved that these expedients were mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done?

Under such circumstances, a great plan of reconciliation, prepared by the ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest liberties of the English people. I will not say that this plan is in all its details precisely such as I might wish it to be; but it is founded on a great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think is bound to stand firmly by ministers who are resolved to stand or fall with this measure. Were I one of them, I would sooner, infinitely sooner, fall with such a measure than stand by any other means that ever supported a Cabinet.

My hon. friend, the member for the University of Oxford, tells us that if we pass this law England will soon be a republic. The reformed House of Commons will, according to him, before it has sat ten years, depose the King and expel the Lords from their House. Sir, if my hon. friend could prove this, he would have succeeded in bringing an argument for democracy infinitely stronger than any that is to be found in the works of Paine. My hon. friend's proposition is in fact this: that our monarchical and aristocratical institutions have no hold on the public mind of England; that these institutions are regarded with aversion by a majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us that the representatives of the middle class will inevitably abolish royalty and nobility within ten years: and there is surely no reason to think that the representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to this conclusion, that monarchical and aristocratical

institutions are unsuited to my country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people; and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their sentiments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives and the constitutional rights of the Peers. What facts does my hon. friend produce in support of his opinion? One fact only; and that a fact which has absolutely nothing to do with the question. The effect of this Reform, he tells us, would be to make the House of Commons all-powerful. It was all-powerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if it again has the supreme power, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles the First; nor was the House of Commons then all-powerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority, not a sixth part of the whole House, passed those votes of which my hon. friend speaks, votes of which the middle classes disapproved then, and of which they disapprove still.

My hon. friend, and almost all the gentlemen who have taken the same side with him in this debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by its general tendency, not by happy accidents. Every form of government has its happy accidents. Despotism has its happy accidents.

Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England should be Members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the alphabetical list of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history that a very able king was elected by the neighing of his horse; but we shall scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity, Athens, Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust proposition was made by a demagogue. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have officers appointed by lot because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons chosen freely by the middle classes will contain many very able men. I do not say that precisely the same able men who would find their way into the present House of Commons will find their way into the reformed House; but that is not the question. No particular man is necessary to the State. We may depend on it that, if we provide the country with popular institutions, those institutions will provide it with great men.

There is another objection, which, I think, was first raised by the hon. and learned member for Newport.\* He tells

\* Mr. Horace Twiss.

us that the elective franchise is property; that to take it away from a man who has not been judicially convicted of malpractices is robbery; that no crime is proved against the voters in the close boroughs; that no crime is even imputed to them in the preamble of the bill; and that therefore to disfranchise them without compensation would be an act of revolutionary tyranny. The hon. and learned gentleman has compared the conduct of the present Ministers to that of those odious tools of power who, towards the close of the reign of Charles the Second, seized the charters of the Whig Corporations. Now, there was another precedent, which I wonder that he did not recollect, both because it is much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property, if to disfranchise voters without a crime proved, or a compensation given, be robbery, was there ever such an act of robbery as the disfranchising of the Irish forty-shilling freeholders? Was any pecuniary compensation given to them? Is it declared in the preamble of the bill which took away their franchise that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or if you say that it was a crime in the electors of Clare to vote for the hon. and learned gentleman who now represents the county of Waterford, was a Protestant freeholder in Louth to be punished for the crime of a Catholic freeholder in Clare? If the principle of the hon. and learned member for Newport be sound, the franchise of the Irish peasant was property. That franchise the Ministers under whom the hon. and learned member held office did not scruple to take away. Will he accuse those Ministers of robbery? If not, how can he bring such an accusation against their successors?

Every gentleman, I think, who has spoken from the other side of the House has alluded to the opinions which some of his Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the

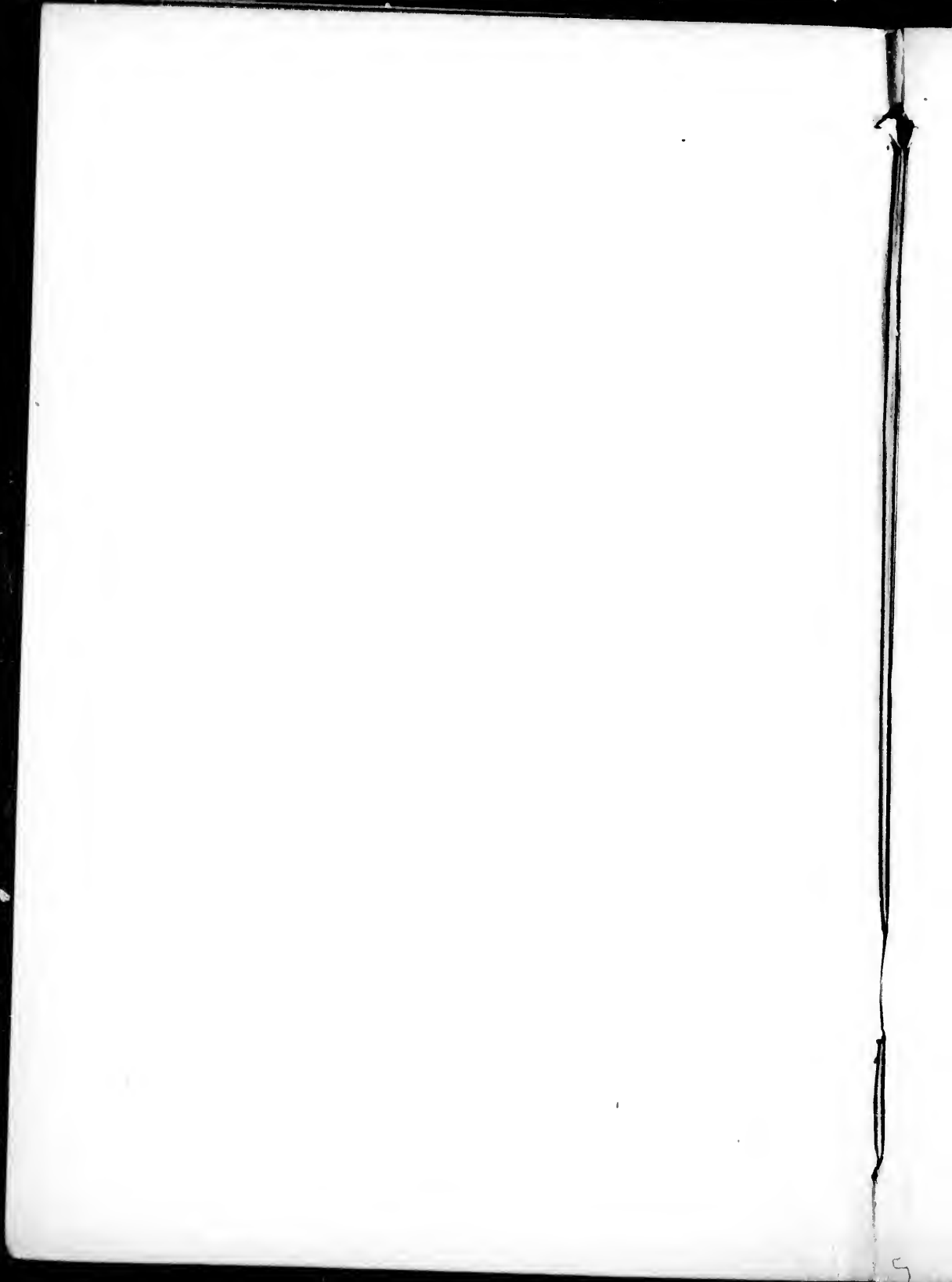
defence of gentlemen who are so well able to defend themselves. I will only say that, in my opinion, the country will not think worse either of their capacity or of their patriotism because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to changes rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can wish again to occupy a position which can neither be defended nor surrendered with honour? I well remember, Sir, a certain evening in the month of May 1827. I had not then the honour of a seat in this House, but I was an attentive observer of its proceedings. The right hon. Baronet opposite,\* of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the seals of the Home Department, because he conceived that the recent ministerial arrangements had been too favourable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to reform the Parliament. He bound up, I well remember, those two questions together; and he declared that if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made four years have elapsed; and what is now the state of the three questions which then chiefly agitated the minds of men? What is become of the Test and Corporation Acts? They are repealed. By whom? By the right hon. Baronet. What has become of the

\* Sir Robert Peel.

Catholic disabilities? They are removed. By whom? By the right hon. Baronet. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to misconceive the import, do most clearly indicate that unless that question also be speedily settled, property and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible that gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the Representative system of England, such as it now is, will last to the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait that we may once again hit the exact point where we can neither refuse with authority nor concede with grace? Would they have us wait that the numbers of the discontented party may become larger, its demands higher, its feelings more acrimonious, its organisation more complete? Would they have us wait till the whole tragi-comedy of 1827 has been acted over again? till they have been brought into office by a cry of "No Reform," to be reformers, as they were once before brought into office by a cry of "No Popery," to be emancipators? Have they obliterated from their minds—gladly, perhaps, would some among them obliterate from their minds—the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the licence of rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for associations more formidable than that of the Corn Exchange, for contributions larger than the Rent, for agitators more violent than those who, three years ago, divided with the King and the Parliament the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage, for that last and most cruel test of military fidelity? Let them wait, if their past



experience shall induce them to think that any high honour or any exquisite pleasure is to be obtained by a policy like this. Let them wait, if this strange and fearful infatuation be indeed upon them, that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may, within, around, the voice of great events is proclaiming to us, Reform, that you may preserve. Now, therefore, while everything at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age ; now, while the crash of the proudest throne of the Continent is still resounding in our ears ; now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings ; now, while we see on every side ancient institutions subverted and great societies dissolved ; now, while the heart of England is still sound ; now, while old feelings and old associations retain a power and a charm which may too soon pass away ; now, in this your accepted time ; now, in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great debate has been anticipated, and of the long remembrance which it will leave behind. Renew the youth of the State. Save property, divided against itself. Save the multitude, endangered by its own ungovernable passions. Save the aristocracy, endangered by its own unpopular power. Save the greatest, and fairest, and most highly civilised community that ever existed from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing remorse amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.



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