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THE HISTORY

OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

ESQ.

LONDON

A D V E R T I S E M E N T.

THE author of the following tract has long been in the habit of examining his own thoughts on paper, upon all the questions of constitutional law and government which have occurred within his own time; and not unfrequently has committed these thoughts to the judgment of the public. To these publications he has never affixed his name, because doing this might seem to intimate an opinion, either that his name carried weight and authority, which he has not the vanity to think, or that these tracts were of a sort from which he could advance any little reputation he may enjoy. At the same time the author has never wished to conceal his name, because he never wrote what had not the sincere conviction of his own mind, and was ever willing to be responsible

sponsible in character for the general tendency of his writings. The respect he entertains for Mr. Burke, made him wish to examine the principles of government advanced in that gentleman's late celebrated publication, in a work of better arrangement and greater extent; but he knows the habits of his own mind too well not to suspect, that indolence and professional avocations may delay the completion of such a work until the occasion be past. He has, therefore, in this as in other instances, submitted his first thoughts to the judgment of the public.

A

L E T T E R,

&c. &c.

DEAR SIR,

YOUR political connections will, doubtless, for the most part, decide on your public conduct: nor is it my wish to damp the ardor of your pursuit. A party formed under the mild virtues and inflexible integrity of the late Marquis of Rockingham, approved by the discriminating head and benevolent heart of the late Sir George Saville, and conducted by the direct, open, and manly understanding of Mr. Fox, ought to command your warmest attachment: Whatever temporary deviations an unmerited proscription through a long

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reign may have provoked, their public principles will render them the firmest support of the Throne, and of the British Constitution, should the ferment which an accumulation of heavy burdens on the People has excited in France, extend its influence to this island. You will, therefore, do well to make a common cause with them. To us mere theorists it belongs to follow the principles we establish into all their consequences.

Your friendly raillery was directed against the advocate for prerogative in 1784, yet you confessed my defence was bottomed on reasoning not inimical to the rights of the People. The same principles led me to concur with you in reprobating the frantic partition of Royal authority attempted in the intended Regency, because we thought the *same powers* proportioned to the *same end*, were at all times equally necessary—a *trust* in the individual created for the *sole benefit* of the People. Whatever language the prudence of your political friends may dictate, we shall both probably again concur in thinking that the sentiments conveyed
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in the late celebrated publication of Mr. Burke are neither more nor less than the exploded doctrine of the old school revived in a new dress, calculated equally to support *bad* as *good* Government, under all its forms, from the mad despotism of Asia to the mild administration of laws in Great Britain — in short, the offspring of superstition confounding all human reason — which commits the dearest interests of society to the disposal of chance, by building those institutions which determine the happiness or oppression of mankind on the fleeting prejudices of an uninformed, not on the conviction of an enlightened, People.

It is of little importance to the People of this country whether a Club, called The Revolution Society, in addressing the National Assembly of France, have trespassed on that temperate, decorous line of conduct which Mr. Burke, both by precept and example, professes to teach. Of as little importance is it to us whether a libel on a whole nation, wrought up with all the enthusiasm of a glowing imagina-

tion, be the mere creature of imagination, or an exaggerated picture of the evils attendant on all great revolutions. As a man I rejoice that the fetters of despotism are broken—and, viewing the formation of a new government as the noblest scene in which the virtues and talents of men can act, I feel a strong interest in the success of their exertions, and look forward with some anxiety to the effect of those new establishments, which certainly do not come recommended by the experience of other nations in ancient or in modern times. Nor is my general humanity very deeply wounded if some individuals inevitably suffer in the struggles of a great nation, by which twenty-five millions of people hope, at least, to emerge to freedom, and by which a restless, intriguing, perfidious power, oppressive to its subjects, and destructive to the peace of its neighbours, has certainly been destroyed.

I can smile in private at the extreme sensibility of those worthy politicians who calmly contemplate the armies of despotic princes wasting whole countries, and destroying

stroying each other to cure the listless languor of a sovereign, or gratify the caprice of a strumpet, as events in the ordinary train of God's good providence, yet are petrified with horror at the irregular justice of a mob. Were not false terrors industriously raised to repress all ardor for that first of human blessings, public liberty;—Were not principles advanced destructive, in my judgement, of all freedom;—Were not consequences drawn from the disorders of a neighbouring State, and applications made to the Government of this country, the direct reverse of those which sound reasoning and just policy, in my judgement, warrant;—I am not Quixote enough to have engaged in the controversy—I should not even venture to ask the author of a political rhapsody the moral inference from any one description in his book. When he expresses his expectation and hope that ten thousand swords would have leaped from their scabbards to avenge a look which threatened with insult a Queen of France, not famed for *all* the virtues which, in times of chivalry, inflamed the imagination of a true knight—I would not
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even inquire what is due to our own Monarch, exemplary in all the duties of private life, and though sometimes ill advised in the means, sincerely, I believe, wishing to promote the happiness of his subjects. The moral of the fable is plain. If, in this new scale of political duty, the adoration of princes must rise in just proportion to their virtues, we ought to approach the sacred presence of our Sovereign crawling on the earth, and humbly solicit the honour of being trodden into dust.

I, who am a plain man, feel my mind bewildered by these flights, am obliged to seek conviction by deductions of reason, illustrating theory by a reference to historical facts—If I desert this beaten road I am lost: and to those sober understandings who, with me, are willing to seek for truth, at the hazard of being reproached with cold hearts, my arguments are addressed.—Whether the good sense of the Public will do justice to the motives of which I am conscious, is more their concern than mine—I think I am endeavouring to promote the public happiness—I
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have no possible inducement to wish confusion.

In contemplating the great scene now displayed in France, which engages the attention of all Europe, the first reflection it suggests is, that the experience of the ancient world affords no analogies from which we may venture to conjecture the probable event. We cannot reason from the ancient republics either on the perfection to which the same forms of government may now be carried, or the extent of territory these may permanently embrace. The art of printing alone has wrought a total change in the condition of mankind. In modern times, where the liberty of the press prevails, the true principles of government are investigated in the abstract, and consequently without passion. Every question of public interest, whether it regards the distribution of political power among the several orders of the State, or the actual exercise of those powers, is again and again discussed. The thinking part of the community weigh the arguments in their closet. The general

neral assent of cultivated minds gradually commands the concurrence of the multitude, and the public mind, after some vibrations, commonly settles on the solid foundation of acknowledged truth. But, above all, the modern improvement of representation has given order to democracy, divested it of all its terrors, and enabled it to debate every question of public interest with all the wisdom, and knowledge, and ability, of every species, which the nation can boast, without that perversion of mind which must invariably pervade the deliberations of an Assembly actuated by interests distinct from those of the great body of the People. Had France enjoyed such a well-regulated democracy, balanced by a separate order of Nobles, who, if they have not strength ultimately to resist, may yet interpose their negative, and compel the Commons again and again to deliberate. Had the permanency of their Constitution been yet farther secured by an hereditary Monarch, possessing *exclusively* the whole executive power of the State, and enabled to appeal to the People even against their representatives on any projected

jected innovation in their Government. Rash indeed would have been the nation, who under those circumstances had committed their dearest interests to the hazard of a change.

Far different indeed was the state of France. The attainment of such a Government was absolutely impossible. They had a despotic Monarch supported by a mercenary army—by a numerous body of Nobility, the political Janisaries of the Crown, who prescriptively held all military command—who were favoured as a distinct race with peculiar immunities by law, and yet greater privileges by the habitual superiority they assumed; whose pride was pampered, and whose indolence was fed with the spoils of the People; who, besides engrossing all the military, and most of the civil appointments under the Crown, divided annually one million and a half sterling of the public money under the denomination of Pensions. The other pillar of despotism was the Church. This establishment in France, originally framed to support the dominion of a foreign Pontif, had transferr

ferred its obedience to the Monarch, retaining the spirit of its institution. This body, thus constituted, were not only bound to the throne by the interest of the order, but by the yet more prevailing interest of individuals, who looking up to the Monarch for preferment, endeavoured to merit his grace and favour by sedulously promoting the views of the Court. The Clergy moreover were linked and blended with the Nobility, whose younger sons held the richest benefices—and this mass of power was consolidated by a landed revenue, exceeding five millions sterling of annual rent.

Who that viewed this system of power could believe that its overthrow approached. The devouring claims of the subordinate instruments of a despotic Power exhausted the treasury of the Monarch. With a payment of eight millions to the Public Creditors, and twenty-three millions of annual revenue, an increasing arrear, compelled the King to convene a representation of the People.—And the defection of the common soldiers, left the whole power of
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the State in their hands. To abolish the despotism of the Crown, is admitted to be wise and just.—To prevent the restoration of this power became a necessary duty. Mr. Burke thinks this might have been effected, preserving the Nobility and the Church, because in the moment of their own humiliation, and of the popular fervor, the instructions of these two bodies to their deputies, breathed the language of moderation, and did not openly claim those exemptions, which had been one great cause of the general odium to which they were exposed: Are we to look for the spirit and temper of particular orders in public ostensible instruments, formed under such circumstances, or in their permanent interests and the habits of their lives? Would not these men feel themselves degraded by the equality claimed by every subject in the State? Must not many laws, galling and irritating to these two orders, have passed, before the semblance of freedom could have cheered the great body of the people? Their old habits must have recurred, inflamed with all the rancorous passions which contention engenders. A second

revolt of the soldiery might have delivered the Assertors of public freedom into the hands of enraged adversaries, and if Mr. Burke, a byestander, a mere amateur of aristocracy, can so liberally devote the National Assembly to a gaol, is it wonderful that these two orders should be sacrificed by that Assembly, to their own safety, and to that of the People they represent?

The Assembly first arm the People, that whatever a common interest inspires they may be enabled to defend, and thus give a most convincing proof of their own sincerity. They then proceed to declare the estates of the Church public property. If this measure affected only the succession to Church benefices, not the present possessors, as an abstract proposition it were difficult to dispute its truth, or to assign a rational distinction between the just support of the ministers of Religion and of any other servants of the Public. At least we must re-adopt the *prejudices* of dark ages, to *feel* that divine right which shall shut the hallowed sanctuary of the temple,
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and forbid profane eyes from prying into the titles of the Priesthood. Good government and the happiness of mankind are doubtless in the will of Divine Benevolence; but the means of obtaining these blessings the God of Nature has not revealed.—The investigation of these, and of every other interest of human kind, is left to the light of human reason; because this pursuit is fitted to employ and to improve the best talents of the head, and the best affections of the heart. Had our Clergy preached the gospel of peace with so little effect, that we were become, what Mr. Burke describes the French, a nation of Atheists.—To such a Clergy I should say, in the language of their Master, The tree is known by its fruit. Every tree that bringeth not forth good fruit shall be hewn down and cast into the fire. Ye have not discharged your duty, and are not entitled to your reward. The simple fact however is, Mr. Burke is angry. An Atheist is an animal at least as uncommon as a Monster with two heads. Without being prepared to go the whole length of Mr. Burke's defence of Monastic institutions, whose direct object seems to be the extinction

tion of all social affections, I yet feel the wound which a disappointment of just expectations will inflict on the individual.—The National Assembly will however probably tell us they have provided for the decent ministration of religious rights, that they have increased the provision for the useful efficient members of the Church—and that the reduction of the other parts of their establishment was not a work of choice, but of necessity. That they were as a body of irreclaimable enemies to a free Government, and that Mr. Burke's consecration of the State by a mystical union with the Church, is a phantom which they cannot admit ;

“ That Politics and the Pulpit are terms
 “ that have little agreement. No sound
 “ ought to be heard in the Church but the
 “ healing voice of Christian Charity. The
 “ cause of Civil Liberty and Civil Go-
 “ vernment gains as little as that of Reli-
 “ gion by this confusion of duties. Those
 “ who quit their proper character to as-
 “ sume what does not belong to them,
 “ are for the greater part ignorant both of
 “ the character they leave and of the charac-
 “ ter they assume” —In short, that priests are
 bad

bad politicians, and that they mean to deliver their Country from this great evil in future.—Possibly they may bid us look at home, and though one part of the Kingdom, where Religion “lifts her Mitred head in Palaces,” be not deficient in Morals, yet is it rivalled by another, where the Priesthood have long been confined to the humbler task of preaching the Gospel of God to the People.

The treatment of the Nobility is another subject of pathetic lamentation. Their feudal rights, as far as these were the exercise of useless unprofitable power, have been abolished. Where these partook of the nature of property they have been laid open to a compulsory sale. But the act which is to debase and degrade the human mind, to extinguish every generous sentiment, and bury all knowledge and learning in the chaos of eternal night, is the abolition of those names, by which the memory of invidious distinction was upheld, that the posterity of the nobles may be tempted to forget those claims of superiority which it is their duty as citizens to relinquish,

quish, and that the public mind may be led by habit as well as reason to acknowledge only the dominion of laws.

Mr. Burke will not allow to the National Assembly the common faculties of men ; and in his zeal to cast out these reprobates to the scorn of mankind, he forgets that the mode of their election was prescribed by his friends the Notables. Indiscriminate censure is commonly as little merited as indiscriminate praise. I am not their panegyrist, nor disposed to pronounce on their conduct ; for I see not all its bearings and dependencies ; and the extent, as well as complicated nature, of the subject, might baffle the judgement of a much abler head. It cannot, however, escape observation, that the prognostics of their enemies have not yet been verified by any one event. In the midst of chaos, as it were, regenerating every order of the State, they have fitted out, with vigor and dispatch, a strong naval armament ; and although a misapplication of the principles of civil liberty for a time disturbed the discipline of their fleet, yet this discipline, according

according to the report of an aristocrat in command, has been completely restored, not by the lash of severity, but by a zeal and ardor in the cause of their country.— They have also erected for internal defence a force, from numbers irresistible, in the hands of the subject, which proves at least their confidence in the attachment of the people. Mr. Burke thinks there must be blood.—I will not say, Edmund, thy wish is father to that thought! Perhaps my earnest wishes may be an ingredient in the judgement I form. I see the strong holds of despotism destroyed—I have confidence in the powerful operation of that principle which pervades all France—a sense of common interest. As a theorist, I acknowledge their defects, particularly that the executive is too much blended with the legislative authority. But my theory is silenced by the experience of other States. The Governments in Switzerland are many of the worst forms, an aristocracy approaching to oligarchy; yet the people knowing the use of arms, and the temptations of corruption being withheld from their rulers, no country in the

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world enjoys a milder administration, or more real liberty ; the soil is highly cultivated, and taxes, so small as scarcely to be felt by the people, are found more than adequate to all the expences of Government, while the surplus in the public treasury remains a supply for the possible event of war.

I am old enough to remember the confident predictions of public men respecting America. It was thought the loss of the superintending authority of Great Britain must be the signal of universal disorder. It was said the varieties in the Governments of thirteen provinces, in the religion, manners, and habits of the people, must engender such an opposition of interest and passion, as will preclude all settlement, and compel them, from internal convulsions alone, to seek refuge from themselves, under the protecting wing of Royal authority. Experience, however, has proved that civil order naturally arises among an enlightened people, from a sense of common interest. Even the acrimony of religious contention was silenced by a stronger passion ; and
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the fleet and armies of Great Britain were baffled by a nation, united to a man in one common cause. Justice, moreover, is the spontaneous growth of a free State. They are now proceeding to discharge not only the debts incurred by their contest with us, but even those contracted under their former Governments. Perhaps France may exhibit a third example to mankind, at how small a charge every object of good government may be obtained. To administer justice, and to protect the country from foreign enemies, are objects which must command the unanimous concurrence of all.

These things are to us at present the subjects of mere speculation ; but the practical conclusions which are thence drawn, may affect our nearest and dearest interests. Should Mr. Burke's judgement be correct in the description which he has given of France, are there no circumstances of similarity in the situation of the two countries, which may afford us instruction ? It is not an highly-wrought picture of *their calamities*, but a temperate investigation of

the cause, which can preserve us from similar distress. The evident causes of destruction to the French Monarchy were an expensive establishment, and heavy public debts, which rendered the Government oppressive, and consequently odious to the great body of the people. How stands our own? France contains, at the lowest estimation, twenty-five millions of people; their taxes, at their highest receipt, little exceeded twenty-three millions sterling.—Our people were never computed at more than nine millions; our taxes (besides local burdens to the poor, &c.) exceed fifteen millions sterling. The annual payments to the public creditors in France were eight millions—our payments exceed nine millions. Our debts and taxes, therefore, are double to those in France, which brought on the present convulsions. Their debts are, moreover, a considerable proportion * of life annuities, which time will discharge. Our debts, with very trifling exceptions, require the payment of the capital, in addition to the annual income.

* Exceeding, I believe, one third of the whole.

A lapse of thirty-four years, from the war commencing in 1756, one half only of the ordinary period of human life, has sufficed to contract the greater part of this enormous burden, and the causes of public profusion continue to operate with accumulated weight. We not only pay nine millions annually for the interest of past follies, but every new folly is nearly a double charge. Every individual feels the effect of taxes in his own expenditure ; and the State equally feels this necessary increase of expenditure in every ship she builds, in every soldier or sailor she feeds or clothes, while the oppressive weight of taxes on the commerce and industry of the country eradicates the means of future supply.

From what cause are these evils derived? —Evidently from the defective constitution of that assembly who are entrusted with the public purse. And these defects I mean to touch, at the hazard of being abused as an “economist,” or even the imputation “of a cold heart, and muddy understanding.” It would, however, be unjust not to bestow a few pages on the
 examination

examination of those doctrines, by which Mr. Burke would inculcate a patient submission to all our present and future burdens, with a devout reverence for the consecration of past errors, by this new high priest of ancient prejudice.

Mr. Burke takes as his text this dangerous and damnable position of Dr. Price, that His Majesty “ is almost the *only* law-
 “ ful King in the world, because the *only*
 “ one who owes his crown to the *choice*
 “ of his people ;” and he gravely advises the King of Prussia and other absolute Monarchs, not to admit into their territories these apostolic missionaries of freedom. On this point, his mind may rest satisfied that those *legitimate* monarchs, who preach their doctrines “ by regiments of dragoons
 “ and corps of infantry and artillery,” to the edification of *obedient* subjects, have arguments more convincing than his logic. Not pressed by so cogent an argument for discreet silence, I shall venture to repeat a doctrine taught by Locke and Sidney, that a *legitimate* Government can have no other foundation than the con-
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sent of the people, and I affirm that his present Majesty, *in fact*, as well as principle, owes his crown to the *choice of his people*. I feel as strong an interest in the British constitution as Mr. Burke; but I never can admit that this interest should rest on so baseless a support as prejudice, conceived in ignorance and error. *Prejudice* in this country produced two rebellions for the glorious purpose of annihilating the religion and liberties of the nation. I do not wish the attempt to be repeated. In France, from one extremity to the other, the glory of the Grand Monarque was the passion of the people—their religion—their idolatry. The vision is past, and the nation now as passionately destroy every vestige of that despotism which their own folly had created. No just reasoner on the British constitution will consent that the meanest prerogative of our Monarch should stand on so insecure a foundation as *prejudice*, which, at best, is caprice and the fashion of a day. The *reason* of the people should be convinced that *their interests are best secured* by a firm adherence to the *principles*

ciples of our Government, and a temperate reformation of its abuses.

No man affirming that his present Majesty owed his crown to the choice of his people, ever was understood to mean that King George the Third was actually elected, or that the people had made the monarchy elective. The contrary is a known historical fact. But if the people had no right to chuse, he can have no title, because others stood before him in the regular course of hereditary succession. It is true that the Revolution was effected in England by an union of Whigs and Tories. It is true, that the great Statesmen of those days wisely temporised and kept back the just principles of Government, in deference to the absurd *prejudices* of their allies the Tories. It is equally true, that all the acts passed on this subject, are drawn with a manifest intention to hide from public view the true nature of the transaction ; because those great Statesmen certainly never wished to provoke those rebellions of *prejudice* against the religion and liberties of the country, which, nevertheless, all their
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care was unable to prevent. When King James fled, and the Prince of Orange reached London, who invested him with the *regal power* of convening a Parliament? On the request of those Peers who first assembled, the Prince refused to act. There was no Parliament existing; and the Members who had sat in Parliament during the reign of Charles the Second, before the subversion of charters, together with a portion of the Common Council, of the city of London, were deemed the best representative of the Nation.—This was the source and origin of all the power under which the subsequent settlement was made.—Neither King nor Parliament antecedently existed. If the whole authority was not derived from a representative of the People, acknowledged by no existing law, King William was an usurper, and we are now rebels against our lawful Sovereign. King James was gone, and had taken with him an infant son. By the law of England, a King could do no wrong—his Ministers were responsible. Upon no principle of law or justice could his infant son forfeit

his succession; yet both father and son were cut off for ever. The two daughters, Mary and Anne, were postponed, and the Prince of Orange called to the sole exercise of the kingly power during his life. There is a levity in the terms, “ cashiering “ Governors for misconduct,” which does not please me; yet, unquestionably, the doctrine is true. Upon what principle could this transaction pass, unless the People had a right to resume the power of their King, and *elect* a person to that office better qualified to execute the trust? Mr. Burke lays stress on the terms of the subsequent act of settlement, which *declares* the Princess Sophia and Electress Dowager of Hanover to be next in succession. It is, however, perfectly notorious, that, as the law stood, before that act, she could not have legally succeeded to the throne; and however disguised in tenderness to *prejudice*, this was as evidently a choice as the former, and his present Majesty owes his crown to the choice of the People.

I am not pleased with the language of Dr. Price, though his doctrine has my firmest

est assent. I affirm that all government is a trust, for the execution of which King, Lords, and Commons, are responsible to the People. If the Powers of Government be *Property*, and in that sense *inheritance*, our laws are pregnant with robbery and injustice.—If a vote for a Member of Parliament be property, why may not the voter sell it, or why is a corrupt exercise of any one branch of Executive Government a High Crime and Misdemeanor? Why does even a neglect of duty subject a Magistrate to punishment? How iniquitous would be those laws which deprive numerous classes of placemen of the right of sitting in Parliament, or even voting in elections, if all the Powers of Government were not a *trust* held by the individuals, not for their own benefit but for that of the Public? In the individuals they are a *trust*, they are the *property* of the Community at large.

“The exploded fanatics of Slavery,” as Mr. Burke styles them, though they contended that Kings held their Crowns by divine, hereditary, indefeazable right,

never maintained that these Kings held their power as property for their own benefit, but as a trust committed to them by the will of Heaven, for the due execution of which they were responsible—not to man but to God.—I profess I should be glad to understand Mr. Burke's distinction. If the People have no right to determine under what circumstances the power shall be resumed, I cannot comprehend to whom Rulers are responsible—except to God.—Or how Mr. Burke's doctrine differs from that of the old exploded fanatics of Slavery. Mr. Burke's notion of right is bottomed, as he tells us, on solid Principles of Law and Policy; but he has not condescended to explain these Principles.—He has indeed hinted at a sort of irrevocable compact. I presume he will not insist much on this compact between a Despot and his Subjects—this were something like a compact between a wolfe and sheep, the latter consenting to be devoured.—The Emperor of Morocco, the Grand Seignor, or even our good ally the King of Prussia, will scarcely establish his claim to despotic sway on any compact with his subjects. These,
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and indeed most of the Governments which exist, have their real foundation in force, which a greater force may as justly subvert. Mr. Burke does not, indeed, condemn the inhabitants of France in demanding a free Constitution, it is the excess of their zeal that he so indignantly reprobates. But the violation of a compact can never depend on the *degree* in which men depart from the terms to which they have once assented. The observance is a demand of justice which admits of no refinements. In truth, the nature of the subject is incapable of an irrevocable compact. The varying condition of man requires in every society a legislative authority; and it is an admitted Principle, that no Legislative authority can prescribe a rule of conduct which the same authority may not afterwards annul.—Where this power resides in a single Person, the absurdity of an irrevocable contract is self evident. It were a compact, the terms of which one party may *vary at pleasure*, and in which the other is supposed to consign himself and his posterity, for whom he has no power to contract, to the varying will or caprice of a master, to the most abject slavery.

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Nor is the absurdity much less where the legislative authority is vested in many, for as their shame and dread of Punishment are less, so their power is commonly greater. The truth seems to be what Mr. Locke has taught. All Men are by nature equal.—No authority can be exercised over them, unless to exact that justice which independent communities yet in a state of nature may require from each other. The aggregate of these rights the community delegate to their Rulers, and farther the *just powers* of Government can never extend. — This delegation of undefined power never can subsist longer than the community at large consent, unless the delegate can rightfully assume the character of master, and mankind can renounce the moral obligation to employ the best means in their power of advancing the general happiness. I therefore conclude that the People have the *right*, as unquestionably they possess the *power*, of changing their Government, whenever in their judgement the purposes of its institution can be better attained. In the practical exercise of this right, “that first of human virtues, prudence,” undoubtedly requires

requires that they should weigh well the inevitable evils attendant on all change, and the hazard of not obtaining their object before they engage in so perilous an adventure.

The whole fallacy of Mr. Burke's reasoning consists in confounding the right of the people with its abuse. In the exercise even of the *clearest rights of property*, man, as a *moral agent*, is bound by *moral obligations*. The sacrifice which under this sanction he makes of personal enjoyment to the *duties* of a father, of a husband, or a master, does not impeach his *dominion* over his own *property*; in the same manner as the *moral* restraint from waging unjust wars by no means derogate from the rights of a sovereign state. In this sense neither the people, nor those to whom they have delegated the sovereign power, can have an unqualified right to follow the dictates of caprice; because all men in all stations are *moral agents* accountable for their conduct to the Great Author of nature; and are equally bound to make the *public happiness* the rule of their conduct. Yet if the
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sovereign power be not placed above all *human restraint*, the people must possess the ultimate right of judging, under what circumstances the constitution of the State shall be corrected or varied, or even totally changed. In the *exercise* of this right the people are doubtless under the restraint of *moral obligation*, and lightly to overthrow a Government would be found in practice as dangerous to *their interests* as inconsistent with their *duty*. The prevalence however of despotic power, even in enlightened Europe, evinces, that this evil is not greatly to be feared. In the mean time it is of the last importance that the people should not be blindly led by *antient prejudices* but by an *enlightened love of their country*, and a *knowledge of their true interest*.

My reasoning has not the remotest tendency to render Government insecure. When power is greatly abused, the People will resist: but just theories teach both Prince and People the limits of their duty. Princes are taught to consider a benevolent attention to the rights of the subject as the
best

best security to their throne ; and the People are taught to regard the just prerogatives of the Crown not as a portion taken from their liberties, but as a trust held for their benefit. No idea of a separate interest intervenes to disturb their union. Both King and subjects regard each other as members of one community, each in his several station advancing the interests of all ; and the Throne is thus established in the steady, because rational, affection of an enlightened People.

Our Constitution is admirably adapted to this end. The King possesses no one prerogative which, upon my principles, ought not to be given, if it were not already possessed—not one which, transferred to different hands, would not disturb the harmony of the other parts of our Government. The People, doubtless, might have erected an elective monarchy ; but they have acted far more wisely—they have vested the whole executive power in the Monarch, and transmitted this power by hereditary succession, that every part of it may for ever be placed beyond the grasp

of ambitious subjects. As the exclusive appointment to all the offices of executive government is vested in the King, so the powers of control, to prevent an abuse of this trust, are *exclusively* vested in Parliament. Whenever these powers are directly or indirectly united, all control is gone. It is, therefore, the manifest interest of the People to preserve the whole executive authority of the State *exclusively* in the hands of the King ; and it is equally their interest that this authority shall pass from father to son without the form of an election, which may afford opportunity to the intrigues of ambitious statesmen to plunder the just prerogatives of the Crown.

Two events have occurred within a very few years to illustrate this reasoning, and to shew, by example, whether Mr. Burke's principles or mine are best adapted to preserve, in every event, our Government entire. In 1784 two parties, without any common opinion of public duty, united, and by a manifest perversion of the trusts committed to the House of Commons, endeavoured

deavoured indirectly to name the Ministers of the Crown, and consequently to engross the whole executive authority of the State. Upon Mr. Burke's principles of governing by an union of great families, and leading the People by prejudices and habitual attachments, all this was right. In my judgement the measure was a subversion of the Constitution; and as an humble individual I then maintained that it was the duty of the King to dissolve * the Parliament, and the interest of the People to repress the attempt.

The other instance I allude to was yet more indefensible, because it was carried into more desperate effect, and by persons who, on the former struggle, had maintained principles which ought to have prevented the attempt.

* Vide two tracts published by the author, one before, the other after the dissolution of Parliament, entitled *A candid Investigation of the present prevailing Topic, and The Claim of the House of Commons to a Negative on the Appointment of the Ministers of the Crown examined and confuted*, where the subject is explained more at large.

The reader will anticipate me in recalling the mockery of legislation by the Great Seal on the occasion of the proposed Regency. Every public principle, on which an hereditary transmission of the executive authority can be supported, applied with equal force to the case of the Regent, the Prince of Wales being of full age: but the party possessed of the government did not chuse to quit it until they had rendered the exercise of this authority impracticable in the hands of their adversaries. To the friends of a wild democracy the Minister presented the specious appearance of a choice in the People through their nominal representatives, whose resolutions he himself prescribed. To the Tories he presented Mr. Burke's favourite *prejudice* of an *hereditary property* in the Crown, and was disposed to lock up the jewel until the individual should be again able to wear it. The public rights of the community are the *property* of the *People alone*—every power of Government is a *trust* delegated by the People, and its extent prescribed by the terms of delegation: but it was totally forgotten on this occasion that the kingly office, like every other

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other office of the State, was a trust created for the *sole benefit of the People*, and that standing the Government, the two Houses of Parliament had no claim to the legislative authority. The prejudices of the People were here again cheated (for prejudice is an egregious dupe) by the nonsensical ceremony of affixing the Great Seal to the resolutions of the two Houses, as if the metal of this same Great Seal had some magical power of imparting the Royal consent. By this strange compound of Whig and Tory *prejudices* the kingly office was stripped of its prerogatives, a Court influence erected in opposition to the acting executive magistrate, and the nomination of Ministers thus made the subject of a vile scramble of parties in the House of Commons; for it is impossible to believe that this arrangement had any other object. If the prerogatives were fit to *exist*, the People had a right to their *exercise*; if they were *useless*, they ought to be *abolished**.

* Vide a tract by the author, entitled Thoughts on the present Proceedings of the House of Commons.

No man will deem these principles injurious to Royal authority.—Of the peerage I have little to say — I cannot, with Mr. Burke, think the “light of Europe” would be extinguished by their fall; nor, with the late Lord Chatham, am I inclined to denominate their House of Parliament an hospital of incurables, though it were difficult to deny that essential service to the State or supereminent public virtue are not always the the prevailing claim to this distinguished honour. The House of Peers, however, are not the natural guardians of the People’s rights—they are a body whose interest and prejudices incline them to the Crown — they are an useful check to the possible excesses of a democratic spirit in the Commons.

The House of Commons is the part of our Constitution where the direct influence of the People ought to prevail. Here the defences of public liberty have given way; and unless these be speedily repaired, an inundation of corruption and of debts threatens the State with ruin. No error is more gross than to suppose we possess the
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same representation of the People which our ancestors enjoyed. Representation of the People exists when the body chosen *act* under impression of the *same interest* with the whole community. This object may be obtained either by simply removing all temptation of a *separate private* interest from the *individual elected*, or by so uniting the representatives with the great body of the People, by equal free elections, frequently repeated, that no opportunity may offer of seducing them from their public duty. In this country the latter method has never been even attempted. About one fourth of the Members of our House of Commons are chosen by counties and great cities — the remainder are either returned by rotten boroughs, or nominated by individuals.

Soon after the Revolution, when a standing force of seven thousand men was regarded as an army dangerous to the liberties of the country, when the King had few offices to bestow, five hundred gentlemen, however, assembled, formed a tolerable

rable representation of the People, because in the absence of temptation they acted under the impression of one common interest. We have since acquired the East and West Indies, with all the train of appointments—Vast naval and military establishments are now maintained in time of peace—The management of a revenue has devolved on the Crown, for the payment of the public creditor alone, equal to the highest expenditure of Queen Anne's wars—Our peace establishment, with the civil list, exceeds six millions.—Above all, a monied interest has arisen which feeds on the vitals of the State, supplies the profusion of Ministers, enables them to anticipate the future resources of the country, to mortgage the labours of all posterity, and to squander the inheritance of ages.

For a time, this corroding corruption silently undermined the public security: at length influence was reduced to a system—and what has been the effect?—In the short period of thirty-four years, the enormous addition of one hundred and seventy
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millions to our public debt. Any reason, or no reason, suffices for a vote or a loan. To conquer America in Germany—to hold the same America in subjection by an army, and thereby to annihilate the liberties of Great Britain—to support a Prussian despot in oppressing a free people—or to adjust a claim to the catkins of Nootka Sound—are alike cogent motives for war. The Minister comes down, opens his budget, and proposes his taxes. Less resistance is made than by the Parliaments of France, under their most despotic Monarchs. The abuse has become so fashionable in the House of Commons, that a man would incur the charge of innovation, and be reproached as the author of a dangerous heresy, who should venture to suggest that mankind were formed by their Creator for any better purpose than to pay taxes to the State. Every principle of equal justice has been subverted to increase the revenue, and that odious detestable system of excise, which renders every man whom it touches a slave to the ruling Power, has been extended beyond all bounds. If Dr. Price affirmed that representation, partially chosen,

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fen, and under corrupt influence, becomes a nuisance to the People, Mr. Necker justifies the charge. He declares that the last imposition on windows was such, as the Minister of no other Sovereign would have dared to propose;—a tax so excessive on the common bounties of Nature, light and air, that it has deformed half the houses in the kingdom, and compelled the people to dwell in damp and darkness,

The evil has grown to such strength, that as our House of Commons is constituted, the most upright Minister can have no choice. Of the Members for Counties, some are influenced by their old Tory prejudices, and fancy while they plunder the People, they support the Throne. Those nominated by individuals, adhere blindly to that party which their patrons have embraced. The remainder, for the most part, purchase their seats—lay out their money as an adventure, and, in the true spirit of commercial enterprize, expect a profitable return. These men, soldiers, sailors, lawyers, and traders by profession, constitute the majority. In such an assembly, the
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private interest of individuals must silence that national interest which ought ever to dictate the resolutions of the House. To me it seems that the vital principle of every free Government—the just weight of the People, is extinct in Legislation; and that nothing could have preserved the spirit of liberty in the country, had not this vital principle yet subsisted in the administration of justice. So contagious, however, is the spirit which pervades a Government, that even this strong hold of public freedom, the trial by jury, has been grossly violated. Doctrines have been maintained from the Bench, by which this institution, the sacred guardian of all our rights, was annulled, and a new Court of Star Chamber erected to punish the most undefined and undefinable of all crimes—a libel; for I defy human ingenuity to explain what power of the abolished Star Chamber is wanting to our modern Court of King's Bench, if the verdict of a jury does not intervene, to pronounce on the guilt or innocence of the person accused, before he be delivered over to punishment, by discretionary fine and imprisonment. If the

bare fact of publication, and plain import of the words be the sole subject of a jury's inquiry, the distinction is nominal.

The spirit of this admirable institution requires that a jury taken from the great body of the People, and returning again to the common mats, shall pronounce on the whole charge, because they will remember that the measure which they mete to their neighbour may be returned into their own bosom. To provide, however, the most correct administration of justice will be of little avail, unless a watchful jealousy shall be employed to withstand the encroachments of power, to repair those breaches which the most perfect system of Government, like all other human institutions, must sustain—above all, to guard the public property, and strictly to measure its applications by the necessities of the State. These in our constitution are the most important duties of the House of Commons. How far nominal representatives will discharge these duties, let experience and common sense decide.

The late Lord Chatham foretold that our rotten boroughs could not outlive this century, and short as the period now is, present appearances strongly indicate the completion of his prophecy. The cause which has convulsed the kingdom of France, exists with us in a twofold degree. Should the People not be tempted to inquire on what principle trustees for seven years have sold the inheritance—should they not reflect that as the bulk of revenue must be drawn from the daily labour of the multitude, to sweat and toil for others without reward, is not the characteristic distinction of freedom—or should not the pressure of their necessities operate independent of reason; the modern system of revenue carries internally the seeds of its own destruction. When the system of borrowing first commenced, the taxation being light and imposed on subjects of universal consumption, was little felt by the People, while the funds created were a stock always ready at command, which circulated paper to three times the amount, and operating as money, gave life and vigor to manufactures. The effect was, that
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these taxes gradually increased to nearly three times the amount with the growing prosperity of the State. The natural objects of taxation have been long since engrossed, the industry of the country is oppressed with accumulated burthens, and the reverse of the former effect approaches with hasty strides *. The taxes which have been given for the last 1,500,000l. of revenue have not yielded 900,000l., and have nevertheless decreased the product of the former taxes, while the numbers † of our people decline. Yet the causes of public profusion continue to operate with increasing force. Reformation in the source of this evil, a perverted nominal representation, will be forced upon us by inevitable necessity. It cannot long be delayed.

* This view of the effects of taxation has been borrowed from conversation with a gentleman who means to oblige the public with the detailed proofs. These effects are no longer theory or plausible speculation. Events have already established the proofs.

† By the returns to the Tax Office it appears that although the houses in London and its neighbourhood have increased 7000, the number of houses throughout the whole Kingdom have decreased 6000, and the cottages above 19,000, within a very few years.

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These are the reflections which the convulsions of a neighbouring kingdom have suggested to my mind, and which Mr. Burke's pamphlet has provoked me to commit to the Press. If in combating his opinions I have advanced positions on the general subject of government which others may condemn, I have no wish to screen my own errors from detection.—All investigation promotes the cause of truth.—The terrors of Mr. Burke's eloquence will not prevent me avowing the sincere conviction of my mind.—I therefore beg leave to repeat, that all *legitimate* Government must for ever rest on the *willing obedience* of the great body of the People, and that when force is employed against them under any form of Constitution, the People have not only a *perfect right*, but it becomes *their duty* to resist.—That all power exercised by a part is a *trust* derived from the *whole community*, created solely for *their benefit*, and which can be held by no other tenure than by *their consent*. That, to secure the willing obedience of the People, the duties which we all owe to our Country are, to extirpate *every p ejudice* from their minds, to convince
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their reason, to explain the *principles* of our Constitution, and thus, with their concurrence, reforming its abuses, endeavour to render it in practice, as in theory, the most perfect system of Government which ever appeared in the history of Mankind.

F I N I S.



