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THOUGHTS
ON THE
ENGLISH GOVERNMENT;
LETTER THE THIRD.



Thoughts on the English Government.

ADDRESSED TO THE
QUIET GOOD SENSE
OF THE
PEOPLE OF ENGLAND.

IN A SERIES OF LETTERS.

LETTER THE THIRD.

*Character of Mr. Woodderson—Reply to his Brief Vindication—His
Mauz Halfpenny—Description of a Lawyer's Argument—Mr.
W. Suppresses two passages of the Attorney-General's Speech—
The Form of Proceedings in Council—Mr. W. mutilates a passage
from Hale—Form of Prayer for the High Court of Parliament—
Mr. W. is reproved—Of Tellurian Politicians—Expostulation with
Mr. W. on the manner of his Brief Vindication—Reasons that
induced the Author to write these Thoughts on the English Govern-
ment—His reason for being a little severe with Mr. W.—
Encomium on Mr. Whitaker's origin of Government.*

It is the settled Constitution of the Kingdom, that fixeth,
and defineth, where the Legislative Power is lodged, not
notions and fancies.

Hale's Judicature of the Lords. Page 11.

L O N D O N.

PRINTED FOR J. WRIGHT, OPPOSITE OLD BOND STREET,
PICCADILLY.

BY J. DOWNES, 240, STRAND.

1799.

AC 911. 1799. R. 44

TO THE
QUIET GOOD SENSE
OF THE
PEOPLE OF ENGLAND.

November 25, 1799.

IN my last letter, I remarked to you, that with all the clamour raised against me, and after several pamphlets written in support of my doctrines, no one had come forward in print to question and controvert my first letter. I did not think I should, so soon, have occasion to acquaint you with a publication, that has at last appeared in answer to my second letter. It comes from the pen of Mr. WOODDESON, many years Vinerian Professor in the University of Oxford; and it is intitled, "A Brief Vindication of the Rights of the British Legislature."

THE Remarks I had made upon some doctrines contained in his "Law Lectures," and upon his method of arranging some of his leading heads, have induced him to take up his pen, for vindicating both his doctrines and arrangement; and at the same time, maintaining, what he calls, the rights of the legislature, as if they were injured by certain discussions in my last letter.

The value of this gentleman's labors as a Lecturer, the utility of his Lectures since they have been printed, and his most excellent personal character, both in public and in private, are acknowledged by all the profession. The Error I have taken the liberty to notice in his work, is not peculiar to him, but is also in Blackstone; and, in truth, it is entertained by them, only in common with many other persons of considerable information and parts; but it is still an Error, and ought to be corrected. It was with that view, I made the remark in my last letter; but Mr. Wooddeson has entered into a defence of what he had written, instead of an examination of its justness; and, preferring rather to take the part of an Advocate, than that of a Lecturer, he has set himself obstinately to defend

defend what no mortal man can justify, though it has passed so long in the world as sound and correct; for, like many other vulgar errors, it has only been current, because it never was properly examined and exposed. The defence of himself, and the attack upon my second letter, constitute one and the same argument, and are accordingly of a piece with the weakness of his cause. This first assault I have found to be *telum imbelles sine ictu*, not, I am willing to think, for want of vigor in the arm, but only of strength in the lance. Out of equivocal dictums, general expressions, mutilated passages, and irrelevant authorities, who can compose a sound and effective argument! Such is the tenor of Mr. Wooddeson's Vindication; we should compassion a respectable Lawyer, struggling, in this disheartening manner, for a lost cause, if he had not unnecessarily thrust himself into it. As it is, he must e'en stand the brunt of the Scuffle; I shall be obliged sometimes, not only to censure his matter, but to reprove him for his manner, as you will see by the following Letter.

To

TO

RICHARD WOODDESON, Esq.

&c. &c. &c.

SIR,

I was surprised to find, the short observations I had presumed to make upon your valuable "Law Lectures," in my second letter, could be thought worthy the notice, you have been pleased to take of them in your late publication, intituled "A Brief Vindication of the Rights of the British Legislature." All that I have said is contained in the following passages in two notes. Complaining that it was a defect of method in certain Law Treatises, to begin by speaking first of the Parliament, and then going on to the King, I added, *I find this fault in Blackstone, Wooddeson, and others. A departure from principle will ever lead into embarrassment. Page 78. again, in another place; I have before noticed that Mr. Professor Wooddeson has followed his predecessor, both in doctrine and arrangement; it may be hoped however, for the honor of English Jurisprudence,*
that

that he will reform these to the purity of the Ancient School, for which he has the authority of his cotemporary, the Attorney-General ; and thus remove the only blemish, I know, in his most excellent Lectures. Page 185.

I place these passages at length, because you have not done so ; and I think, I perceive, a good reason for it. If your reader had seen, that I had called upon you to conform to the doctrine of the Attorney-General, he would have been startled, when he came to *Sect. 5*, where you quote the Attorney-General as the strongest of your authorities against me ; and he would, probably, then turn to my letter for satisfaction, where he would discover the suppression, (pardon the term) upon which I shall have more to say presently.

You begin by finding fault with my 'Title Page. " The letter was improperly addressed ; it should have been to the people of Great Britain ; since the Union we are one kingdom, one people, as to the general affairs of Government, and the people of Scotland, have as much right to exercise *their quiet good sense*, as those of

B

"England."

“ England.” (* *Sect. 1.*) This grave claim for our fellow subjects of Scotland, I do not mean to question; but I do deny, that it laid any obligation on me to address my letter as well to them, as to our countrymen of England. You had something floating in your mind, which you have not plainly expressed, but I will give you my reason distinctly—Tho’ we are “ one kingdom and one people,” “ as to the general affairs of Government,” yet that Government is not British, but English; It is of English birth, English education, English growth; at the Union the Scotch came into the bosom of this Government, and Scotland might, perhaps, in this view, be said rather to be united to England, than England to Scotland. Therefore, although the Government is *de facto* British, yet, it is in theory wholly English; and, considering I meant to discuss it only in theory, as to its true nature and origin, I thought it would be proper to call it *English*, and to address my thoughts to the people of England only.

You know, Sir, that it has been laid down in our Courts, and recognised of late years, by my Lord Mansfield, that if a body of British subjects settle in an uninhabited country, and

* I quote Mr. Wooddeson’s Vindication by Sections, my Letter by Pages.

there colonize, they carry with them “on their backs” the law of England. Now I shall be obliged to you, if you will give me the reason, why, being British subjects, they do not carry with them the law of Scotland, as well as the law of England; and further, if they are all Scotchmen, why they carry the law of England with them, instead of the law of Scotland. Colonization is surely an Imperial concern, and not a municipal one; It is a part, if any thing is, of what you call “the general affairs of government” and yet you see the municipal law of England has, in this instance, an ascendancy over the Municipal law of Scotland, and becomes the Imperial law of the British Government, wherever British subjects may settle themselves, so as to be under its protection. I beg of you, Sir, to study this question, and then answer me, whether our *government* is not thoroughly English.

Such is the defence of my Title Page; I will now make some observations upon yours. “A Brief Vindication of the Rights of the British Legislature.” The term “British” was, no doubt, introduced here to decide, at once, the impropriety of my “English;” but what is the sense of Legislature? for you know,

it is used by all of us, and repeatedly in your letter, in more senses than one. Do you mean the whole parliament, or only the two houses? Judging from your context, I should suppose you meant the former; for I see, you have placed in your title, as a motto, the old quotation from Cicero, *Statuo esse optimè constitutam rempublicam, quæ tribus illis, regali, optimo, et populari confusa modicè, &c.* Taking this as an interpretation of your meaning in the term "Legislature," I beg to ask you, what need there is for you to vindicate the rights of the British Legislature against any thing I have said? Have I denied them, have I transferred them to any other hands? You know, that such an imputation is without foundation. If by legislature you mean the two houses; I must first complain of your misleading us with your motto; and then of using, at all, a word so ambiguous, when there were precise ones at hand: but if this is your meaning, I must again ask you, what rights of theirs are proposed to be transferred to other hands? They remain exactly as they were, without your Vindication: I should remind you, that, as to the title of Legislators, I have in my Letter (page 64) vindicated them in the possession of it, by arguments and considerations, that have not occurred

curred to your predecessor Mr. Justice Blackstone, or yourself; who, with all your vindication, do not seem to know what Legislators and Legislatures really are; namely, that they are the *propounders* of Laws, and not the *makers* of them.

Indeed, Sir, I believe you meant the two houses, and you thought, no doubt, by this catching title, to gain on your side the Lords, and Gentlemen at Westminster, who sit in the present parliament; some of whom, perhaps, are among those, who in the former parliament had hastily condemned my first Letter; and might be considered as committed for a general condemnation of all my writings. But, I hope, and believe, the present house will not make such a mistake, as their predecessors. I am persuaded, after what has passed, they will think such a subject is in better hands, when mooted between two Lawyers. Do not, therefore, deceive yourself; you will, I promise you, have to fight this battle for the *Lectures*, and for the *Legislature* by yourself; let us, however, begin before we are interrupted, and while I am permitted to combat upon equal terms.

The

The exception I had ventured to take to your *doctrine* and *arrangement*, you answer in *sect.* 3. 4. 5. of your “*Brief Vindication* ;” In which I must complain, that you use the words *Legislature*, and *Legislators*, in more than one sense, and intitle yourself, by such means, to make conclusions, either way, as suits your purpose. Where Blackstone is quoted, (*sect.* 3.) “*Legislature* is the greatest act of superiority, that can be exercised by one being over another,” you must certainly mean such a *Legislature* as resides in King, Lords, and Commons. So again, “*by the Sovereign Power* is meant “*the making of Laws* ;” but where you quote your own *Elements*, “*It is not necessary, that “Legislators should be constantly assembled,*” you meant the Lords and Commons only, (*sect.* 4.) as is clear both from the passage itself, and the purpose for which you quote it. In the same section, you tell me, “*I seem to “object against the legislature being considered “as the Supreme Power, because the functions “of the King are permanent, those of the “Lords and Commons occasional and tempo- “rary* ;” in which position, by the way, you totally misunderstand me ; but here, by *legislature*, you mean the two houses.

From

From these Instances, it is plain how little you regard precision in the use of terms, and how little chance, under such disadvantage, you give us of getting at precise ideas.

But, Sir, independent of this, you do not seem to comprehend the nature of my objection to your *doctrine* and *arrangement*. The Legislature, or to use a more precise term, “the making of Laws” may be the supreme power in the State, and yet your doctrine of the Legislature (if you mean the two houses) being the supreme Power, may be wrong; because, I say, the King, and not the two houses, makes the Law. Again, although I should concede, that the Supreme Power ought to be first mentioned, in all methodical treatises, yet your arrangement in placing first the Parliament, by which you mean the two houses, may still be wrong. And, therefore, it does not appear to me, you have answered my objection, by all your quotations from your own Lectures, and from Blackstone, to shew the exalted degree of sovereignty, or the pre-eminent nature of that branch of it, which consists in making laws. I dispute neither of these as general positions; but I will, with your leave, just remark upon what I have considered, as a weak argument for this pre-eminence, used by other writers, and

now

now urged more than once by yourself. You say, (*sect. 3.*) from Blackstone “To ordain, is “evidently an exertion of more eminent do-
 “minion, than to expedite things ordained.”
 Again, *sect. 5.* “The executive power, which
 “I have just shewn *sect. 3.* (viz. from Black-
 “stone) to be of a secondary quality or na-
 “ture, &c.—The law must be ordained before it
 “can be carried into execution.” This I say, is
 a weak argument to maintain your point, though
 I know it passes current; but this is one of the
 things that has so passed, only for want of ex-
 amination. This argument proceeds upon a sup-
 position, that nothing is done by the executive,
 but what has first been prescribed by the Legis-
 lative; which is totally untrue; for the whole
 body of unwritten Law has its origin and va-
 lidity from custom; by much the greater part
 of the functions of the executive government
 have no other authority than the inherent pow-
 er of the Crown, for their exercise; The Offi-
 ces of the Ministers of State; The Treasury,
 Admiralty; Fleets, Armies, Colonies; Coin,
 and many other branches of the Government,
 may indeed, occasionally have come under the
 consideration of parliament and received cer-
 tain directions from Legislative Acts in parti-
 cular instances; but to declare of all these
 great

great functions of government, that nothing can be executed respecting them, that has not been ordained in parliament, is too much contrary to experience, and too absurd to be contended.

And yet the position itself is a good one, if properly applied; In all the above matters, the King, most certainly, *ordains* in due form and manner, before he orders any thing to be executed. In the affair of coin, for example, he is, to use the common phrase, his own Legislator; that is, as I would express it, he acts without the advice of his parliament, but with the advice of his Privy Council, the Lords of his Treasury, and others, who are the advisers assigned him by the Law and Constitution, in this particular case. But these offices, are constitutional organs of the Government, which wholly escape the notice of gentlemen, who talk as you and Blackstone have, and who are so blinded with the dazzle you have made about parliament, that you write, as if you thought, there was nothing else in the state, that had in it the quality to deliberate, conclude, and advise; and it is laid down by some of you broadly, as I have censured Blackstone for doing, that “the Executive consists of the King *alone*” (page 182.) and in such a solitary condition

of royalty, it would indeed, I agree with you, be very proper, that he should execute nothing, but what was ordained by some other authority. Those however, who read you and Blackstone, should be informed, that the King does, in his Privy Council and in his various offices, order many things, which have the binding force of legislative Acts, and which are accordingly carried into execution; so that by our Constitution, there is a power of ordaining Laws without the intervention of parliament, which is controllable only by the Supreme Legislature exercised in parliament, whenever it chuses to interpose.

Going on with the vindicating of your arrangement, you think you do it, in the following words; “As to my *arrangement*, the charge “is, not strictly just. For I begin my account “of the parliament with the King in his Legis- “lative Capacity, and as *one of the constituent “parts*, and then proceed to the *other members “of the Legislature”* (*Sect 5.*) I have printed this passage with your own *Italics*, that it may lose none of its intended significance. Legislature is used here in the other of your Senses, namely, for the whole parliament. As you denominate the King *one of the constituent parts*, and then

then proceed to the *other members*, as you call them, you mean to say, the King also is a Member; that is, there are three members without head or body, like the figure on a Manx halfpenny. There is no teaching authors by example, or I should have thought, after my fate, they would at least have guarded themselves from any metaphorical imaginations, that were wholly new; the three branches were a piece of nonsense, that might have served your turn, and so many have functioned it, you might be sure you would neither be laughed at, or prosecuted for using it; but this conceit of a Harlequin polypus, that introduces no better illustration, and exposes you to all the hazard attending novelty, without any particular advantage whatsoever, is a flourish of composition, not very discreet, to say nothing worse of it.

The position that the King is only *Unus inter alios*, is what you mean to lay down by this metaphor of members, and you tell us indeed, plainly, in another place, that he is only co-ordinate in legislation; and you go on to alledge some authorities which you think support this position, because they happen to have the words—consist—consisting—constituent part—
a part

a part of—his share in the legislative power—component part—and the like. You cite many such expressions in the subsequent parts of your Letter, upon which you place almost your sole reliance; I shall hereafter have, to give you my opinion upon the value of such Authorities; but I must first notice the few words, you have cited from the late Attorney General, and then make the observation I promised, upon the *suppression* before complained of.

The passage in your letter stands thus. “So
 “says the late Attorney General,” as cited in
 the letter (page 58.) “The King has preroga-
 “tives as a CONSTITUENT PART of the Legisla-
 “ture, though the last passage seems to have
 “disconcerted the Letter-writer (see *ibid*) as
 “well it might, for this assertion alone of that
 “great Lawyer, confirms all, that is contend-
 “ed for, on my side, in this whole argument.
 “Can higher authority be alledged?” This
 passage from the Attorney-General, ought to
 convey something valuable, to deserve the high
 encomium bestowed by you, not only on *it*,
 but on its Author; though I think “assertion”
 was a denomination not well chosen for your
 purpose, as it more commonly implies some

peremptory declaration, without regard to its being duly weighed, or supported; I, however, who, with all my deference to its author, think such to be the real character of the passage, approve of the term, you apply to it.

Persons who have only read your letter will be surpris'd, when they are told, that the Attorney-General's speech in Hardy's case, a part of which you here so triumphantly cite, as decisive on your side of the Question, is adduced by me in other parts of it, as decisive on my side.

Observe how this matter stands. The Attorney-General, in two long and very marked passages, is my decisive authority; in one sentence not marked, nor containing twelve words, he is your authority; you quote this latter against me, without any notice of the passages which are against you. This procedure must appear singular amongst persons, who have any idea of fair reasoning; it is only among Lawyers that such species of argumentation is practis'd; and allowed. They know, how the books are ransack'd when an argument is to be made; how they cherish any *dictum*, any *arguendo* allegation, any expressions, that can be poached out of an
obscure

obscure corner, and strung together with some plausible appearance of aptness; no matter what is the context, what the occasion, whether *codem intuitu*, whether upon the point in judgment, or only incidental; it is sufficient for the day, that *litera scripta* can be alledged for it; and it is left to those who have the labor of decision, to extricate themselves from the opposing authorities of Croke James, and Croke Charles, as they can. It seems to me, that you, my dear Sir, have produced nothing in vindication of the *Lectures*, and of the *Legislature*, but a Westminster Hall argument of the above description. My friends of the bar will not, I am sure, take offence at this character of their efforts in forlorn cases; We must, from the nature of our profession, be sometimes on the wrong side; and the wrong side must be defended by an advocate, as well as the right; which can scarcely be done, but in the way I have above supposed. You, Sir, were not under the same obligation. You might have reconsidered your subject, and profited by my hint; it was with that view, I gave the suggestion both to you, and to Mr. CHRISTIAN; but you have chosen to defend rather than to discuss, to be an Advocate rather than a Lecturer; and you have been accordingly driven to

to a mere Westminster Hall argument of the worst fort.

I beg you, Sir, to consider for a moment, the different methods of proceeding, observed by you, and by me. In my second letter, I have entered into a full examination of the notions entertained by yourself, and by others; and I have ventured, after weighing the reasons *pro* and *con*, to submit, that the language in common use for describing, or speaking of our Constitution, is deficient in aptness and precision; and that certain ill-concieved phrases have misled uninformed persons into wrong notions of our Government, both in its form and its operations. I have then proceeded to state my own principles, and I have supported them by reasonings from analogy, and by authorities from Law-books, records, and history; this is done at some length, and with an attempt at full discussion. What do you oppose to all this? Without answering, or at all entering into any one of my reasonings; neither denying, or examining the principles I go upon, you offer nothing but a string of quotations, containing the very phrases, and modes of expression, which I had reviewed in the course of my inquiry, and which I had condemned, as
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the very causes of the errors I was combating. Again, The authorities I relied upon, were select and appropriate, being such as clearly, and unequivocally supported the principles laid down by me: among the refuse of authorities which I condemned, partly because they were the very ones I meant to censure, and partly because they were equivocal, and might prove your point as well as mine, these you have brought in array against me, though volumes of words, so inapplicable and inefficient cannot, in point of argument, do either harm to me, or service to you.

My reason for thus maintaining the credit of my own authorities, while I discredit yours with so little scruple, is plainly this.

The question between us, is not, what are the constituent parts of the parliament; It is known by every body without the assistance of Coke or Hale, that it consists of King, Lords and Commons. That being agreed, the question between us, is simply this; in what manner, and under what character and denomination these three parties concur in completing a legislative act; whether they are all equal, or whether one is superior to the rest. Now the
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the authorities I have adduced, do expressly, and distinctly, establish what I have contended for, namely, that the King is the maker of the law, and the Houses are the advisers only. Your authorities, without containing any thing express, or distinct upon the point in question, convey, generally, a notion that the three parties must join in a Legislative act; and then you found upon this, a conclusion, which is merely your own, that they act co-ordinately. One express and distinct authority like mine will, therefore, countervail the whole of yours, of the above equivocal description; and its force cannot be combated but by one, which expressly and distinctly negatives in terms, the superiority of one of the parties in a legislative act; which is not done, I aver, by any of your citations notwithstanding you so rely upon them; your authorities are all of them beside the question, and instead of invalidating, or crossing, may consist very well with mine, as far as incorrect expressions may consist with those, that are correct.

To exemplify this in the speech of the Attorney-General in Hardy's case, where, I must repeat, you have availed yourself of a *suppression*, that gives you too much *temporary* ad-

D vantage.

vantage.—In page 56, of my letter, I have quoted the following very express and distinct declaration of the form of our Government,

“ *The power of the State, by which I mean the power*
 “ *of making Laws, and enforcing the execution of*
 “ *them when made, is vested in the King; enacting*
 “ *laws in the one case, that is, in his legislative cha-*
 “ *racter, by and with the advice and consent of the*
 “ *Lords spiritual and temporal, and of the Commons*
 “ *in parliament assembled; assembled according to*
 “ *Law, and the constitutional Custom of England;**
 “ *in the other case executing the Laws when made,*
 “ *in subserviency to the Laws so made, and with*
 “ *the advice which the Law and Constitution hath*
 “ *assigned, in almost every instance, in which it has*
 “ *called upon him to act for the benefit of his*
 “ *Subjects.*”

In another passage, he repeats this same idea shortly, page 59. “ *Him, in whom the Supreme*
 “ *Power, Rule, and Government, under Constitu-*
 “ *tional checks and limitations is vested, and by*
 “ *whom, with consent and advice in some cases, and*
 “ *with advice in all cases, the exercise of this*
 “ *Constitutional Power is to be carried on.*” With
 these

* *Note, It is not Great Britain, but England; see what I have said before, in pages 10, 11.*

these emphatic words, he winds up his clear and ample statement of the form and operations of our Government.

These two passages are quoted by me, in a conspicuous manner in *Italics*, and I have declared them to be the authorities, which I considered as the most explicit, and most decisive to establish my theory, (pa. 56. 57. 59.) I cannot help repeating, that as you quote only from my letter, 'it looks like a suppression, of a very particular sort, to pass unnoticed passages so long so ample, and so marked; and to content yourself with picking out a few equivocal words, interposed between those two passages; and which make no figure at all in the main disquisition, neither of the Attorney-General, or myself; the words are "In domestic concerns "he has prerogatives as a constituent part of the "Supreme Legislature;" I cannot conceive how any fair and impartial reader, should pass over the two distinguished passages, just quoted, without notice, and then lay such great stress upon these few equivocal words, that have no precise meaning at all, as to the question between you and me. If you say, that it was not your business to adduce what did not make for you, this is a confession, that my disquisition

has been a fair examination, in which I have plainly stated all authorities on both sides, for the discovery of truth; but that yours is a mere advocate's argument, to maintain a particular interest, without any regard whatever to the real truth and justice between the parties.

As to the passage itself, in the Attorney General's speech, it is only another instance, among many, that considerable Lawyers sometimes speak with more, sometimes with less, precision on the same subject; and yet, in this particular case, it is not wholly the Attorney General's fault, that in these few words, he deviated from himself. If he had adhered to his own just way of thinking and speaking, this passage would never have appeared; but it seems, he turned to Blackstone, to find every thing, that could be adduced to charge, as highly as possible, the picture he was drawing of the Royal authority in all its supremacy; and there he found these very words "First, he is a Constituent part of the Supreme Legislative power." In the same place he found also, some other exceptionable expressions, which he has introduced into the context of this passage. Thus it is, that your predecessor and you, being
authors

* Commentaries, Title, Prerogative.

authors of established authority, may mislead others among us than mere Students.

You say, (*sect.* 5.) that this equivocal passage “seems to have disconcerted me.” I cannot comprehend what you mean by this; so far from being disconcerted, I had marked it with a short note of censure, at the bottom of the page, as inconsistent with the better sentiments, more distinctly delivered by the Attorney-General, both before, and after it; but when I have censured the whole of your letter, you may still, perhaps, maintain, that I am disconcerted with your animadversions.

What I have here said of the passage from the Attorney-General (whom you panegyricise when he is wrong, and I praise when he is right) may serve as a Reply to all the authorities cited by you from Hale and others; they are all of them only equivocal phrases, and general expressions, that are something, perhaps, by themselves, but are nothing when contrasted and compared with passages, where the same author sets himself to be peculiarly exact; where he is performing an analysis, such as we are now making, to discover particulars, that are not contained in, or touched by general expressions

pressions. All the authorities I adduce, are, I maintain, of the latter description; to which authorities, however, you do not condescend to answer one word. I am content that our argument should be conducted as it hitherto has been; I resign to you not only the loose expressions of the Attorney-General, which you prefer to his most approved precision, but every thing of the same sort, that can be found in Coke, in Hale, in the parliamentary Records, antient Statutes, or whatever other document you may be able to bring to light.

Indeed, you have (in *sect.* 7. 8. 9.) brought together, and marshalled against me, a number of ill-penned, antient statutes, which I had not passed unnoticed in my letter, but had stated generally, and admitted to be authorities against me. There does not seem much force in your reviving and pressing upon me all these; but you should rather I think, have confined yourself to my conclusion, founded on the uniform wording in the enacting part of statutes, which has invariably prevailed since the Restoration; the conclusion from which uniformity, cannot, as I conceive, be shaken by any instances of informal wording in earlier times. It is nothing to our purpose whether

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per assensum parliamenti, or auctoritate parliamenti, are sufficient words of themselves for enacting statutes, without mentioning the constituent parts of the Legislature, as you tell us; (*sect. 9.*) or whether, when they did name the constituent parts, statutes were said, at one time, to be enacted by the King, Lords, and Commons; at another time, in some other form: but the question is this; whether from the restoration to the present time, statutes do not express the concurrence of the three parties, in such a manner, as to demonstrate, that the King is the enacting party, and the Lords and Commons the advisers and consentors.

You cannot deny that this specification is constantly observed in every Statute at the present day; but you endeavour to avoid the force of it (*sect. 7.*) by the construction you put on the concluding part of the enacting words, “ And by the authority of the same; ” but here again, you seem to lay more stress upon general words, not very obvious in their signification, than upon the specific and plain words, *be it enacted by the King, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in this present parliament assembled.* To prefer obscurity to light, as you thus do,
seems

seems not, I must say, the most promising way to find truth; I do not think you mend the matter by the sense you give to these general words; you say, "and by authority of the same" must mean, the *same* parliament, because parliament is the last antecedent. I should humbly submit (if it is necessary in such matters to be strictly grammatical) that parliament is not the last antecedent; for according to my notion, the last antecedent is, the thing done, and the mode of doing it, which is the King's *enacting*, and the Lords and Commons *assenting*. If it were Latin, and you could shew a record that runs *authoritate ejusdem*, and not *eorundem*, you might perhaps, with more color, contend, that this form is intended as tantamount to the old words *authoritate parliamenti*; but, in any of these cases, I acknowledge no weight in the words, as I before said, because general terms cannot be allowed to take away, or controul the force of special ones, which so plainly declare that the King *enacts* with the *advice* and *consent* of the Lords and Commons. Such a construction, you will permit me to maintain, is wholly adverse to the discovery of a true meaning in any written paper whatever, and was never tolerated, I am sure, as a method of investigation,
 either

either in the Schools, or the Courts. The Attorney-General in his statement of the enacting words, has not given these, on which you lay so much stress; considering them, no doubt, as of no weight in his illustration, either because they appeared to him to have no precise meaning, or because they had the meaning I before supposed, but expressing it less precisely, than the previous words of enacting, they were, therefore, in his judgement, superfluous, and unnecessary.

The sum of what you contend for, is this, that to assent, is the same as to enact, and to enact is the same as to assent; and if that is your opinion, you must, of course, condemn the framers of our parliamentary forms, for making any distinction, where there was no difference. But this and more may be attempted by an author who is resolved, at all hazards, to maintain his system; as an example of which perseverance, you declare to us broadly, as a general position, that “To assent then, “that an act, to which the consent of three “parties is necessary, is the act of only one of “them (especially if the other two are the promoters and framers of the business in hand) “seems as monstrous a proposition as to affirm,

E

“ that

“ that a triangle consists of a single line, or
 “ that a part is equal to the whole.” (*sect. 10.*)
 It would have been more discreet not to lay down
 so general a position as this; for many instances
 may be supposed, and some may be found,
 where there actually exists this distinction be-
 tween concurring parties. Cannot you ima-
 gine that Trusts may be so formed, as that
 parties who have no interest, and therefore
 cannot be grantors, may yet be absolutely ne-
 cessary to assent to any deed of conveyance?
 did you never hear of Courts, that consisted of
 a Judge, and Assessors, where the Judge was
 the real *Curia*, though unable to act without
 the assessors by his side? Do not you know,
 that the whole of the King’s government,
 out of parliament, is carried on in the same
 method of assent?

For example, Orders of the King in Council,
 which, more than any other acts of State, resem-
 ble acts of Parliament, are expressed to be made
by and with the advice of the Privy Council.
 The King, by the Constitution, can no more
 make an order in Council, without the advice
 of his Privy Council, than an act of parlia-
 ment, without the advice and consent of his
 Great Council, the Parliament. I know not why
 “ assent”

“ assent ” was not specified in Orders of Council, as well as in acts of Parliament, except that it was wisely thought, that advice included in it, and implied assent; the person who advises, does something more active than the mere Assessor; so that advice always means assent, and something more. Nobody ever thought, as you contend, that these Assessors, (who, too, are the framers and promoters of the business) were the persons ordering and directing; but the King only, whose will and pleasure must finally be signified. There are indeed special cases where the Lords of the Council act without the King; but this is where they have a delegated authority, and such particular cases, like other exceptions, go to prove the general rule. In short, the Council, and the Houses of Parliament are, as you call it, the framers and promoters of their respective businesses for the King’s approbation.

Not only in Council, but in all the functions of the executive government, where the King ordains, or directs, or in any way signifies his Royal will and pleasure, there is the concurrence of the officer, in whose department it lies to carry it into execution; signified,

either by his countersigning in writing, or by a seal, or in some other way; these are testimonies of advice and assent; they are absolutely necessary before the instrument is valid; such advice, or concurrence of the King's great Officers is as indispensable (according to my notion of the Constitution) as the assent of the Lords and Commons in Parliament, in order that some one may be responsible, which the King, by the forms of the Constitution, never can be. In fine, the King's business in Parliament, and out of Parliament, is conducted by advice and consent, in perfect analogy, the one to the other; and if you would not, any more than myself, concede, that the great Officers of State are the enacting authority, in these matters, out of Parliament; no more can I concede to you, that the Lords and Commons are any other than assentors in Parliament.

After what I have thus mentioned shortly, you will not, I hope, think it quite "so monstrous a proposition" to say, that of three concurring parties, the thing done may be the act of one only, with the assent of the other two.

After

After these considerations from principle, and analogy, your reader, I believe, will not much regard a mere assertion from you, that assenting and enacting are the same; nor will he construe in the same sense, that you do, the phrases you cite to prove your assertion. Instead of *their* controuling his principles, and analogy, he will, you may be sure, apply his principles, and analogy, to controul your citations; and in that manner, he will make some sort of sense of them, which you do not. Thus, what you adduce in *sect.* 18, from Jones's Reports, "by assent, is by authority" he will suppose means, by the authority to assent; for what other authority can "assent" mean? I say this, without searching for the context, which is a trouble not worth undergoing, though it should end in convicting you of another mutilation, like that of Hale. At best, it can be only one of those unmeaning, unconsidered trifles, which you are in the habit of collecting as choice authorities, but which I walk over, without deigning to examine, whether they can be twisted one way, or the other, as of no value in either case; like your passage from Hale, with the word "co-ordinate" unhappily stuck into it.

You

You seem, Sir, a great worshipper of words; a wise man, like you, ought to know, that they are mere counters, and not cash. I mean such words as yours, that all come from private mints; not those words of established form, that bear the stamp of public authority, such as I rely, and reason upon. Mine is a Coin that leads to truth; it teaches me “to render unto Cæsar the things, that are Cæsar’s;” a good lesson for you. It is a memento of every thing valuable—“The King” on one side, “the Country” on the other;—one the great means, the other the great end of our Government. It is an Epitome in itself. None of this can be learnt from the figure, or superscription of your Manx halfpence; which too, like your citations, are all base metal.

So widely do you and I differ about words, that, while you rest your argument on the sense of the term “assent,” and try such experiments, to force your own meaning upon it, I am inclined to consider it as mere surplusage, and without any precise meaning at all.

What you say (in *Sect. 11*) upon the ancient manner of making statutes, I pass over, and come to another very singular point made
by

by you in Sect. 12. You mistake when you say that I reckon the expression of “ his (the King’s) Parliament,” among the ancient forms ; this is surely, among modern forms, if any thing is, as is known to the readers of newspapers, during every session of Parliament. But your manner of explaining away the inference from this form of expression, is quite as curious as the general proposition I have just disposed of ; here it is in the words and syllables following. “ But who before the letter writer ever drew such a deduction “ from it ? *His*, or *my*, applied to a body “ aggregate, means that body, of which the “ individual is a member, as my college, my “ society, or Inn of Court. It may have a “ more dignified sense, when the Sovereign “ speaks of the Parliament, as of that body “ of which he is the August Chief ; but not “ his, to do what he pleases with it ; not in “ the way of Proprietorship, or controul.”

It may have, you allow, a more dignified sense, when spoken by the “August Chief” of some aggregate body, as suppose, by the head of Maudlin College, or by the Treasurer of the Middle Temple ! This is limited Monarchy with a vengeance ! and after you
have

have gone such extreme lengths for the support of it, I do not wonder, you assume so much merit, as you seem to do in *Sect.* 19.

But, Sir, in the name of the Law of the land, and of common sense, what is the notion, you entertain of Monarchy, if you suppose every thing that is called the King's, he may "do what he pleases with, in the way of proprietorship or controul?" The Courts in which you are a practiser, are surely, the King's Courts, and yet you know, he has no controul there beyond the rules of Law; the Navy and Army are the King's, and yet, you know, he has no proprietorship in them beyond commanding them for public service: Why then should not the Parliament be his, altho' he cannot "do what he pleases with it," nor hold it either in "proprietorship," or under "controul?" I should have expected from you, Sir, reasoning of another sort than this; something juridical, something rooted in the first principles of Law, and of Policy; but this, surely, is very humble talk; and humble, indeed, should be the place, to which a man must migrate, before he can find a fit audience for it: And yet such reasoning ought to be sincere; for no
 one

one could be weak enough to believe, it would impose upon others, unless he had been weak enough, to let it impose first upon himself. To such a reasoner I should, in answer, and by way of friendly instruction, give a brief sketch of Monarchy; explaining to him, that under a Monarchy, all power, civil and military, is, by the Constitution, placed in the King, from whom it is afterwards derived to subordinate officers to be exercised in his name; hence it follows that every officer, every office, and every function whatsoever, is the King's, to be exercised for our protection and benefit. That, as among the Romans every thing relating to the State belonged to the people, in whom resided The Supreme Power; so in a Monarchy every thing relating to the Constitution was said to belong to the King, in whom the Supreme Power is placed; not to be holden in proprietorship, but to be administered for the good of the people. That this was a mode of Government found conducive, for various reasons, to the happiness of the people, who are all subjects to it; and that it has grown up amongst us by long usage and convention. I should then send him to Lawyers, and Law

F books

books for a further detail;—but whither am I to send you, who have been there already?

You think, that you take off the force of the conclusion, I make from the prayer of the Commons to the King, at the opening of the parliament, for liberty of speech, and the enjoyment of their privileges, by what you tell me, you have said in your Lectures, namely, that “these privileges are constitutionally *due* to the Commons, and are thus petitioned for, as a mark of reverence to the throne.” If you have really laid it down so, in your Lectures, you have, in my opinion, put it in a wrong light; for there is no such thing in the Law, whether municipal or public; nor is it fit, in the transactions of national assemblies, to exhibit such mummery, as asking for any thing, merely out of reverence; nor is any thing the less to be asked for, because it is due. Things that must be asked for in form, you may depend upon it, cannot be had without such asking; and however due upon asking, are not due, nor exercisable without it. When you can shew, that the Commons enjoy such privileges without such prayer, then you will invalidate the conclusion I have made. The topic you resort to, of their being constitutionally due, will
not

not bear you out in the application; Admittance is constitutionally and legally due by the Lord to a Copyholder, and therefore his title may be said to be as good, as that of a freeholder; but yet his tenure is not the less a base one, nor his being obliged to pray admittance, less a mark of it.

I do not agree with you, that, I have used any "argument for depreciating the Lords, and Commons," (*sect.* 14.) though you have used many, such as they are, to depreciate the King. You say, he is only co-ordinate with his subjects in legislation, which seems to me so gross a conception, that a man habituated to sound reasoning and fair analogy would, I should think, be rather disposed to resist a really good argument, than readily admit such a conclusion from it: but you have already swallowed the conclusion, and take your chance for supporting it afterwards, as you can. In this section, you, indeed, think, you have "the most manly and satisfactory argument" of all; and what is this? why, something still more general, obscure, and remote, than all the loose equivoques you had before given us from Law-books; it is; "that both Lords and

Commons are the representative successors of

“ that supreme *Commune Concilium*, which has
 “ existed immemorially, in this free Country,
 “ *De minoribus rebus principes consultant, de majo-*
 “ *ribus omnes.*” How this is a manly, and satis-
 factory argument, or any argument at all, for
 the alledged purpose, of raising the Lords and
 Commons to a co-ordination with the King, I
 cannot divine; for I never yet heard it pre-
 tended, that the members of the antient *Com-*
mune Concilium regni affected, or were allowed
 a co-ordination with the King; and as to the
 legislative functions of our ancestors in Germa-
 ny, let us say no more about them.

You triumph, and you are welcome, in the
 discovery you have made of my mistake about
 Lord Clarendon; It is true, as you say; his
 censure was upon the term “three Estates”
 reckoning the King as one; and not upon the
 like abuse of the “three branches” of the
 legislature; I perceive how it was, that I con-
 founded the two, but no matter. My state-
 ment however, was not, with your leave,
 “manifoldly erroneous,” and I do not feel
 myself by this correction of yours stripped of
 Lord Clarendon’s authority, as to the question
 of “making or enacting Laws,” as you sup-
 pose; for I had not adduced it, for such pur-
 pose

pose, nor do I at all see, that if it had suited that purpose, (which you seem to imply by what you say, though I do not see how) when his censure was passed on the “ three branches,” it would not equally serve, when his censure was upon the term “ three Estates ”.

I am sorry to find a declaration in sect. 17. that startles me more, than any thing, that has gone before ; I have already complained of the suppression of two passages in the Attorney-General’s speech ; but you have resolved not to let that pass, as suppressions ought to do, *sub silentio* ; you now provoke enquiry by declaring positively, there is nothing in the Attorney-General’s speech, that makes against you ; Your words are these. “ I really do not find any thing in the authorities amassed from Lord Coke, Lord Hale, Sir M. Foster, or THE LATE ATTORNEY GENERAL, that makes against my argument.” I shall forbear, as I have hitherto done, to adduce here what is in the letter alledged at length from Hale, and Coke ; it will be sufficient to recollect the two passages already cited from the Attorney General’s speech. If those are, in your judgment, not against you, I readily confess, all I have now been writing, is thrown away upon you.

To

To reject such ample and plain authority as the Attorney General, and follow this up, as you do in the same section, with one of your dismembered passages from Hale, that is worth nothing, as I shall presently shew, is the character of your whole argument, which indeed is in unison with your design ; for as this is to extol what is inferior, to the prejudice of what is above it, so the other is made up from the rags of authors, whose best commodities are to be seen only on my side.

As to the passage from Hale, on which you so triumphantly rely for proving the King to be only co-ordinate with his subjects in parliament, if you had dealt fairly, and given us the context, your reader would have been able to judge for himself; but you, as an advocate, were not, I suppose, bound to produce what made against you. Hale is speaking of the *Jura summe Majestatis*, or Rights of the King's Empire, or Dominion;” and amongst them he reckons the authority to make Laws in this manner; “As to the making Laws, his right consists in Three particulars.

1st. “*In the making of Statute Law, or acts of parliament, for tho' the King cannot make*
“ such

“*such Laws himself without the consent of both Houses, yet no law can be made to bind the subject without him.*

2nd. “*In the making of Spiritual Laws, or Canons Ecclesiastical, which if kept within the bounds of Ecclesiastical Conufance, are admitted here in this kingdom; as these laws cannot be made without the King’s consent, so neither can the King ordain such laws without the Clergy in Convocation affembled.*

“*So that, in both these kinds of Laws, the King’s power of making, is only a qualified, and co-ordinate power.*

3d. In making and discussing of proclamations, which in some instances are to be taken for Laws, as in calling parliaments, declaring war, &c. herein the King’s power is more absolute, as being made by him alone, yet the King cannot by these introduce a new Law, so as to alter, or transfer properties, or impose new penalties, or forfeitures, beyond what are established by Statutes, or Common Law.

Now I submit to the reader, whether the tenor of this Extract, taken altogether, does not convey

convey very plainly, that the King is *the maker of the Law*; and if it does, we may then say, that Hale has been unfortunate, and blameable in letting escape him such a word as *co-ordinate*, to raise scruples in the minds of persons like you, who pay more regard to words, than to things. To describe at length a power, so as to shew plainly, that it is superior, and then afterwards to call it *co-ordinate*, is contradicting himself; and his reader ought to set him right, by comparing and reconciling him with himself, and not quote his mistakes, in order to mislead others. Indeed, I think the whole of the above passage has marks of negligence not to be seen in others of this author's works. To say, that tho' the King cannot make Laws without the houses, they cannot make Laws without him, is somewhat puerile; a piece of feeble simplicity, that delivers truth, without conveying information. Writers are not always equally vigorous, or careful; the Attorney General, we have seen, has made a similar trip, of which you have made a like use; We all are liable to write inconsequently sometimes; and some of us write inconsequently, at all times.

But

But after all, what is this loose passage from Hale, compared with other plain and precise ones, which I have quoted from him and others, in my Letter, but to which you have not said one word? what is it to this, from Hale, (page 35) "The King comes in upon a higher denomination and title, namely, *The head* of "these three Estates." Again, in page 38. "The Legislative Power being lodged in the "King with the assent of the two houses of parliament," to neither of which you say one word. What is it to the plain and express definition of Sir Bullstrode Whitelocke, in page 30. "Statutes are acts of our parliament; The Laws "made by the King, with the assent of his "Lords and Commons in parliament assembled. And again, "The making of Statutes is by "the King, with the Assent of the Lords and "Commons in Parliament." To neither of which you have said one word. What is it to the Representation of the House of Commons, on King William's refusing to pass a bill, where they use no higher language than that of complaining, "that their *advice and counsel* was not "taken by the King." To which you have said nothing. Or what is it to Hale's words in page 22. "The King's extraordinary Secular *Councils* "are; The house of Peers, the house of Com-

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"mons;

“mons; in their Capacities of informing, advising, and counselling the King.” And afterwards, he tells us, one of the matters they are to advise in, is, “in the making of Statute “Laws.” To which you have said nothing. But you seem wholly to forget, that the parliament is the King’s Great Council of the realm; and how he can be co-ordinate with, and one of his own Council, is too anomalous, and absurd for me to comprehend. Council is a relative term; A Council must belong to some one, as to the King, like his Privy Council. Parliament is not a relative term; and those, who, like yourself, do not look beyond names, up to principles, consider it as a substantive independent power; and having thus, in their own minds, detached it from the Sovereign, falsely imagine, that its office is, to controul the King, instead of advising him. Hence the erroneous notion of our Government being divided, as it were, into two sides, the one Legislative, the other Executive; the Houses of Parliament being at the head of one side, and the King, of the other; which two distinct authorities are connected only by the circumstance of the King being a party to both. A species of federal Union, pregnant with jealousy, and counteraction; in which, upon the whole, the

Executive

Executive Magistrate, as they call him, seems overshadowed by the parliament; usually keeping a safe distance, but occasionally veiling his honors, and taking his place by its side, like a younger brother, to pronounce a mere assent, which some say, he cannot refuse; for coming thus last, he appears the least, and is familiarly called the Third Estate, and Third Branch; the House of Commons, I suppose (to make the preposterous order complete) being reckoned as the first. These misconceptions are countenanced by Blackstone, and, with the assistance of you and others, have spread so far, that it is difficult to get them out of men's minds. No wonder, that persons prepossessed with such caricatured imagery, should not comprehend my Tree, and the comment upon it, which were meant to represent the parliament as a Council belonging to the King, and originating from him, according to the opinions, language, and practice of all preceding times.

You are so delighted with your discovery of this favourable passage in Hale, that you pleasantly twit me, in a piece of rhyme, as if I had never read it myself. Great wits have much to answer for; and so I believe, your reader will

will think, now he sees, how you have imposed upon him.

I will not add to what I have already said, by repeating the authorities detailed in my Letter, which so irrefragably prove my point, that I am utterly unable to account, how a person, who had read my pamphlet, should have the courage, or must I call it weakness, to sit down and write yours.

You animadvert in Sect. 20. upon a passage in my Advertisement, where I speak of the Parliament among other “subordinate functions placed by law under the authority of the King” You say, “These studied terms of subjection, applied to Parliaments *eo nomine*, are, I think, objectionable, as hardly reconcilable to the respect, and affection due to them, or to the King’s having in legislation, according to Lord Hale, only a co-ordinate power.” without debating what you exactly mean by “Parliaments *eo nomine*” I cannot but admire the tender feelings you have for both houses of Parliament, and the coolness with which you degrade our Sovereign to a level with his subjects, upon the authority of an ill considered

sidered phrase from Hale in direct opposition to his Majesty's Attorney-General, who, you knew, tho' you endeavour to conceal it from your reader, has alledged the weightiest reasons against such unconstitutional doctrine.

This surely is a little out of the common course of mere juridical disquisition. For myself, if I have any surplus of tenderness to bestow, it will not be upon bodies of men; they can generally take pretty good care of themselves; I shall rather reserve mine for some individual, and above all others, for the King, whose constitutional authority I am now maintaining against your unwarrantable pretensions. I know not how it is, but there are certain persons, and I perceive you are amongst them, who, tho' beyond all comprehension delicate upon one of these points, have no remorse, or shame at all upon the other. You speak, and think, as if you were haunted by a certain Parliament Phobia, which hangs about you like a malady; and such is your infatuation, that you seem to think the members are infected with as much weakness as yourselves. You would make us believe, that the Gentlemen we send
to

to serve in Parliament, instead of being like ourselves, are a coterie of fantastical Old Maids, that startle at every word which sounds like truth, and does not flatter some vain pretension, which you mistakingly ascribe to them. I pray you, Sir, avoid such men, and divest yourself of such fancies; and, if you would shew the Members of the two Houses a substantial and useful regard, let it be, not in such whims as these, but in duly saying the appointed prayer for “The High Court of Parliament,” and when you come to the words “under our most gracious King at this time assembled” remember and repent, that these very words when used by me, you censured as “studied terms of subjection” improperly applied to Parliament.” You know the common prayer is established by statute, and the language of it must be taken for authentic; “the studied terms of subjection” therefore, which you criticise in me, you will like perhaps, still less, now you see them inflicted upon the Houses of Parliament, by the authority of Parliament itself.

Surely, my dear Sir, this mincing of yours about, what you improvidently call, “terms
“of

“of subjection,” applied by me, to the two houses of parliament, is quite as “studied” as my language; and being wholly founded on mistake, as I have just shewn, you are not likely, I should think, to be much thanked for it, either by Lords or Commons. You have told them, they are spoken of by Law, in “Terms “of subjection,” which they before took for terms of honorable distinction, and which they are obliged to hear, whether they like them or no. The serving of the King is honorable, if any thing is honorable in this Kingdom; the serving in parliament is honorable, or it would not be so fought; and the dignity of parliament consists in what it derives from the King; as his Council assembled under him. As to “subjection,” the whole kingdom are “Subjects of the King.” and are proud of it. This is the nature of Monarchy, which you, Sir, do not seem to understand.

After having paid your own devotion to the Lords and Commons, you in *sect.* 19. take upon you to jeer me for my reverence to the King, as if I ascribed “the attribute of divinity “to man,” because, in pa. 101, after shewing that every act, movement, or thing that had to do with the Constitution, bore in it some mark
of

of the royal authority, actuating the whole, I add these words, *Regis sunt omnia plena*. Now as these are the words of a heathen Poet speaking of the heathen divinity Jupiter—*Jovis sunt omnia plena*—It did not occur to me, that they were under any sort of consecration, which forbade the use, I have made of them; and I do not allow any irregular laical imposition of hands, which attempts, as you have done, to confer honor where it is not due, after having taken it away, where it is.

But I wish you would be a little more consistent in these matters; in the same section, where you sneer at me for my supposed worship of the King, you say, you had *his Royal Permission to inscribe his SACRED NAME* to your Lectures. His “sacred name,” does not, I think, come so well out of your mouth, as it would out of mine; and yet, with all my imputed adoration of Monarchy, there is not, I believe, any such thing, or idea of such thing in any of my writings, that have been so shamefully misinterpreted. I am aware of the expression in common use “his SACRED MAJESTY,” to which I give my full assent, because I hold him to be “above all persons, and over all causes ecclesiastical and Civil, SUPREME;”

how

how you can confider him as facred, after writing a long argument to prove, that, in parliament, he is only co-ordinate with his subjects, I cannot explain, and you should. You will, I suppose, say, that your address to him, was in his “Executive Capacity;” but this is an anomaly, that I cannot digest. How any thing that is once facred, should be subject to such mutations, I cannot reconcile to my understanding; but persons, who have a system to maintain, will submit to any thing.

The observation, I have offered on the terms legislative and executive, I still adhere to; nor do I see them invalidated by any thing urged against them in your Sect. 21. I cannot discover in the passage you quote from Hooker, what it is alledged for; and that there were “philosophising politicians” as early as Hale’s time, I certainly know. It is true, that my observation is directed against Blackstone’s work, which I agree, may be “immortal,” but not the more so, for the errors in it; tho’ unfortunately, these errors will go down with it, to mislead every succession of Students, unless Mr. Christian, or some other Editor will take my hint of qualifying them by some sound notes. I can-

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not

not refrain from adding, that, notwithstanding what I have been obliged to say, I have always been an admirer, and a defender of Blackstone; and I think his blemishes very few for such a work; the misfortune is that these in question are of great importance.

What you alledge in Sect. 22. from Fortescue of “ a joint government” is just as ill conceived, as that of “ mixt monarchy,” for which you adduce it, as an authority; and I can tell you, I care as little for Fortescue, as I do for Blackstone, or you, or any body; where plain sense and principle are abandoned, and we are to be delivered over to the imaginations of private men.

I see nothing in Sect. 23. 24. 25. 26. 27. that I need give you, or myself any additional trouble about; they are not to the main argument. But I must protest against the way in which you represent me to have brought forward the Oxford decree of 1683, as if I was an admirer of that, which you, with so much seeming satisfaction, tell us was ordered to be burnt by the Lords in 1710. I shall not give myself the trouble to search, what the whole of that decree was, nor what were the circumstances, that led to its being

so censured. I mentioned only the sentence therein pronounced, against the notion of the King being one of the three estates; and which you will agree with me, was a just sentence, and deserved no censure at all. I expressed a contempt for such unedifying executions, and I now say the same of this order of the Lords in 1710, mentioned by you; for I think such procedures, of bodies of men exercising deliberative, and not judicial functions, are very unworthy, because they prove nothing, and set no example: and yet it might be too much to engage, that your writings and mine, may not be burnt by the same authority; tho' I think, they will not be executed on the same day.

You see Sir, then, that I mentioned with disapprobation the Oxford Decree in 1683 tho' it was in my favor, because it was, in my judgement, a foolish transaction; you applaud the vote of the Lords in 1710, because you think, it makes for you. This is quite consistent, and very truly marks the distinct Characters of your writing and mine. Whatever has been heedlessly said, or unwisely done, if at all applicable to your purpose, you religiously, scrape together, and call them authorities; I have given several instances of this strange superstition;

stitution; and indeed, my dear Sir, if you go on writing so, you will gradually form a sort of Fool's Paradise, where every thing, that has been lost, from deserved neglect, or rejected because it was only fit for condemnation, may be found registered, for the use of persons, who think like you, and reason in your fashion.

I should also apprise you, that your historical fact in Sect. 25, is against you; indeed I had it in my mind, when I wrote what you object to. The vote is, that King James *endeavoured* to “subvert the Constitution,” by doing several illegal acts; and you might have learnt from this, that doing illegal acts is not subverting the Constitution; so that as far as your objection at least goes, my position is a true one, “that the “ Constitution was never *overturned* or *suspended* but by democratical excesses,” as in the time of the great Rebellion. Subverting or suspending the Constitution, is very different from breaches of Law, which may happen daily, and no wilful offence committed neither; but a dissolution must be some act, that changes the exercise of the Supreme Power, from the Constitutional functionaries, to others which are not so; and it is worth your considering, whether
your

your doctrine, that denies the King the power of making laws, and levels him to a state of co-ordination with his subjects in Parliament, is not a sort of misprision of this great crime. I shall turn your historical fact to another use in my support ; for as it shews, that the Constitution was not subverted by James's illegal proceedings, no nor even by his abdication, as appears by the latter part of the vote ; it follows, that our Constitution of the present day, is the old one, and not one formed at the Revolution, as some people ignorantly speak of it ; such different notions had those who formed the Revolution, from those who, in the present day, talk so much about it. This great event is the idol of idiot worshippers, but to men of sober understandings, it is a lesson of wise policy, never to be forgotten.

I cannot help admiring another instance of the little delicacy with which you depose the sovereign from his supreme Station ; and the extreme refinement of it, which you discover, when you chance to graze only, what you call "The rights of the British Legislature." They exhibit an admirable Contrast. Observe the trembling solicitude of the following passage, "I
" hope

“hope not to be misunderstood, as quoting
 “the above passages, to prove that the assent of
 “the Lords and Commons is necessary to the
 “enacting of Laws; that were indeed a super-
 “fluous labor.” (*See*. 18.) O! Sir, never fear;
 yours is not the side to be misunderstood,
 though it will sometimes misunderstand, as I
 can witness; Surely, the panic must have
 been very strongly upon you, when you
 penned this. If you do not rouse yourself
 from this enervating disease. you will never offer
 me any thing like an argument, nor have the
 courage to look one of mine in the face. I recom-
 mend you to lose no delay in altering your
 regimen. Cure yourself; purge your book;
 and leave the British Legislature, to itself; be-
 lieve me, it needs no such defence as yours
 either against me, or against others.

I cannot help noticing, that through your
 whole pamphlet, you quote from your own
 Lectures; so that it appears, most of your
 false positions, inconsequent reasonings, mis-
 taken and misquoted authorities, have long been
 in the hands of Students; and no doubt some of
 your ill-taught readers were among those, who
 clamoured against me for my ignorance, for-
 sooth, of the Constitution. You might write
 such

such pamphlets as your Vindication, and do as little harm among the public, as you do to your Antagonist; but it is a very serious evil, when the Professor's Chair is infected with Heresy. This Heresy descended from Blackstone to you, and you have, to the full, done your part to propagate it. While I make this complaint against you, I feel much comfort to reflect, that another Lecturer, who has lately acquired to himself great honour, has openly, and expressly reprobated your false doctrine, in terms; MR. MACKINTOSH told his hearers, that there was no co-ordination of the two houses of parliament with the Sovereign; He declared this very explicitly; I was not informed, how he followed it up, but it seems to me, that every other of the truths for which I contend, are included in this admission; and, I collect from the tenor of your pamphlet, that you think so too.

This Gentleman has the repute of being a whig; I do not mention it to his honor, but for the honor of the doctrine, which, you see, is not denied by them. It is only among whigs run mad, and among persons disordered, with a humiliating sort of false Terror, like yours,
that

that these notions can prevail, after they have once been brought under fair examination.

I have now, Sir, gone through all that appears to me necessary to notice in your Brief Vindication; some things are purposely passed over in silence, but, I have, I believe, replied on every point, that went to the main argument. I have endeavoured to avoid diffuseness, and the repetition of what may be found at large in my second Letter, to which I beg to refer, for the grounds, reasonings, and authorities, upon which I proceed. You will allow me to add, that I do not see one glimpse of reason, for changing any opinions I have advanced in that letter; on the contrary they seem to be confirmed, after what you have so vainly attempted to urge against them. On my side, I find, I have reason, and authority; I have principles, and analogy; I have modern practice, and ancient usage; I have uniformity, simplicity, and dignity; such I presume to say, is my system of the English Government. On your side, you are defective in every one of the above qualities; and your system is accordingly, mixed, anomalous, and unnatural; what should be high, is low; what should be a planet is made a Centre; the movements are
 disturbed

disturbed, and there seems a constant danger of something retrograde, and impracticable. We are Astronomers of different Schools. You place the Earth in the Centre, I place the Sun there; and, I believe, it will be found, that mine is the true System.

The former of these, I cannot help considering as a sort of republican hypothesis, suggested by certain selfish affections, that inclined men fondly to believe the little spot on which they stood, to be the final cause, for which the rest of the system was made, and round which it was to move as a Centre; this they ignorantly concluded, was evidenced by what they saw daily; not having science to correct those appearances, which they mistook for realities, and not possessing the sublime Geometry, which was to account for movements, that were beyond the utmost reach of their Earthly sight. Of the same sort, I think, and from a like defect in the mind, are the errors of the Tellurian Politicians, who like you, would take the Sovereign from his Sphere, and make him something like an attendant upon his subjects in parliament.

I am for exploding this plebeian system, and placing the Sun in the centre; I think, this has been done upon the clearest demonstrations

of political geometry; and, I think, I have exhibited, in due consequence, and order, all the various phenomena of our Government, which come out plainly, and consistently upon this system, but which upon yours are full of incongruity, and contradiction.

Though I speak with such confidence of my own system, I have not forgotten, what clamour has been raised against it. I thought, I should have been permitted to carry on an Inquiry so innocent; and instructive, as a matter of Science; but unhappily, it was soon made an affair of state; The unscientific Sectarists, your friends the Tellurians, were presently up in arms; and my Editor was near suffering like the Philosopher of Florence, for what he, like myself, considered as a harmless speculation. This was a proceeding, surely, not worthy of men, who pretend to more liberality, and more regard for liberty than their neighbours; and ill-suited to the character of the present age, which, I am ready enough to believe an enlightened one, even upon the word of those among my cotemporaries, who are continually telling us so, and continually giving evidence to the contrary.

O! the misplaced zeal of men in all ages!
not to distinguish between a mere speculation,
which

which propofes nothing that is to be acted upon, and the planning of changes, which are directly pointed to the difturb- ing of our eftablifhments, civil, and religious ! The Sun gives his heat, and the Earth produces her fruit in due feafon, whether the Theory of Galileo is right, or wrong; and, fortunately for us all, The Englifh government goes on in all its operations, uninfluenced either by the reasonings in my letters, which I confider as juft and found, or by the mifconceptions of Thofe, who certainly mean nothing worfe, than merely to mifunderftand it; an incurable diforder in thofe, who have once adopted any ill-founded fyftem; more efpecially in politics, where abfurdity never fails of fome reward, if on the popular fide.

With all the preposfeffion in favor of the truths I perfift to maintain, I am not fo blind to what paffes, and fo unmindful of what has happened, as not to know, that the majority of perfons, who read, and think they know fomething, are for your fyftem; and, fo much is it fuited to thofe agitations of mind, which go to the compofition of popular clamour, that you can write in a fafety and fatisfaction, which I cannot expect. Indeed, you may look upon yourfelf as a fort of privileged perfon; believe me, there is no abfurdity, groffnefs, or incoherence

that you can utter, to insinuate into people, whether in or out of parliament, that they are upon a footing of co-ordination with their Sovereign, but will be deemed meritorious, and followed with applause; while I have found it difficult to obtain a hearing for truth and good sense, (for so I will call it) in favor of the integrity of the Supreme Power. You know from experience, that I am more likely to be sacrificed, than protected even by the King's ministers, though I am brought in question for defending the King's Crown and dignity, in the lawful exercise of Sovereignty. Feeling this disadvantage, I thought it a little hard in a Lawyer, like you, to endeavour to bring upon me the weight of any thing beyond your own arguments, as you seem to attempt, first by the catching Title given to your pamphlet, and then by the insinuations in different parts of it, as to what happened in the late house of Commons. I have had enough of popular Clamour, and of the lay gents; and when I had to debate with you, I felt real disappointment to encounter any thing, except the bare juridical disquisition, which surely is the fittest mode of debate in a warfare between you and me.

I thought it also a little unfair, and favoring somewhat of that spirit so unfavorable to free discussion,

discussion, that you should taunt me with imputations, that have been the hacknied aspersions upon monarchical men, long before our time; and in the mean while, that you should plume yourself, with such complacency, as a friend to limited monarchy, which, forsooth, it is to be understood, I am not. These are topics not, properly, for Lawyers; and as they come under the foulest head of party crimination, I mean, the imputation of what we know not to be true, I submit, they ought not to have found a place in your pamphlet. Whether I am less a friend to limited monarchy, than you are, because I maintain the intire supremacy of the King, it is unnecessary for me to declare in this place; my sentiments upon that head being fully expressed in various parts of my two letters, and more particularly among the 19 Propositions at the close of the latter. But certainly my ideas of limited monarchy are not precisely the same with the sentiments of those, who, under the cover of this species of merit, (for such they seem to think it,) assume to themselves to say, and do any thing, unseemly and inconsequent, which they chuse to call popular, to the prejudice of the Monarch's person and government. The disorder of the present time, that has any violence in it, is for destroying Kingly power, merely because such disordered

dered persons hate it, they know not why; the disorder of the time, which has in it only weakness and languor, indisposes persons to a vigorous defence of that, which is vigorously attacked; during this state of inaction, the friend to limited Monarchy comes in with his luke-warmness; people begin to reason themselves into some notion of their own importance, and out of all notion of the King's; he is considered only as a secondary object in the constitution, a circumstance only, not the substance; men begin to speculate, whether the Government may not possibly go on without him; and they actually prepare to expect, and, perhaps, to help on such an experiment.

It was in such a crisis of depression and irresolution, brought on by the above disorder of the times operating, equally on the wicked and the weak, that I thought it seasonable, and necessary, to impress on the minds of my Countrymen, a true idea of the value they ought to set on the Royal Authority; more especially to point out the mistake of considering the King as a co-ordinate part only, in any light whatever; and to demonstrate, that he was of the very essence of the whole constitution, in, from, and by whom we had every thing else, that we deemed valuable in it. Such was the

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the tenor of my first Letter; and that it was properly aimed, was soon manifested by the event; for both the above classes of disordered persons, for whose cure or castigation it was respectively intended, united, though in nothing else, yet in falling upon me; and some who ought to have known better, very nobly joined them, in making me remember what it was to attempt, saving people from destruction, against their wills.

Notwithstanding this ill reception; and notwithstanding I admit, the majority of those, who read, and who think they know something, are against me, I shall, nevertheless, proceed in maintaining my original doctrines, for the original purpose of confirming Englishmen, in the true estimation, they ought to have, of their Monarchy; for upon this, I contend, all the vigor of our Constitution, and all the benefits to be derived from it, depend. I feel encouragement to this pursuit from a confidence, that I think will not, in the end, deceive me. The persons, who think they know something, are certainly a Class, who keep up a great stir in this busy town; and yet they are not the Public, any more than the walkers in Bond Street are the fine World, or a meeting in Palace Yard is the people; There is a
class

class above them, and a class below them, who exceed them in number, as much as they do in consequence and consideration; on the one hand, I mean such persons as are really informed, and think for themselves; and on the other, those who pretend to none of the superfine speculations, that corrupt the understanding of many, who make too much noise; these are the persons, who know no theories of the Constitution, but the genuine sentiments of their own hearts; and never look further than “my King and Country” which they know contains in it the essence of the Constitution, and they will never consent to try any speculations, but by that test. Besides these, there is, what shall ever be my stay, and hope, in all perils of our government, *The quiet good sense* of Englishmen, which will, I know, finally bring over to my opinions many even of my opponents.

I derive confidence also, from knowing, that the declared and published sentiments of one among the considerable persons of our Profession, are congenial with mine. You have quoted against me the names of three Lawyers, who were my accusers in the late House of Commons; two of them are out of the way, and one is out of the world; they have done
me

me wrong, and they have done themselves no credit; peace be with them. I am not one, who much regard names, without reasons; give me reasons, and they recommend themselves to my judgement, without any names whatsoever. I have no great opinion of Law, or Lawyers, in a place, where all are their own advocates, and all their own judges; I should have thought better of these gentlemen in a fitter place. What they said, upon that occasion, and in their own cause, ought not now to be quoted; and my deferring the publication of my second Letter, till I was freed from them, as you express it, ought not to be supposed. I think you might have spared both these insinuations. But Sir, if you wish a temporary authority, I can quote The late Attorney General, so often mentioned in this letter, now LORD ELDON, Chief Justice of the Common Pleas; Whom you, Sir, have so misrepresented, (in the same manner as you have Hale and others,) by quoting a short equivocal passage, and forcing upon it a meaning, which is directly contrary to the words, and sense of two long passages, most unequivocal, and express; which passages you must have known, but which you, notwithstanding deny to have any existence.* This single fact at once shews the weakness of your Cause, and your own

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consciousness

* Vid. ant. pa. 45.

consciousness of it; and with this I close my reply.

I shall be glad to see any thing, you may have further to say, either upon the subject of my second Letter, or of this; but I strongly recommend to you, if you think so hopeless a cause deserves it, to favor us with something in a better manner, which we all know you possess; and not give me the trouble, and pain of over-ruling another string of equivocal dictums, unmeaning phrases, mutilated passages, and irrelevant authorities. If you could prevail also upon any other Lawyer to follow your example, in entering into this controversy, it might, one way, or another, be some help to the cause of truth.

Humbly asking your pardon, for all the detections, animadversions, refutations, reproofs, and condemnations, I have been obliged to trouble you with, in the course of this little debate, and assuring you, that I meant them as much for your good, as you did your "Brief Vindication," for mine.

I remain, Sir,

Yours.

&c. &c. &c.

Such is the Reply I have made to Mr. Wooddeson's singular attempt to undermine, and discredit those truths, which I had established, in my second Letter, upon the immovable foundations of principle and authority. If I have pressed the argument upon him with a spirit of controversy, that looks at all harsh, I beg some allowance may be made for the provocation, and for the very peculiar situation in which myself, and those connected with me, are placed.

When I saw the justice of my cause, and the good intentions of my design run down by clamour, and silenced by prejudice, I had promised myself, that if I could ever obtain a fair hearing for a question, that involved in it some nice considerations of a juridical nature, it must be among Lawyers; whose acquirements, and habits peculiarly fitted them for cool examinations of that sort. Under the hope of this fair hearing, I was at the trouble of going to the bottom of the subject, canvassing it in all points of view, both in principle, and in practice; upon general reasoning, and upon positive authority. The result of this Inquiry was the second Letter just published; in which I had persuaded myself, the

whole of this question was laid open, fairly and fully, the reasons on both sides duly considered, and the conclusions drawn without partiality; and I verily believed, the sum of the whole, as comprised in the 19 Propositions at the close of the Letter, was established upon grounds, that no Lawyer would be willing, or able to dispute.

After all this preparation, and hope, to my great astonishment, the first assailant, who presents himself, is a Lawyer of name, reputation, and experience; and besides this, a writer, and an Academic Lecturer; and this gentleman, with so many titles to something eminent and commanding, instead of taking the vantage ground, which belonged to him, both as a jurispudent and a scholar, has condescended to tread a path that is walked both by Lawyers, and by Laymen of the lowest form. I am entitled, in this close of my letter, to say thus much, because, I have just been wearying myself with the detection and proof of it, and it is now before you for your judgement. As a Lawyer he has given me only a string of unsystematic quotations, instead of a coherent theory; instead of principles

principles supported by authorities, he has given me authorities without any principles at all to warrant them, and he has suppressed the evidence of passages, whose force he was unable to combat. As a Scholar, he has spent most of his time in proving, what was not doubted, and little of it in answering to the point in debate ; not distinguishing between the predication of quantity, and the predication of quality and relation ; preferring a general proposition to a particular one, where the subject more especially required specification ; and mistaking exceptions for rules ; instead of argument he has dealt out equivocal phrases ; and in the place of reasoning to convince, he has insinuated imputations, and endeavored to stir up prejudices known to be alive against his antagonist.

Such disappointment is quite desolating ; and I know not now, where to look for a disposition, to hear with calmness, and to decide according to the real force of the argument. Must it be among lawyers, who have written, or who have not written ; lawyers who have experience, or who have none at all ? I fear, those who have not committed themselves by their writings to maintain

tain an erroneous system, are yet sufficiently pre-occupied by their first studies ; and I believe, most of them care little about a point that is never likely (until I am prosecuted again) to raise any interest at Guildhall, or on a paper day at Westminster. I am much afraid that all are, more, or less, corrupted by the first impressions taken from Blackstone, I mean all those who retain what they learnt from Blackstone, on this point, and have added nothing to their first attainments. My only hope, therefore, is now in those, who, little regarding a point of no use to practical men, have suffered every impression of this kind to vanish from their mind ; or those, who have corrected these early impressions, by their subsequent better studies ; of such I may have some hope ; of the Vinerian School, and those whose studies have inured them to that same track, I have little hope at all ; of those, who learnt their Law before Blackstone's career, I need say nothing.

I think, it will be allowed for the present, that such resistance and coldness to the force of argument, as has been shewn by Mr. Wooddeson, coupled with the ungrounded imputations, he has endeavored to throw upon

upon me, for maintaining truths which he can neither refute or shake, are some little excuse for the marked censure I have here passed upon his performance; recollecting as I must ever, how the name, the honor, and the safety of a well meaning gentleman have already been hazarded, upon no other consideration than the very insinuations, and the very imputations adopted by Mr. W; and not knowing, whether the same groundless causes may not produce again the same perilous effects.

In a moment of clamour, there will be no stopping to reason, or distinguish; it will be in vain to demand then, as I may at this moment.—Shew me, Mr. W. in what particular my writings are more favorable than yours, to high monarchy, or absolute monarchy, or whatever you please to call it; adone with your tragedies, your fears, and your jealousies, and come to the plain unincumbered point of dispute between us, and it is nothing more than simply this.

The very question may be stated and tried shortly in the following way. I contend that,
of

of the three parties concurring in an Act of Parliament, the King is the maker of it, and the two houses are the advisers; you Mr. W. say, they are all equally the makers; be it so; then I call upon you to shew, what is claimed by me in the first instance for the King, that gives him a whit more real power, than is allowed him by you in the latter instance of legislation. ? None at all, you know it. Why then am I to be called less friendly to limited monarchy than yourself? There is no reason; you know it. For the King is equally limited on my Theory, as on yours; the difference is only in the lustre of the station, not in the power of it. The dissention is, that you and I, (like the travellers and the cameleon,) see the same thing in different lights, but the thing itself remains the same. It is then, merely, a moot point, suitable enough perhaps, to be made the subject of legal disquisition, especially by me, and Another, who has, very much against his will, been made a martyr to the truth of my writings. But surely it is not worth while for any one else, to enter into the discussion with great earnestness, much less to deviate from the plain line of fair argumentation,

tion, as Mr. W. certainly has, to obtain what he will find but a transient victory.

As Mr. W. has succeeded so ill in this assault upon me, it would be too much, to recommend him to try a fall with a more able champion; though in so doing, he will equally gratify the class of persons, for whom his performance is more calculated, than for vindicating any rights of the British Legislature. The Original Compact of Mr. Locke, will be a fit counterpart to the Co-ordination of the King; one levels the monarchy, the other levels scripture: what I allude to is this.

So intoxicated were the party with their unexpected success, on obtaining a vote against my first letter, that they resolved to take the House, while it was in that negligent humour, and procure the condemnation of some other good books, that were inimical to their pernicious designs. I am told, but I do not engage for the truth of it, that they had a Committee appointed to carry on this patriotic design; and they actually proceeded some way; but, fortunately, the temper of the time soon recovered its natural tone, and they thought it not prudent to bring into re-

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view

view, and perhaps, discredit, the one victory, they had gained, by aiming at others, that now seemed more doubtful. So that the Freedom of discussion had a breathing from this singular persecution, raised by persons, who pretended, and who, in addition to their other whig titles, denominated themselves (O! the speciousness of names!) FRIENDS TO THE FREEDOM OF THE PRESS.

One book brought under the eye of this expurgatory Committee, was “The Reverend Mr. John Whitaker’s True Origin of Government,” an excellent little Tract, that in a few pages performs to the full the promise of its Title. Another was “The Association Papers,” published by the Association at the Crown and Anchor; in which they discovered many new abominations, and quite as dangerous, as those they had before detected in the humorous “Epistle of Thomas Bull to his brother John Bull;” which wicked libel they went and told the House of, and made such a deplorable story, as would have moved stocks and stones, in any house, or in any street. But the Committee did not think it prudent, for the above reasons, to revive their charges against Thomas Bull, nor institute

tute any fresh ones against the rest of the Papers, that were however, quite as deserving of censure,

Having mentioned Mr. Whitaker's Tract, I cannot refrain from saying a word upon it. His method seems to be somewhat akin to my own; I submit to no authority but the text of our Law; he allows none but the text of Scripture; in *his* way, he accounts for the true origin of all government; in mine, I explain the true nature, and form of our own. He says, the Speculation, of man having been once in a state of nature, without Laws, or Institutions, and from that state coming into one of Civil Society, by compact, and general Convention, as supposed by Mr. Locke and others, is not the true origin of Government; and though it might be imagined by the Heathen Philosophers among the Greeks and Romans, for want of better lights, it ought not to be entertained among Christians, who have the Sacred History for their guide. From this divine document it appears, that man was placed on the Earth by the very hand of God, and recieved from his mouth, certain commandments as to his conduct! Those recorded are few, but the opinion is,

that others also were then delivered. It appears that the superintending providence of God did, for many ages “at sundry times, “and in divers manners” vouchsafe to interpose with its commands, and directions for the conduct of human life, not only morally and religiously, but, politically also; more particularly by the precepts given to Noah, and those at Mount Sinai; and it further appears, that, during all the earliest periods, there subsisted kingdoms, and nations in such conditions of order and policy, as evidently shewed, there was no want, neither of “human Statute” to purge, and keep in vigor the Common Weal. If then, there were ever any bodies of persons in that destitute, and savage state, which speculators imagine, it must have been some unhappy Colonists, or wanderers, who had severed themselves from the parental mass of mankind, and, either by imprudent transplantation of themselves, had lost sight of the primeval tenor of life, or by misconduct, and vicious inclinations, had defaced their original endowments, and so fallen, not into a state of nature, but of degeneracy; which is likely enough to have been the first condition of Greece itself; The Legislators of which appear always

ways to have looked to its parent in the East, for every one of their Institutions.

As far as my memory serves me, (for I have not the book at hand) this is the sum of Mr. Whitaker's Tract; such a theory of Government is, I think, founded in good sense; and the publishing of it, at the time, was doing an essential service to the cause of order and good Government, particularly as it might contribute to bring us back to our Bible, and shew us, what miserable wanderings we make, when we deviate, if it is only in matters of History, from the plain track, there laid down for us.

But these were additional reasons why this able champion should become an object of persecution to those gentlemen, who make their own corrupt wills their sacred text, and their foolish imaginations its only commentary,

Far be it from me to insinuate, that Mr. Wooddeson has any thing in common with such persons, or their designs; He is known to be a religious, as well as learned man, and every way worthy, and good; but, as he
has

has made me reponsible for conclusions and inferences, which he has chosen to draw himself, I wish to shew him, that he also is open to retaliation; He has taken up a side which, in theory, has a tendency to Republicanism much more so, than mine has to absolute Monarchy; though I believe, he is no more a republican, than I am a friend to despotism. But such unseasonable concessions give encouragement to those, who know they must first degrade and undermine the Monarchy, before they can be allowed to destroy it; the same people are carping at Scripture, and Religion; and their hostility is aimed both at CHURCH, and STATE; which Mr. Wooddeson wishes, I know, should remain unshaken.

Something from his pen, in support of our establishment, I should be glad to see; it would do him more honor, than this flattering of "the British Legislature," at the expence of the rest of the Kingdom. I do not know how other Englishmen may feel, but my pride does not brook this daring liberty, taken by Mr. W. and persons, who think as he does. For myself, not being among those, who participate in this distinguished co-ordination
with

with the King, I do not like to suppose, my Sovereign Lord is capable of being reduced to a level with my fellow subjects, his dutiful and faithful Commons; I am sure, those I helped to seat in that honorable situation, I sent to serve in parliament, as his advisers, and counsellors, not to place themselves by his side on the Throne and if I discover any such unworthy, and unconstitutional assumptions in them, I will not send them to serve again. Let those above us know, and keep their respective stations, and set examples of order, and subordination to be followed by those below them.

F I N I S.

The first part of the paper is devoted to a general
 introduction of the subject. The author then proceeds
 to a detailed description of the various methods
 employed in the investigation. The results of the
 experiments are then presented in a series of tables
 and figures. The author concludes by discussing the
 significance of the findings and their implications
 for the theory of the subject.

RESULTS



